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of America

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No. 182

## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC.,  
November 30, 2011.

I hereby appoint the Honorable MO BROOKS to act as speaker pro tempore on this day.

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

### MORNING-HOUR DEBATE

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

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

### THANKING GOD FOR HIS MANY BLESSINGS

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

Mr. DUNCAN of South Carolina. Mr. Speaker, this past weekend I joined millions of Americans in celebrating Thanksgiving with friends and family. As Americans, each of us has so much to be thankful for this holiday season.

America is the greatest, most free country in the history of the world. As a Nation, we can do anything we set out to accomplish. We have built the world's most free and successful Repub-

lic right here in America. We've used innovation to cure disease, fight hunger, and spread the message of freedom all across the globe.

We've changed the way societies interact by inventing things like the telephone, the automobile, and the airplane. We've built some of the finest schools and universities in the history of the planet. We've changed our world for the better, but none of it would have been possible without the grace and blessing of our Almighty God.

That's why I was both surprised and disappointed that President Obama failed to make a single reference to God during his Thanksgiving address to the Nation. Since the President has a history of doing this sort of thing, it's hard to believe that this was simply an oversight on his part. Perhaps this glaring omission was an attempt at being politically correct. But regardless of the intention, there is no excuse for once again leaving out the One on whom the foundation of our liberties rest.

What did our Founding Fathers say in the Declaration of Independence? Not that our rights come from governments, but rather that our rights come directly from God.

As the Apostle Paul said, "In everything give thanks, for this is the will of God in Christ Jesus for you."

We should never pass up an opportunity to thank the Lord for the blessings he has bestowed upon our great Nation.

I know the specter of political correctness looms over our country more than ever before. There's a lot of pressure from elements within our society to censor public comments about faith in Jesus Christ. Groups like the ACLU seek to drive God out of our schools and our classrooms. Universities are discouraged from praying before graduation and athletic events.

Some shopping malls and radio stations would rather play Christmas

music only about Santa Claus, and never mention the reason for the season, Jesus Christ. Seeking guidance from the Lord through prayer and thanking Him for the blessings He has given our Nation is something our country should do more of, not less.

Praying and giving thanks to God for all blessing was the example set for us by the first settlers who came to America for religious freedom. Times were tough for them. They endured bitterly cold winters, food shortages, and plagues. The early settlers faced insurmountable odds, but they kept the faith, persevered, and later thrived, leading to the formation of this great Nation.

General George Washington, who went on to become our first President, was known for frequently stopping whatever he was doing and getting down on one knee to seek guidance from the Lord, and to praise Him for the blessings that were given his troops.

Here in this building there's a chapel where Members of Congress can go to pray for our country. And in that chapel there is a beautiful stained glass window, depicting our first President, George Washington, in his colonial uniform, frozen, kneeling in prayer. That chapel should be a reminder for all of us that our country's faith should be nothing to hide, but rather something to embrace and protect. And that image of George Washington in prayer should be a reminder that our leaders need to seek wisdom of the Lord whenever possible.

For the past several weeks, former Heisman Trophy winner and current starting quarterback of the Denver Broncos, Tim Tebow, has come under fire for publicly professing his faith. Facing mounting criticism from the media, from sports commentators, and even some of his own teammates, Tim Tebow gave the following response to

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

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



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reporters, a response that I believe perfectly explains how our country should recognize God.

Quarterback Tebow said this: "If you're married and you really love your wife, is it good enough only to say to your wife 'I love her' the day you get married? Or should you tell her every single day when you wake up and every opportunity?"

"My relationship with Jesus Christ is the most important thing in my life. So any time I get the opportunity to tell Him that I love Him, or given the opportunity to shout Him out on national TV, I'm going to take that opportunity. And so I look at it as a relationship that I have with Him that I want to give Him the honor and the glory any time I have the opportunity."

Tim Tebow's brave comments are an excellent reminder that we need to look for every opportunity to thank the Lord for our blessings of liberty that He's bestowed upon this great country.

May God forgive this Nation of its sins, may He overlook the times we forget to thank Him for His gifts, may our people turn to Him for guidance and salvation, and may He continue to bless the United States of America.

#### EQUITY IN TAXATION

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

Mr. BLUMENAUER. Mr. Speaker, it's a sign of maturity to be able to retain two different but related concepts in your head at the same time. For instance, taxes should not be raised on the majority of working Americans while the economy is in this very difficult situation. But a little more can reasonably be paid by those who are extremely well off.

□ 1010

The simple fact is that our economy and our families cannot afford to take the economic hit that is poised to pull a hundred billion dollars out of the economy with the expiration of the 2 percent payroll tax holiday that's scheduled to expire this year.

There is currently a proposal that's being debated in the other body that I hope we'll have the opportunity to vote on here to be able to extend and expand the payroll tax cut and to pay for it.

Under this proposal, employees would receive a 50 percent additional cut in the payroll tax, cutting it essentially in half, and employers would have a reduction in the payroll tax that they pay on their employees up to the first \$5 million of payroll. This would help 98 percent of businesses but not give unnecessary giveaways to large and profitable organizations, and, most importantly, it would prevent the typical family from suffering a significant increase in their taxes while the economy is still fragile. This proposal

would give the average family \$1,500 a year extra to spend. You would think that people ought to be able to corollate those two concepts.

The way that this would be financed is a small surtax on not just rich, but superrich people. These are folks who make over a million dollars a year, and they would just pay the surtax on that amount that they earn over the million dollar threshold. It's far less than the 1 percent that we are hearing argued about. They would still pay lower Bush-era tax rates on the first million, and those that have extensive investment income, which most of them do, would still benefit from those lower rates.

Unfortunately, we find people here who are caught up in an ideology that trumps concern for the economy and the typical American family. It was this refusal to consider a balanced approach that is supported by the vast majority of the public that led to the collapse of the so-called supercommittee. Americans were and are ready for action that is bold, big, balanced and fair.

Now, we actually can start on the road of recovery just by going on autopilot. The default that is set up that will let the Bush-era tax cuts expire unless Congress does something and moving towards automatic sequestration will actually solve most of the deficit problem that we face just by doing nothing.

But we can do better than nothing. We can adjust. We can craft. We can focus it to get the most benefit. And we can start with a modest adjustment.

I hope my colleagues will not let the worship of the top one-tenth of a percent of the economic pyramid trump concerns for the rest of working families and the American economy.

#### HAMESH KHAN

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

Mr. BROOKS. Aslum Hamayun lives in Alabama's Fifth Congressional District. He is a father who loves and cares very much about his son, Hamesh Khan. At Mr. Hamayun's request, let me share with you and the American people the plight of Mr. Hamayun's son, Hamesh Khan.

Mr. Khan is an American citizen who, thanks to the Obama administration and the United States Government, has been wrongfully held for over a year and a half in Pakistan prisons without indictment for a specific crime or trial. This is Hamesh Khan's story.

Mr. Khan has lived in America since he was 10 years old. Mr. Khan earned a bachelor's and two master's degrees from Georgia Southern University. Following graduation, Mr. Khan worked for Citibank in Pakistan. In 2003, the Musharraf government appointed Mr. Khan to head Pakistan's Punjab Bank.

Unfortunately for Mr. Khan, the Musharraf government fell in April

2008. As seems to be so often the case in the world, a new government regime meant that appointees of the past regime risked trouble. In American citizen Hamesh Khan's case, the new Punjab government issued an arrest warrant on suspicion of corruption and corrupt practices. Let me emphasize that point, on suspicion of corruption and corrupt practices.

Fearing politically motivated reprisals, Mr. Khan fled Pakistan for his home, America. Thereafter, Pakistan sought extradition of Mr. Khan pursuant to the arrest warrant for suspicion of corruption and corrupt practices.

Let me be clear on this point. Three parties are involved in this tragedy: a new Pakistani regime; President Obama and the United States Government; and Hamesh Khan, an American citizen.

The United States had to decide whom to support: Pakistan or an American citizen. The Obama administration chose Pakistan over its own American citizen. Mr. Speaker, it would be wonderful to know why the Obama administration made that decision.

In any event, on December 10, 2009, Mr. Khan was arrested by United States marshals in his office in Washington, D.C., and held without bond for 5 months. Remarkably, persons in Mr. Khan's position are barred from fully defending themselves at extradition hearings. For example, Mr. Khan was barred from presenting evidence to impeach the allegations against him. Mr. Khan fought extradition until it became clear that the severe evidentiary limitations made it impossible for him to defend himself.

On May 13, 2010, the United States Government forcefully handed Mr. Khan over to Pakistani authorities at John F. Kennedy Airport in New York. Mr. Khan was bound in handcuffs and leg chains. With the Obama administration's historic act, Hamesh Khan became the first American citizen ever extradited to Pakistan. The one concession the United States State Department received from the new Pakistani regime was a promise that Mr. Khan would be fairly treated under Pakistani law.

While anyone hearing this story can suspect political motivations for the prosecution of Mr. Khan by Pakistani authorities, I am not in a position to make a judgment on that issue. But I am in a position to make a judgment about our United States Government and its responsibility to protect American citizens.

Whether he is innocent or guilty of the charges by Pakistani authorities, Hamesh Khan has not been served justice. Under Pakistani law, after arrest for suspicion, Pakistan's National Accountability Bureau can hold a person for up to 3 months without bail. Within that 3 months, Pakistan's National Accountability Bureau must either indict a held person for specific crimes for trial or order his release; yet it is now

over 18 months since Hamesh Khan became the first American citizen extradited to Pakistan, and for those 18 months, Mr. Khan has been held without bail, without indictment, and without trial. Mr. Khan lives in a 6-foot by 6-foot prison cell in Pakistan.

I pray the American State Department did not anticipate that Mr. Khan would be held indefinitely without indictment or trial when they forcibly bound and shackled an American citizen and gave him to Pakistan.

Therefore, Mr. Speaker, I enter this statement in the CONGRESSIONAL RECORD: It is time for America's State Department to use whatever influence is necessary and proper to cause Pakistan to treat Mr. Khan in accordance with Pakistan's own law and with international treaty obligations.

Justice cannot be served an American citizen in any other way.

#### WHO SAYS GOVERNMENT CAN'T CREATE JOBS?

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

Mr. JACKSON of Illinois. Who says, Mr. Speaker, that government can't create jobs? The greatest need of the American people today is jobs, but the question before them is this: Who is responsible and how should jobs be created?

Democrats, Republicans, and Independents, liberals, moderates, and conservatives all agree that the private sector is the primary source of jobs. However, with 9 percent official unemployment—the reality is it's much higher—and 25 million Americans either unemployed or underemployed, it's self-evident that the private sector has not supplied enough jobs and either can not or will not create enough full-time jobs today to employ the 25 million people who need them.

□ 1020

So what do we do? Throw our hands up and say, "Nothing can be done," Congress?

Democrats generally believe in "priming the pump," through deficit spending if necessary, to create jobs and stimulate the economy in order to put the overall economy back on track during these times when the private sector has obviously failed us. In the past, many Republicans have generally agreed; but this current Tea Party-Republican Party, all of whom have government jobs and employ government staffs, doesn't agree and generally argues that the government can't create jobs. Really?

President Franklin Delano Roosevelt, we are reminded by Michael Hiltzik in his new book "The New Deal: A Modern History," reveals a different truth, which is the source of the following information:

FDR was sworn into office on March 4, 1933. He came up with the idea himself of a Civilian Conservation Corps on

March 13, the first jobs program of the New Deal. He presented his idea to a White House aide, Raymond Moley, on March 14—an idea that he had just come up with the night before. The idea was to put platoons of young unemployed men to work in the forests and the national parks. That very afternoon, a memo and a skeleton bill went out to the four Secretaries who would be involved in implementing his CCC plan—Frances Perkins, Labor; Henry A. Wallace, Agriculture; Harold L. Ickes, Interior; and George H. Dern, War—the first interdisciplinary agency of the New Deal.

The next day, on March 15, the four Secretaries returned a joint response proposing a wider relief program, encompassing not only a Civilian Conservation Corps, but a public works program and a grants-in-aid to States and municipalities for relief. On March 21, FDR sent a message to Congress involving, among other things, his idea of a CCC. In his message, he observed "more important . . . than the material gains will be the moral and spiritual value of such work . . . We can take a vast army of these unemployed out to healthful surroundings."

Congress debated and passed the Civilian Conservation Corps program in 8 days, on March 29. By early April, the CCC was open for business. The first registrant was 19-year-old Fiore Rizzo of New York, who arrived on April 7 in a cab with three of his friends at an Army recruiting station in downtown Manhattan. Rizzo belonged to a family of 13, whose father had not worked in 3 years.

So how did these government-created jobs work out?

The average enrollee signed up at the age of 18½, stayed for 9 months—6 months was the minimum tour, 2 years the maximum—and gained up to 30 pounds during his term, thanks to three square meals a day served up by the Army quartermasters as fuel for daily labor.

The program ramped up quickly. By July, there were 1,300 camps housing 275,000 enrollees, already working vigorously on projects that would rank among the most notable legacies of the New Deal. Before the CCC ended and with the coming of war mobilization in 1942, the CCC built 125,000 miles of roads, 46,000 bridges, more than 300,000 dams to check erosion, planted more than 3 billion trees, and strung 89,000 miles of telephone wire.

The camps instilled in many of these young men the concept of an American identity. No doubt the comradeship was fostered by a shared resentment of the camps' martial regimen, the rising with the bugler's call, the mandate to keep their bunks and footlockers in order, and the heeding of senior officers without discussion. Mr. Speaker, I can only imagine that, today, these Army quartermasters would demand that our young men pull up their pants. The Army, too, found the experience valuable. As War Secretary George Dern

confided to Frances Perkins a year into the program, his officer corps had had to learn "to govern men by leadership, explanation and diplomacy rather than discipline. The knowledge is priceless."

The CCC would serve as a model for national service programs of a later era, such as the Peace Corps, AmeriCorps and VISTA.

"There was pride in the work," one former boy still recalls 60 years later. "We built something, and I knew I helped . . . It was something you could take pride in, and there wasn't a lot of pride available in those days."

Among the New Deal programs, the CCC would inspire almost universal affection, even more so than Social Security.

Mr. Speaker, the Federal Government can create jobs.

#### RON SMITH, A VOICE OF REASON FOR MARYLAND AND AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. BARTLETT) for 2 minutes.

Mr. BARTLETT. On November 18 Ron Smith, a respected and beloved Baltimore-area radio talk show host on WBAL, as well as a columnist for the Baltimore Sun, announced his retirement after 26 years because of his diagnosis of inoperable pancreatic cancer and impending death.

I ask all of my colleagues to join me, along with thousands of loyal listeners and readers who have expressed their deep appreciation and admiration for Ron Smith. Ron unfailingly contributed a voice of reason with unmatched candor while providing a forum for civil and vigorous debate about politics and policy that is sorely needed everywhere in America.

I feel privileged to have been a guest a number of times on Ron's show on WBAL. It was always equally a pleasure and a challenge to meet Ron's high standards. Ron is a true conservative in the classical and historical meaning of the term. With equal enthusiasm and utmost respect, Ron asked tough questions of guests and callers and dissected the arguments of liberal elites, Democrats and Republicans, and others who call themselves conservative.

From a vast knowledge of both history and government, Ron Smith shared, and we in Maryland were most privileged to benefit from, his succinct and persuasive dialogue and dedication to liberty and reason.

Thank you, Ron. Godspeed.

#### STOP OUTSOURCING SECURITY ACT

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

Ms. SCHAKOWSKY. While many hours have been spent by this body debating the wars in Iraq and Afghanistan, far too little time has been devoted to the United States' growing dependence on private military contractors: the weapon-carrying, for-profit security companies—mercenaries—who have become integral and counter-productive actors in our war efforts.

I believe that the increased reliance on hired guns to provide security in conflict zones undermines our policy objectives, and I am not alone. In 2007 then-Defense Secretary Robert Gates stated that the mission of many security contractors was “at cross purposes to our larger mission in Iraq.”

We should be concerned. Private contractors don't wear the badge of the United States. They answer to a corporation, not to a uniformed commander. Our government doesn't even know how many contract personnel we've hired. Because legal jurisdiction remains murky, we may lack the ability to prosecute contractors for alleged violations committed overseas.

We need to end our reliance on security contractors in conflict zones. Since 2007 I've introduced the Stop Outsourcing Security Act to phase out the use of for-profit contractors for mission-critical tasks, including security, intelligence and interrogation in conflict areas. The SOS Act builds on legislation I have introduced since 2001, including the Andean Region Contractor Accountability Act to prohibit military contracting in Colombia and neighboring nations.

While the problem applies to other private contractors, there is one company that has been synonymous with misconduct—Blackwater. Operating under a culture of recklessness created by its founder, Erik Prince, Blackwater employees have been implicated in a wide range of alleged misconduct since 2004—from shooting and killing civilians to gun-running.

Five former Blackwater executives, including its former president, Gary Jackson, were indicted in 2010 for weapons charges. The company agreed to a \$42 million administrative settlement with the State Department for 288 alleged violations of the Arms Export Control Act and International Traffic in Arms Regulations. At least seven civil suits for alleged abuses by Blackwater personnel in Iraq have been settled, and legal action is still pending against four Blackwater guards accused of massacring 17 civilians in Baghdad's Nisour Square in 2007. Further, the Iraqi Government, our ally, has repeatedly asked that Blackwater be ousted, leading the United States State Department to refuse to renew the company's contract in 2009.

In short, Blackwater, now renamed Xe, has been a center of controversy for years in congressional committees, the press and among members of the military. Yet the company has received over \$1.25 billion in taxpayer money.

Recently, Mr. Prince has launched a video game called “Blackwater,” glorify-

ing the discredited company he started, and now Mr. Prince has adopted yet another heavy-handed tactic—the attempted intimidation of a Member of Congress.

□ 1030

Last month a letter from his attorney was hand delivered to my congressional office. Mr. Speaker, I am submitting the letter for the CONGRESSIONAL RECORD. It accuses me of defamatory statements, characterizes my efforts to urge investigations into Mr. Prince as a violation of congressional power, and describes possible legal action if I persist.

I come to the floor today because I believe it is my responsibility as a Member of Congress to speak out against policies and entities that I believe are damaging to our Nation. I want to make it clear to Mr. Prince that I will not stop working to end our reliance on private security contractors or to investigate any and all allegations of misconduct. I want to make it clear to the military men and women who have shared their concerns that they are endangered by the behavior of hired guns employed by Blackwater-like companies, that I will keep speaking out to protect our mission and our brave troops from risk.

And I want to tell the families of the men and women who have been killed in incidents involving Blackwater and other such companies that I will continue to push for full investigations and, whenever appropriate, criminal charges.

DIGENOVA & TOENSING, LLP,  
ATTORNEYS-AT-LAW,  
Washington, DC, October 7, 2011.

Delivered by Hand

HON. JAN SCHAKOWSKY,  
Longworth House Office Building,  
Washington, DC.

DEAR CONGRESSWOMAN SCHAKOWSKY: This firm represents Erik Prince concerning false and defamatory statements you have made against him.

On September 8, 2011, Guy Adams, a Los Angeles-based correspondent, published in the London-based Independent an article discussing “Blackwater” (2011), a video game owned by Mr. Prince. In that article, Mr. Adams attributes to you the following observation: “If Mr. Prince had not emigrated to the United Arab Emirates, which does not have an extradition agreement with the US, he too would now be facing prosecution.”

We demand you cease and desist any further public statements that suggest in any way that Mr. Prince “would be facing prosecution” or has engaged in criminal conduct under any circumstances.

Your caprice in making a false and defamatory statement about criminal culpability is particularly galling in light of your husband's guilty plea to federal fraud and his time in prison. One would think you would be sensitive about falsely accusing others of criminality.

Mr. Prince has answered his country's call to serve both in military uniform and civilian life. Mr. Prince served his country with honor as a commissioned officer in the United States Navy SEALs. He deployed with SEAL Team 8 to Haiti, the Middle East, and the Balkans.

Mr. Prince's support for human rights around the world is well established, from

funding famine relief in Somalia and the Sudan, to contributing to the building of hospitals, schools, orphanages and churches and mosques in the Middle East and Asia. He financed a feature film, *The Stoning of Soraya M.*, about the oppression of women in Iran. Mr. Prince has spent time and resources to improve conditions for many who live under despotic regimes surrounded by war, drought, and famine.

Your statement to Mr. Adams, which imputes commission of a crime, is per se libelous. *Raboya v. Shrybman & Assoc.*, 777 F.Supp. 58, 59 (D.D.C. 1991); *Farnum v. Colbert*, 293 A.2d 279,281 (D.C. 1972).

Your malice cannot be questioned. You have a multi-year history of making derogatory comments about Mr. Prince and his former company, Blackwater. You have abused your Congressional power to request that Mr. Prince be investigated.

In May of this year, you attempted to initiate a Department of State investigation of Mr. Prince in a letter to Secretary of State Clinton. You based your request on your “concern that Mr. Prince is now exporting his services.” Absent from your letter was any mention of other American security consultants who are performing the same business in the Middle East and Asia.

You brag on your official website that you have “focused” on private security contractors who “work for companies like the infamous Blackwater.” In October 2007, you requested then Secretary of State Rice to “terminate[] Blackwater's contract immediately.” In February 2009, you issued a press release alleging Blackwater's actions have put “our troops in harms [sic] way and jeopardized our mission in Iraq.” In September 2010, you purposely evoked a criminal context by mischaracterizing Blackwater as a “repeat offender.”

The facts you assert about Mr. Prince show complete reckless disregard for the truth. For example, Mr. Prince did not immigrate to the UAE. He maintains a residence in the United States. Mr. Prince has never committed nor ever been charged with any crime.

A federal court in July 2011 dismissed Mr. Prince from a civil law suit finding there was no evidence on which to base the claims. Moreover, a jury found there was no liability for United States Training Center, the company formerly known as Blackwater. A quick check would have verified these readily available facts.

Your interview with Mr. Adams is not protected by the Speech or Debate clause. *Hutchinson v. Proxmire*, 443 U.S. 111, 124-125 (1979).

As you are surely aware, since articles quoting you are published in other countries, you are subject to defamation laws in those countries as well as in the United States. If you do not like the “Blackwater” video game, you are free to express your opinion. But you are not permitted under the laws of the United States and numerous countries where your statements are published to make false accusations about Mr. Prince's status under the criminal law.

Sincerely,

VICTORIA TOENSING,  
Counsel for Erik Prince.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair, not to others in the second person.

RIGHTS OF WORKERS TO ORGANIZE AND BARGAIN COLLECTIVELY

The SPEAKER pro tempore. The Chair recognizes the gentleman from

North Carolina (Mr. MILLER) for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, around the world, the rights of workers to organize and bargain collectively through a representative of their choosing, with their employer, over wages and benefits and conditions of employment, is recognized as an important human right and as a hallmark of democratic societies. But in the United States those rights have been under assault by some politicians and by some employers who want to turn the clock back three-quarters of a century.

When workers want to join a union here and bargain collectively with their employer, too many employers intentionally delay and delay, abusing the legal system to deny their employees the rights that we scold developing nations for denying their workers.

I rise in support of the proposed National Labor Relations Board rule to streamline and modernize union election procedures, an important and overdue step to restore fairness to our inefficient and outdated system that has allowed too many abuses. The new NLRB rule would speed up union elections, giving employers less opportunity to interfere illegally with organizing drives. The rule also allows smaller groups of workers to form unions.

Under the current NLRB system, employers willing to break the law have many opportunities to delay a union election, stretching out the time period when they can intimidate and coerce workers, all in violation of the law. The effect of this rule is to help workers exercise their free choice to join and be represented by a union without illegal interference.

Streamlining NLRB elections is a long overdue and small step to ensure workers the right to speak with one voice to a representative of their choosing.

But, Mr. Speaker, in the last week we have heard that Brian Hayes, the only Republican member of the NLRB board, NLRB, is threatening to resign specifically to deny the board the quorum to act under the law, to deny the board the quorum to perform the duties that the law places upon them. Republicans in this Congress have now tried to defund the NLRB to take away the NLRB's ability to impose sanctions on employers who violate the law, and now they are trying to shut the board down altogether by abusing the other body's advice and consent powers to block any new appointments to the board and by having a Republican member resign specifically to deny the necessary quorum to act.

Today, we are considering the so-called Workforce Democracy and Fairness Act; and despite that Orwellian name, the bill is designed to do the exact opposite. It is intended to deny workers the right to unionize without delay and litigation, to deny those rights through delay and litigation and

by allowing employers to decide which employees, which workers get to vote on whether there is a union or not to stuff the ballot box, under this bill, to add new workers to the unit that will decide whether to have a union or not.

Under the bill there would be a waiting period, if there is an election dispute, whether it's well grounded or frivolous, a waiting period for preelection hearing, a waiting period for unions to receive the better contact list; and the only goal for that, for those waiting periods, is delay. The arbitrary waiting periods ensure that election will be delayed, and nowhere is there any assurance the election will really be held.

My Republican colleagues blame frivolous lawsuits for many of the ills of our country; but this bill would reward frivolous lawsuits by providing more time for employers to find fault, real or fabricated, with the election process; and by blocking the NLRB's current rule that would allow elections to move ahead before the complaints are resolved, this bill would allow employers to use litigation, frivolous or legitimate, to block elections.

Finally, this bill would allow employers to stuff the ballot box with a radical rewrite of our labor law so that the employer would decide which employees, which workers get to vote. They can add employees who were never engaged in the organizing drive, and they can keep the list of voters of the workers eligible to vote from those supporting a union until just before the election.

American workers deserve the same rights that we urge around the world for workers, the right to form a union, the right to speak with one voice and bargain with their employer so that our workers can win better wages and better benefits and rebuild the American middle class.

#### UNEMPLOYMENT REMAINS TOO HIGH AND GLOBAL MARKETS SHOWING SIGNS OF INSTABILITY

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

Mr. CONNOLLY of Virginia. Mr. Speaker, the economy received an early holiday gift this past week when Black Friday and Cyber Monday shopping figures outperformed expectations. However, we still face significant challenges. Unemployment remains too high and global markets are showing signs of instability, both of which are the lingering effects of the Great Recession. Casting a grim shadow over all of our actions is the fact that some Members of this body still persist in ignoring the public and letting ideology stand in the way of striking a reasonable balance to tame our national debt and grow the economy.

Of note is the recent report released by the nonpartisan Congressional Budget Office, showing that the Recovery Act we passed 2 years ago has been

a significant success in an otherwise gloomy economic picture. According to the CBO, the Recovery Act increased GDP growth by up to 1.9 percent in the third quarter of this year, a quarter in which we had 2 percent growth. That's an extraordinary impact.

Thanks to the Recovery Act, 2.4 million people, according to the CBO, now have a job and the overall unemployment rate is 1.3 percent lower than it otherwise would have been if we'd done nothing, as my friends on the other side of the aisle wanted us to do.

According to CBO's in-depth analysis, the Recovery Act will continue to have a significant impact on the economy. Although it was designed to operate from 2009 to 2011, CBO found it will continue to drive GDP growth next year, adding 1 percent to the economy and will further increase employment by 1 million jobs.

After opposing any stimulus action in the midst of the worst economic contraction in 80 years, the Republicans actually criticize the Recovery Act now for the fact that it didn't do enough. That speaks less to the merits of the Recovery Act, I'd suggest, than it does about the magnitude of the Great Recession. And it is extraordinary chutzpa from the other side to just say "no" and now criticize the Recovery Act for being inadequate.

The Great Recession was, in fact, the Nation's worst economic collapse in 80 years. What began in the subprime housing market quickly spread throughout the financial industry, threatening economic ruin. At its height, more than 700,000 Americans were losing their jobs every single month. Millions more lost their homes through foreclosures. The Great Recession was already one of America's worst before President Obama was ever sworn into office, and during that economic maelstrom our first act in the 111th Congress was to pass the Recovery Act to help, on a party-line vote, I'm sad to say.

□ 1040

Many of my Republican colleagues point to the continued weakness in the economy as an indication of the Recovery Act's failure, rather than acknowledging that it is actually a function of the severity of the recession and failing to acknowledge their own supine, Darwinian response to it. They claim that, as the economic turmoil which began in 2007 raged all around us, Americans would have been better served had Congress simply done nothing and hoped for the best. Now, as the lingering effects of the recession continue to hold back a robust recovery, they continue to defy reasonable bipartisan attempts to put people back to work and get our country moving again.

The Recovery Act cut taxes for 95 percent of all Americans—both families and small businesses. It kept thousands of teachers, police officers, and firefighters on the job. Recovery Act dollars funded highways and transit

improvements in every State, putting hundreds of thousands in the depressed construction industry back to work. There was a time when cutting taxes and investing in infrastructure was a bipartisan endeavor and had broad Republican support as well as Democratic support.

But there's still time for redemption. The President's American Jobs Act now provides another opportunity for our Republican friends to actually partner with Democrats and support economic recovery. The American Jobs Act provides incentives for companies, large and small, to hire additional workers; it cuts taxes on every working American in order to further spur economic demand; and it provides support for sorely needed infrastructure investments to repair America's bridges, roadways, and schools. In short, it builds on the success of the Recovery Act we passed 2 years ago.

There are 2.4 million Americans with jobs today because we took action 2 years ago. With 14 million more waiting, we can't afford now to do nothing. We must act.

#### THE BENEDICT ARNOLD ALLY

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

Mr. POE of Texas. Mr. Speaker, this week Pakistani Prime Minister Gilani said that there will be no more "business as usual" with the United States. I couldn't agree more. The United States should not be doing business as usual with our unfaithful ally Pakistan. Since 2002, we have given Pakistan over \$14 billion in so-called security-related aid and over \$6 billion in economic-related aid. The American people have not gotten their money's worth.

Pakistan seems to be the Benedict Arnold nation in the list of countries that we call allies. They have proven to be deceptive, deceitful, and a danger to the United States. Here's some of the evidence.

In May of this year, Navy SEALs discovered Osama bin Laden living the high life in an Abbottabad mansion right in the backyard of the Pakistani military community, but Pakistan claimed they had no knowledge of the world's most-wanted terrorist that was living right under their noses. This is questionable at best. Mr. Speaker, that dog just won't hunt.

Since then, the more we learn about Pakistan, the worse it gets. Shortly after that raid, Pakistan also arrested CIA informants in Pakistan that led the United States to capture or take out Osama bin Laden.

Pakistan has tried also to cheat the United States by filing bogus reimbursement claims for allegedly going after militants; 40 percent of these claims have been rejected by our government.

There is more. Pakistan tipped off terrorists making IEDs, not once, but

twice, in June 2011, after we gave them intel on the bomb-making factory location and asked Pakistan to go after them.

CIA Director Leon Panetta asserted that Pakistan had not done enough to bring Osama bin Laden to justice, saying there is "total mistrust" between the United States and Pakistan. Meanwhile, Pakistan is chumming up to the Chinese. It sounds to me like Pakistan is playing both sides in the war on terror.

This so-called ally takes billions of dollars in U.S. aid while, at the same time, supporting the militants who attack us. According to Admiral Mike Mullen, the Pakistani Government supported the groups who were behind the September 11 truck bombing attack in eastern Afghanistan that wounded more than 70 U.S. and NATO troops.

Based on this evidence, I have introduced legislation to freeze all U.S.A. aid to Pakistan with the exception of funds that are designated to help secure their nuclear facilities. By sending aid to Pakistan, we are funding the enemy, endangering Americans, and undermining our efforts in the whole region.

In the past week, relations between American and Pakistani officials have even further deteriorated. Saturday, NATO and Afghan forces near the border of northwest Pakistan and Afghanistan reportedly came under attack from Pakistani fire and responded in self-defense. Twenty-four Pakistani soldiers were killed. But Pakistan says it was NATO who fired the first shot. Of course we cannot believe what Pakistan says. They will lie when the truth is obvious. But the facts will eventually come out as to what really happened in this episode.

Hatred for America is still at an all-time high in Pakistan. This week on TV, Americans have seen Pakistanis burning American flags and cursing our Nation. And just today in Politico, we have this lovely photograph of Pakistani women proclaiming "Down with U.S.A."

Pakistan leaders are continuing to vilify the United States on the one hand and, on the other hand, take our money. Most importantly, crucial NATO supply routes have been cut off by Pakistan, stopping supplies from getting to our troops in Afghanistan. Monday, 300 trucks full of supplies were turned away at the Pakistan-Afghanistan border. Pakistan has cut off the supply routes to our troops; now it's time we cut off the money to Pakistan.

Pakistan has made it painfully obvious that they will continue their policy of dangerous, dishonest deceit by pretending to be our ally in the war on terror while simultaneously giving a wink and a nod to extremism. By continuing to provide aid to Pakistan, we are funding the enemy, endangering Americans, and undermining our efforts.

Seven in 10 Americans believe we need to stop or decrease foreign aid to

Pakistan. After all, it is their money. We should stop foreign aid to Pakistan until we know whose side they're on. We don't need to pay them to hate us; they'll do it for free, Mr. Speaker. Maybe we shouldn't pay them at all.

And that's just the way it is.

#### COST OF COLLEGE SMOTHERING OPPORTUNITY

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

Mr. COURTNEY. Mr. Speaker, it has now been 2 months since the Occupy Wall Street movement spread all across this country; and despite attempts to marginalize it, parody it, sometimes even suppress it, the fact is that one message has come through loud and clear, particularly from young Americans who have participated in this grassroots movement across the country, which is that the spiraling cost of college is smothering opportunity for millions of young Americans all across America.

Yesterday the Secretary of Education, Arnie Duncan, presented a speech in Nevada which I think starkly presents the challenge which we face as a Nation. Today, the average student loan debt for graduating students is \$25,000. That's the average. There are, again, millions of students who are graduating with six-figure debt. And in an economy like the one they're facing today, this is really an obstacle which will probably burden them for the rest of their lives. And as we are seeing in polls, the cost of college is discouraging many younger Americans, high school-age Americans from even considering the possibility of pursuing a higher education degree.

First of all, let's be very clear here. The value of higher education is still, despite some critics, indisputable. If you look at the unemployment rate today, 9 percent across the board in terms of our country, the fact of the matter is that those who have pursued high school and above have much lower rates of unemployment today than those who have been unable to reach those training levels and education levels.

Nationally, today the graduation rate of the U.S. has now fallen to 12th internationally. Back in the 1980s, the College Board, which is the organization which tracks graduation rates across the globe, determined we were number one in the world in terms of college graduation rates. Yet today, in 2011, we are 12th. If anybody thinks that is a situation which bodes well for our ability to compete internationally going into the future, then, frankly, they're not paying attention in terms of where the high-value jobs of the future are. They are, in fact, in hard sciences; they are, in fact, in areas of critical workforce needs which, as baby boomers retire in growing numbers across this country, we must have if we



are going to continue to be a great Nation.

Now, let's look at what is happening here in Washington. I think one of the reasons why young people are going into the streets of this country is the fact that we have a Congress which is not only out of touch in terms of listening and responding to this, in fact, they want to take us backwards.

When I first came to Congress in 2007, a new Democratic majority moved swiftly to pass the College Cost Reduction Act, which was an effort to try to boost the Pell Grant program, which is the workhorse of higher education affordability, a program which basically had been level-funded for 6 prior years despite the fact that higher education costs had gone up 40 percent. We passed the College Cost Reduction Act which infused new funding into the Pell Grant program. We cut the interest rates for the Stafford student loan program from 6.4 percent to 3.2 percent, and we paid for every single penny of those expenditures by cutting the bank subsidies which were basically sucking Federal dollars away from families and students who need that critical help.

Last year we passed the Student Aid and Fiscal Responsibility Act, again with a Democratic majority, which provides for a cap in terms of loan repayments of 15 percent of your discretionary income and excuses loan repayments after 25 years under the Stafford student loan program.

□ 1050

I was pleased that President Obama, again, just a month or so ago, acted to increase the benefit of that program by limiting the discretionary income payments to 10 percent of income and lowering the forgiveness date to 20 years, from 25 years. This is an administration which gets it. This is an administration that understands middle class families with children who want to improve themselves and compete in their futures need that kind of assistance.

What did this Republican Congress do? We had a Ryan budget last April which gutted and butchered the Pell Grant program and would take us back to 2008 levels. So, for example, in Connecticut, where I come from, the University of Connecticut would have seen its Pell Grant revenue from 2008, which was about \$8 million going into the University of Connecticut, it would have been cut from where it is today, which is \$12 million of annual Pell Grant revenue—a \$4 million cut to the University of Connecticut. And the grant level for students, the maximum award, would have been cut from \$4,500 a year down to roughly about \$3,000 a year. That is closing the doors of opportunity to millions of Americans. That's what the Ryan budget values and that's what its vision was at a time when, again, our country is in crisis in terms of needing skilled, qualified workers to deal with the future challenge.

The choice is clear. For those who care about spiraling education costs,

the Democratic agenda is the one that is on your side.

#### IT TAKES AN ACT OF CONGRESS

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

Mr. WOODALL. I'm happy to be down here this morning. I often come down here with something on my mind, Mr. Speaker. Invariably, one of my colleagues says something that inspires me even more than what I had on my mind when I came down. That's the case this morning.

My colleague who was here right before me said the value of higher education in terms of future earnings is undisputable. The value of higher education, Mr. Speaker, in terms of future earnings, is undisputable. And he then went on to talk about all the Federal programs that provide money so that people can seek higher education.

Now my question is, Mr. Speaker: If the value is undisputable, why do we have to pay people to do it? If the value is undisputable, why do we have to pay people to do it? That's what happens in this Chamber too often, Mr. Speaker.

I think back to 1787 and the passage of the Constitution. The Constitution, as conservative as it is in terms of preserving individual liberties, would not have passed, would not have been ratified, without the addition of the Bill of Rights. Our Founding Fathers were so concerned about a Federal Government trying to do too much that the colonies would not ratify the Constitution in the absence of the Bill of Rights—the Bill of Rights, which sole purpose is to protect individual liberties.

Mr. Speaker, as I look around at what makes America great, it's never something that comes out of this United States House of Representatives. It's something that comes out of a family next door back home. It's something that comes out of a community back home. It's something that comes out of individual liberty and freedom back home. And my job as the representative of 900,000 folks in the great State of Georgia is to protect their liberties from the natural inclination that exists in this body to think they have all the right answers.

We talk about higher education Mr. Speaker. In the great State of Georgia, we have what's called the HOPE Scholarship program. It's funded by lottery money. I would have voted against the lottery, but the lottery won anyway, and now it funds higher education for all Georgians. It's a huge job creation tool. Folks want to come and relocate their business to Georgia because they know kids with an accomplished high school record are going to be able to go to college for free.

That's a State initiative, Mr. Speaker. We're not going to pass a national lottery up here and try to provide free college education for everybody in the country. That's not the right answer. The right answer is to have States and

local communities exercise those freedoms and implement their ideas back home.

When I was growing up—and it didn't occur to me at the time, Mr. Speaker, how meaningful it would be—but there used to be a cliché that when something was really hard, you'd say: It takes an act of Congress to solve it. Have you heard that cliché, Mr. Speaker? It takes an act of Congress to solve that because the problem is so hard and it's hard to pass something in Congress. It's hard to get an act of Congress. And yet every time we make a mistake, Mr. Speaker, in the name of trying to do good, in the name of trying to have the best idea, in the name of trying to tell everybody in America if only they'll do what we tell them to do they will be happier, every time we make a mistake it literally takes an act of Congress to fix it.

Mr. Speaker, we're not in charge of providing happiness to America. We are in charge of preserving Americans' freedoms so that they can find their own happiness.

Mr. Speaker, there are lots of countries on this planet that do not share the freedoms that we have. There is only one country on this planet that protects individual liberty and freedom as we do. When we talk about the direction of America, Mr. Speaker, we have to decide are we going to protect those things that have always made this country great—individual liberty and individual freedom—or are we going to go the way of the rest of the world, which is looking to a central government that thinks it has all the right answers.

Mr. Speaker, they had it right in the summer of 1787. I hope we get it right here in this Congress.

#### IMPLEMENTING SMART SECURITY TO REPAIR A U.S.-PAKISTAN RELATIONSHIP IN CRISIS

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

Ms. WOOLSEY. Mr. Speaker, over the weekend, NATO airstrikes killed at least 24 Pakistani soldiers in a tragic "friendly fire" incident that has once again elevated tensions between the U.S. and Pakistan. Regardless of who was at fault—whether our forces were acting in self-defense or had legitimate reason to believe they were firing on insurgents—the Pakistan Government is furious and the bilateral relationship is facing a grave crisis.

Pakistan has said they are cutting off supply routes into Afghanistan. They have said they will no longer participate in a critically important international conference in Germany next week—a conference that will help chart Afghanistan's future. This episode is fanning flames of anti-American sentiment in a country whose people are already hostile. In the last few days, we've seen public demonstrations of

Pakistanis burning the U.S. flag and shouting, "Whoever is a friend of America is a traitor of the land." Clearly, Mr. Speaker, instead of winning the hearts and minds, we are giving terrorists a recruitment tool.

Pakistan has not always been the most reliable partner, but they are an ally—and let's not forget, a nuclear power—with whom we share important mutual interests. We need their cooperation if there is going to be political reconciliation and long-term stability in neighboring Afghanistan. This incident leads me to believe more strongly than ever that we must redeploy our troops out of Afghanistan. We have very difficult diplomatic work to do there—work that is being complicated, not facilitated, by our military presence.

After more than 10 years of failed war that is undermining our security interests, it's time to change our role in the region from one of military occupier to one of constructive partner. Pakistan and Afghanistan are the first places we could be implementing the SMART security strategy I've talked about so many times from this very spot.

While it's true that we send enormous amounts of foreign aid to Pakistan, the overwhelming majority of it goes to the military, with very little trickling down to the people. We could instead spend more to boost Pakistan's literacy rate, or more investment in key infrastructure projects, the growth of civil society, or life-changing humanitarian efforts.

□ 1100

To give one specific example, Pakistan is one of four countries on Earth—and Afghanistan is one of the others—that hasn't completely eradicated polio. For pennies on the dollar, compared to our military expenditures, we can help provide the vaccination that would eliminate this dire public threat. Perhaps then we'll be able to change the fact that only 11 percent of Pakistanis have a favorable view of the United States. Perhaps instead of destabilizing influences of 100,000 troops on the ground, we can build a stronger relationship based on mutual trust, one that promotes peace and empowers the Pakistani people with a humanitarian surge instead of a military surge.

Mr. Speaker, it's time for SMART Security, and it starts with bringing our troops home.

#### POVERTY AND HIV/AIDS

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

Ms. LEE of California. Mr. Speaker, as a founding co-chair of both the Congressional Out of Poverty Caucus and the Congressional HIV/AIDS Caucus, I rise today to draw attention once again to the ongoing crisis of poverty in America. And, today, I also want to draw particular attention to the im-

pact of poverty on our national fight to stop HIV and AIDS.

Mr. Speaker, December 1 is World AIDS Day, and this year marks 30 years after the first discovery of AIDS cases. The United States and the HIV/AIDS community globally have made tremendous progress in our collective response to this domestic and global crisis. We have reduced the stigma surrounding the disease and strengthened education and outreach activities which continue to prevent millions of new cases of HIV worldwide. The scientific community has improved the treatment of HIV and AIDS with anti-retrovirals and combination therapies, and recent breakthroughs have revolutionized the way we think about AIDS.

We have come a long way in our battle against AIDS. Contracting HIV no longer has to be a death sentence. But we have much more work to do. Not everyone who is HIV positive has access to these life-saving therapies. For the one in three Americans who are poor or near poor, HIV can still be the same death sentence that it was during the Reagan Presidency. Today, nearly one in five Americans with HIV do not even know their status, and only about half of Americans who do know their status are receiving the treatment that they need.

For the 100 million Americans either in poverty or living on the edge of poverty, much more must be done. Access to the drug cocktails, high-quality health care, housing, and healthy foods that are all critical for people living with HIV are out of reach for far too many.

Mr. Speaker, 30 years later, we continue to shortchange HIV efforts in poverty-stricken communities; we fail to fully include women in outreach education and treatment; and we lack the resources for communities of color. This is just simply unconscionable.

Women of color and young gay and bisexual men still receive the most severe burden of HIV in the United States. African Americans represent approximately 14 percent of the United States population, but accounted for an estimated 44 percent of new infections in 2009. And we know the numbers are on the rise in Latino communities and Asian Pacific American communities as well. These disproportionate rates of infection are not something that have happened in isolation. People of color continue to face higher rates of unemployment, incarceration, poverty and near poverty than their white counterparts. We can and we must do much better than this.

We must do more for those who are disproportionately impacted by HIV and AIDS, both here in America and around the world. We must provide the science-based, comprehensive sex education that is proven to reduce the spread of sexually transmitted diseases. And we must grow past old fears and engage all community stakeholders to truly end the stigma surrounding the testing and treatment of

this disease. We must repeal laws that legalize and promote discrimination and hate. We must support and expand programs which provide critical support for people living with HIV and AIDS and immediately—mind you, immediately—extend treatment to the thousands of Americans on the waiting list for life-saving drugs.

And of course we must fully implement the national HIV/AIDS strategy and support Medicaid expansion under the Affordable Care Act. These policies are the critical next steps in our fight to stop this terrible disease. And we must protect the fraction of one percent the Federal budget directed to our global AIDS programs through PEPFAR and the Global Fund.

U.S. efforts are dramatically reducing the burden of HIV and AIDS in developing countries, and failing to support these programs would have dramatic national security and diplomatic implications for the United States—not to mention the humanitarian disaster that would occur. That is why last week I was very proud to be joined by over 100 Members of Congress in seeking appropriations of at least \$5.25 billion for the PEPFAR program and \$1.5 billion for the Global Fund to Fight AIDS, Tuberculosis and Malaria. And I will enter this letter into the RECORD.

Finally, Mr. Speaker, I was proud to have played a role in overturning the unjust and ineffective HIV travel ban in 2008. And, now, for the very first time in 20 years, the International AIDS Conference will be held in Washington, D.C. in July of 2012.

So let me encourage every Member and their staff to engage with the leading researchers and doctors in the worldwide fight against HIV and AIDS. Our global leadership will never be more important than at this promising moment of reversal, when we could move forward or we could go backwards. So I hope every Member will join our bipartisan 60-plus members of the HIV/AIDS Caucus.

CONGRESS OF THE UNITED STATES,

Washington, DC, November 21, 2011.

Hon. KAY GRANGER,

Chairman, Appropriations Subcommittee on State/Foreign Operations, Washington, DC.

Hon. NITA LOWEY,

Ranking Member, Appropriations Subcommittee on State/Foreign Operations, Washington, DC.

Hon. PATRICK LEAHY,

Chairman, Appropriations Subcommittee on State/Foreign Operations, Washington, DC.

Hon. LINDSEY GRAHAM

Ranking Member, Appropriations Subcommittee on State/Foreign Operations, Washington, DC.

DEAR CHAIRMEN LEAHY AND GRANGER, AND RANKING MEMBERS GRAHAM AND LOWEY: As you begin negotiations on a final Fiscal Year 2012 Department of State, Foreign Operations, and Related Programs Appropriations bill, we write to respectfully request that you secure funding for bilateral and multilateral HIV/AIDS programs at the levels proposed in S.1601, Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012.

We urge support for \$7.9 billion for global health programs contained in the Senate



mark. More specifically, we urge you to support, at the very least, \$5.25 billion for the U.S. President's Emergency Plan for AIDS Relief (PEPFAR) and \$750 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria, as explicitly allocated in S. 1601. In total, we support \$1.05 billion for the Global Fund (of which \$300 million is contained in the Senate Labor, Health and Human Services appropriations bill). Moreover, we are strongly opposed to language contained in the House Subcommittee Mark prohibiting funding for syringe exchange programs, which are proven to reduce the incidence of HIV infection.

U.S. global health programs including PEPFAR, along with U.S. contributions to the Global Fund, are reducing disease burden in low- and middle-income countries, and these programs have important national security and diplomatic elements for the United States. Global health programs directly impact American security interests by stabilizing parts of the world where extremism and a lack of alternatives are a recipe for future conflict. The economic impact of global health activities is also felt in the U.S., providing thousands of jobs to help plan and implement global health programming and to conduct health-related research at colleges and universities.

Thanks to the help of the United States, the Global Fund has grown into a proven, country-driven, performance-based mechanism which ensures that countries themselves are responsible for building their own sustainable programs. The Global Fund has a robust history of improving its function and continues to do so through its recent announcement of an improvements agenda to further ensure every dollar is utilized effectively, remains accountable, and is transparent in operation.

We also welcome PEPFAR's leadership on advancing combination HIV prevention approaches and urge the conferees to ensure that these interventions are implemented to their fullest and meet the needs of those most at-risk, especially marginalized populations. Moreover, integration of HIV/AIDS prevention, care and treatment programs—and, where appropriate, other critical global health programs funded by this bill, including maternal health, child survival, family planning/reproductive health, and nutrition—is critical for ensuring that the health needs of individuals are met and the impact of funding is maximized.

In recent months, U.S.-funded research has made enormous progress in shaping the response to AIDS and malaria worldwide. These remarkable scientific advances call for a renewed emphasis on ensuring that we maintain robust support for PEPFAR and the Global Fund and continue the vital U.S. commitment to the fight against global HIV/AIDS, TB and malaria.

These programs amount to a fraction of one percent of the federal budget, but they affect the lives of tens of millions, guard against future conflicts, open up developing markets, and will have lasting impact on the global AIDS epidemic in the long term.

Thank you for considering this request.

Barbara Lee, Member of Congress; Wm. Lacy Clay, Member of Congress; Bobby Rush, Member of Congress; Maurice Hinchey, Member of Congress; Donna Christensen, Member of Congress; Donald Payne, Member of Congress; John Lewis, Member of Congress; Keith Ellison, Member of Congress; Emanuel Cleaver, Member of Congress; Dale Kildee, Member of Congress; Sheila Jackson Lee, Member of Congress; Pete Stark, Member of Congress; Tammy Baldwin, Member of Congress; John Conyers, Jr., Member of Congress; John

Sarbanes, Member of Congress; Mike Quigley, Member of Congress; Eleanor Holmes Norton, Member of Congress; Gwen Moore, Member of Congress; Karen Bass, Member of Congress; Frederica Wilson, Member of Congress; Diana DeGette, Member of Congress; Yvette Clarke, Member of Congress; Edolphus Towns, Member of Congress; Lynn Woolsey, Member of Congress; Bruce Braley, Member of Congress; Raúl Grijalva, Member of Congress; Barney Frank, Member of Congress; Donna Edwards, Member of Congress; Lucille Roybal-Allard, Member of Congress; Janice Schakowsky, Member of Congress; Theodore Deutch, Member of Congress; Alcee Hastings, Member of Congress; Terri Sewell, Member of Congress; Jim McDermott, Member of Congress; Tim Ryan, Member of Congress; Grace Napolitano, Member of Congress; Russ Carnahan, Member of Congress; Marcia Fudge, Member of Congress; Colleen Hanabusa, Member of Congress; Hansen Clarke, Member of Congress; Sanford Bishop, Member of Congress; Ed Perlmutter, Member of Congress; Charles Rangel, Member of Congress; Robert Brady, Member of Congress; G.K. Butterfield, Member of Congress; Eliot Engel, Member of Congress; Eddie Bernice Johnson, Member of Congress; Henry Waxman, Member of Congress; Danny Davis, Member of Congress; Mike Honda, Member of Congress; Sam Farr, Member of Congress; David Scott, Member of Congress; Joe Baca, Member of Congress; Betty Sutton, Member of Congress; John Garamendi, Member of Congress; Melvin Watt, Member of Congress; Dennis Kucinich, Member of Congress; Maxine Waters, Member of Congress; Cedric Richmond, Member of Congress; Jackie Speier, Member of Congress; Doris Matsui, Member of Congress; Carolyn Maloney, Member of Congress; Bobby Scott, Member of Congress; Steve Cohen, Member of Congress; Laura Richardson, Member of Congress; Debbie Wasserman Schultz, Member of Congress; Rubén Hinojosa, Member of Congress; James Moran, Member of Congress; Gary Ackerman, Member of Congress; André Carson, Member of Congress; Bennie Thompson, Member of Congress; Hank Johnson, Member of Congress; Al Green, Member of Congress; Judy Chu, Member of Congress; Bob Filner, Member of Congress; Jared Polis, Member of Congress; Corrine Brown, Member of Congress; Chaka Fattah, Member of Congress; Albio Sires, Member of Congress; Joseph Crowley, Member of Congress; Ed Pastor, Member of Congress; Zoe Lofgren, Member of Congress; Michael Capuano, Member of Congress; Louise Slaughter, Member of Congress; Chris Van Hollen, Member of Congress; Shelley Berkley, Member of Congress; Howard Berman, Member of Congress; José Serrano, Member of Congress; Rosa DeLauro, Member of Congress; Lois Capps, Member of Congress; Luis Guterrez, Member of Congress; David Cicilline, Member of Congress; James McGovern, Member of Congress; Jerrold Nadler, Member of Congress; David Price, Member of Congress; Sander Levin, Member of Congress; Madeleine Bordallo, Member of Congress; Rush Holt, Member of Congress; Gregory Meeks, Member of Congress; John Oliver, Member of Congress; Elijah Cummings, Member of Congress; Earl Blumenauer, Member of Congress; George Miller, Member of Congress.

## RECESS

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

Accordingly (at 11 o'clock and 5 minutes a.m.), the House stood in recess until noon.

□ 1200

## AFTER RECESS

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

## PRAYER

Reverend Jay Therrell, Cape Coral First United Methodist Church, Cape Coral, Florida, offered the following prayer:

Heavenly Father, Your word says that "from everyone who has been given much, much will be demanded." Today, we offer our gratitude for the blessings of freedom You have given our Nation. You have blessed us with much. Acknowledging our blessings, we pray that You would continue to remind us that America has been blessed to be a blessing to others.

Grant the Members of this House of Representatives Your wisdom and grace to provide leadership at home and around the world. Help our country to continue to be a light to everyone by pointing all people to true freedom and justice that can only come from You.

As we enter this season of hope, please bless this Congress and all of our leaders with Your guidance to make decisions filled with Your love. God, please continue to bless America, but please help America to bless You.

We ask these things in the name of Your Son, Jesus.

Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. HULTGREN led the Pledge of Allegiance as follows:

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

## ANNOUNCEMENT BY THE SPEAKER

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

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**WORKFORCE DEMOCRACY AND FAIRNESS ACT**

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

Mr. WILSON of South Carolina. Mr. Speaker, in June the National Labor Relations Board, NLRB, proposed a new rule that accelerates the election process for unionization. Union workers would be forced into memberships without having a reasonable time for managers to fully explain the advantages and disadvantages of membership.

This afternoon, under the leadership of Education and Workforce Chairman JOHN KLINE, Congress will vote on the Workforce Democracy and Fairness Act, legislation that limits the NLRB's ability to deny employers and workers the right to a free election, a right granted to every American by the laws of our country.

It is time for the President's National Labor Relations Board to stop focusing on policies that trample over the rights of American workers. I encourage my colleagues to vote in favor of the bill today and reaffirm the protections workers and job creators have received for decades.

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

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**WORKFORCE DEMOCRACY AND FAIRNESS ACT**

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

Mr. HIGGINS. Madam Speaker, I rise in opposition to legislation that will hinder the rights of American workers. There are several junctures in the union certification process in which an election can be delayed through unnecessary litigation. In June the National Labor Relations Board announced reforms to reduce litigation and streamline the process so that elections are held in a fair and timely manner.

The legislation before us will block those reforms and introduce even more opportunity to delay elections indefinitely. I don't believe most employers try to delay elections. In fact, I often cite our history of cooperative labor relations as one of western New York's strengths. But the record shows that some will use every loophole to prevent workers from voting on whether to bargain collectively. The National Labor Relations Board rules will close those loopholes and prevent elections from proceeding. We should allow these reforms to stand and focus instead on legislation to create jobs and get our economy moving in the right direction.

## GABE ZIMMERMAN RESOLUTION

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

Mr. BOEHNER. Madam Speaker, an attack on one who serves is an attack on all who serve.

I don't think I fully understood the meaning of those words until last January's senseless assault on our fellow citizens and our most fundamental responsibilities. This House responded in prayer and solidarity, reminding the world that no act of violence could silence the sacred dialogue of democracy.

It is in that same spirit that later today we will gather here to honor Gabe Zimmerman, the first congressional staffer to give his life in the line of duty and, God willing, the last.

Like every Member of this body, he took an oath to uphold and defend our Constitution. He died while well and faithfully discharging his duties. I think it is fitting and appropriate to honor Gabe Zimmerman with a permanent memorial in the United States Capitol.

I extend the thanks of the whole House to Gabe's family for their participation in this project.

Let us honor Gabe's memory by following his example of service to this institution, which remains the direct voice of the American people and their will. So later today, I would ask the House to support the resolution.

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**SUBMITTING TEMPORARY GUEST WORKER APPLICATIONS ONLINE**

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

Ms. HOCHUL. Madam Speaker, last week, like millions of Americans across this country, my family and I gave thanks for our blessings, our Nation's freedom, and for the food on our table—provided by the hardworking farmers of our country and from my district. Now I ask my colleagues to join me in giving thanks for our farmers who make this great harvest possible.

America's farms are the best in the world. Our food is safer, higher in quality, and more efficiently grown than that of any other country. The labor and innovation of America's farmers puts food on the tables of not just families here at home, but for hungry people across the world.

As our farmers bring their goods to market in the 21st century economy, they expect to have a 21st century government that will help, not hinder, their business. That's why I call on the Secretary of Labor to allow farmers to submit their H-2A applications for temporary guest workers online.

New York farmers are increasingly relying on this program for the legal labor they need to plant and harvest their crops. This summer, I was absolutely shocked to learn that one of my

union farms in Genesee County had to mail almost 20 pounds of paperwork to the Federal Government in order to participate in this program. There must be a better way.

An online application program would save money for our farmers and our taxpayers, and I urge the Secretary of Labor to swiftly implement this program.

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**TIME FOR THE SENATE TO ACT**

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

Mr. HULTGREN. Madam Speaker, recently a constituent of mine wrote to me and asked: What is going on in Washington?

It's a good question.

She said that her husband, a small business owner, is taxed so hard that money is tight and, as a result, they cannot grow their business. And she said: If we cannot grow, we cannot create new jobs. I want to know what you are doing for job growth?

Again, a good question.

The answer is simple. We need growth, pro-jobs policies. The House has passed more than 20 bills that do just that through low taxes, reasonable regulation, less spending, and a smaller, less intrusive Federal Government. These are commonsense bills. Most of them passed with bipartisan support. Where are these bills now? Languishing in the do-nothing Senate.

To my constituent, to many others who share her concern, my simple response is: We in the House have acted; now it's time for the Senate to do the same.

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**WORLD AIDS DAY**

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

Mr. HIMES. Madam Speaker, 25 million people dead around the world, 14 million orphaned children on the continent of Africa alone. This is part of the toll that the human race has borne since the terrible scourge of HIV/AIDS began its deadly work a generation ago. Tomorrow, December 1, is World AIDS Day.

I rise today to commemorate the millions of brothers, sisters, friends, and children that we've lost to this disease. I rise to commemorate the struggle of the 33 million people around the world who are living with this terrible disease today. And I rise to celebrate the new and real possibility that we could end AIDS in this generation.

Madam Speaker, this government funded the PEPFAR fight which brought hope and health to millions of people around the world, and we have funded the research that allows us to say today that we could end AIDS.

Madam Speaker, as we do the hard work of balancing our budget and governing this country, let's do what we need to do to end this disease and make

sure that future World AIDS Days are all about celebration.

□ 1210

TURN OUT THE LIGHTS FOR  
THOMAS EDISON

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

Mr. POE of Texas. Madam Speaker, in 1 month, every home in America must be lit with the special \$3, CFL government-approved lightbulb. The 75-cent incandescent lightbulb, Thomas Edison's greatest invention, is going to be banned by the Federal Government. The Federal Government's anti-consumer choice law leaves Americans no other option but to purchase and use a harmful mercury-filled product.

Also, this new ban is an American job killer. The government's new ban ended a manufacturing industry that went back to the days of Thomas Edison and instead shipped most of those jobs overseas, primarily to China. Isn't that lovely. Where does the Federal Government have the constitutional authority to force anybody to buy anything, from health care insurance to a box of doughnuts or even a lightbulb?

It's time for the bureaucrats to quit forcibly micromanaging America. Let Americans choose how to light their own homes. Otherwise, we will have to turn out the lights. The party is over—even for Thomas Edison's lightbulb.

And that's just the way it is.

TAXES

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

Mr. BACA. Madam Speaker, with the unemployment in the Inland Empire above 13 percent and home foreclosures at a record level, families in my congressional district are hurting. And now, if Congress does not act soon, these struggling families will face a \$1,000 tax increase. And why are our families facing this deadline? Because the Republicans refuse to ask those making more than a million dollars a year to contribute their fair share.

The Republican obsession with extending the Bush tax for the ultra rich has led to the failure of the supercommittee. We all know the Bush tax cuts were a horrible failure. They didn't produce jobs here in the United States. They didn't create any new jobs. They dug us into a \$15 trillion debt. And now the Republicans want to permanently extend this madness.

It can't just be my way or the highway. Let's stop this gridlock. Let's pass a jobs bill. Let's work together on a balanced budget.

IN MEMORY OF FREDERIK MEIJER

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

Mr. HUIZENGA of Michigan. I rise today with a twinge of sadness in my heart as I pay tribute to Frederik Meijer, a friend to the entire west Michigan community and one of America's most entrepreneurial spirits, who passed away this week just shy of his 92nd birthday.

Fred was born in Greenville, Michigan, in 1919, and was known as the "father of the super store." His innovation and entrepreneurship will live on in his Meijer grocery stores, with over 200 stores in five different States. Mr. Meijer will be remembered in west Michigan for his philanthropy, his friendship, and care of the community he lived in and its residents. He and his wife, Lena, gave back and invested millions in west Michigan, and created what would become one of the State's top attractions, the Frederik Meijer Gardens and Sculpture Park.

Despite growing one of the most successful businesses in the country and revolutionizing the retail model, Mr. Meijer remained a typical west Michigan down-to-earth person who once remarked, "Money is only a tool" and "Money doesn't buy happiness." He truly knew what was important and kept that in the forefront: friends, family, a strong relationship with his neighbors and community. The thing he loved to do the most was to hand out "Purple Cow" cards—free ice cream cards to kids in his stores. That will be remembered by my family as well.

Again, I rise to pay tribute to him, his family, and the innovation and entrepreneurial legacy he leaves behind.

Mr. Meijer, you will be missed but you will not be forgotten.

FEDERAL EMERGENCY UNEMPLOYMENT INSURANCE SYSTEM

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

Mr. CICILLINE. Madam Speaker, at a time when so many Rhode Islanders and so many Americans are out of work, we need to do everything we can to provide assistance to families while individuals continue to look for work. The Federal Emergency Unemployment Insurance system is a critical part of our safety net that supports families during difficult economic times.

Many constituents have contacted my office explaining the impact on their families of not extending unemployment benefits, like Estella Londono in the town of North Providence. Estella is a single mother who was laid off from work and now relies on unemployment benefits to support herself and her son. She's looking for work and is currently participating in a job training program to improve her skills and to enhance her ability to find a job. Without unemployment benefits, she would not be able to support her household and pay her bills.

If the Emergency Federal Unemployment Compensation program is not ex-

tended at the end of this year, it will be devastating to Estella and to thousands of Rhode Islanders who rely on this program. These Americans who have worked hard throughout their lives should not be sacrificed on the altar of partisan politics. Congress must stop playing Washington-style political games with the fate of these families and act now to provide security to unemployed workers and their families while they look for jobs.

INDIANA'S WAIVER REQUEST  
DENIAL

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

Mr. STUTZMAN. I rise today to express my extreme disappointment with the recent HHS decision to deny Indiana's sensible waiver request that would have allowed our State to ease into the new rule that requires insurers selling policies to individuals to dedicate 80 percent of premiums they collect to medical care. This decision was made on the basis that insurers doing business in Indiana were deemed "profitable enough." CMS claimed that no provider would be forced to leave because of the denial of such a waiver. However, it was the very specter of uncertainty surrounding the President's health care law that resulted in five providers leaving the Indiana market this summer. Invariably, the departure of providers from our State and the denial of this waiver will limit competition and push prices higher.

Let this serve as a warning to other States. Creative and consumer-driven solutions to meet our citizens' medical needs will be disproportionately harmed under the President's denial of these waivers.

MIDDLE CLASS TAX CUT ACT OF  
2011

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

Ms. BERKLEY. Madam Speaker, Nevada's middle-income families have borne the brunt of the economic catastrophe that has devastated our State. We need to create jobs and get our economy moving again. What we don't need is a middle class tax hike. But that's exactly what some of our colleagues in the United States Senate are proposing as they consider whether to extend and expand the payroll tax cut this week.

This should be a no-brainer. Opposition to the Middle Class Tax Cut Act of 2011 is a vote to raise taxes on middle-income families in Nevada and across the country. This would be devastating for a State like Nevada. The Middle Class Tax Cut Act would cut taxes for 1.2 million Nevadans and 50,000 small businesses across the State. What does that mean? It means the average Nevadan keeps \$1,600 in their pocket. It

means that a \$1,000 tax hike on Nevada families is prevented. And it means that Nevada small businesses have more money to create jobs. But instead of wholesale support for this common-sense measure, we're getting excuses and roadblocks.

It's time for action. Let's pass this bill.

#### NATIONAL FAMILY CAREGIVERS MONTH

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

Mr. HOLT. Madam Speaker, as the President has designated this month as National Family Caregivers Month, I rise to give honor and to recognize the tens of millions of Americans and the million New Jerseyans who provide loving care for family members and friends living with disabilities and illnesses.

Caregiving is not easy. The caregivers themselves face physical and mental health complications. Some are working with almost unbelievable endurance. Some of these caregivers are part of the "sandwich" generation, providing care for their children as well as their parents. There are economic costs as well. U.S. employers estimate the cost to be about \$34 billion a year in lost productivity.

I look forward to working with my colleagues here in Congress to provide caregivers with the help they need—respite care, a reauthorized Older Americans Act, tax credits. Just because the CLASS Act will not be implemented does not mean the need to provide care will go away. We have work to do.

□ 1220

#### PAYROLL TAX CUT

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

Mrs. CAPPS. Madam Speaker, I rise to urge you to bring legislation today to extend and expand the payroll tax cut to the floor today.

If Congress fails to extend the payroll tax cut, the average American family will pay \$1,000 more in taxes next year. Countless families in my district are still struggling to stay afloat; they can't afford to lose \$1,000 in income next year.

Extending and expanding the payroll tax cut is not just the right thing to do for families on the central coast of California; it's the right thing to do for our economy.

Leading nonpartisan economists estimate that letting the payroll tax expire could cost the economy 400,000 jobs by the end of next year. Such tremendous job loss would be devastating to our struggling economy and to American families.

Extending the payroll tax cut should have bipartisan support. With all the

anti-tax pledges taken by our colleagues across the aisle, you'd think this would be a no-brainer. More than half of the Republican Conference already voted for the payroll tax cut last December.

Madam Speaker, let's extend the payroll tax cut now. It's a win for the middle class, it's a win for small businesses, and it's a win for our economy.

#### VOTER SUPPRESSION

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

Mr. CLAY. Madam Speaker, the attempt to intimidate, discourage, or otherwise prevent certain people from voting has a long and notorious history. Unfortunately, voter suppression isn't just a part of our past; it's a current event.

Southern States used tactics such as literacy tests and poll taxes to deny African Americans, Native Americans, and poor immigrants their right to vote. While civil rights achievements in the 1960s did away with these tactics, the strategy continues. The old ways have been replaced with voter ID laws, outrageous registration requirements, dishonest inactive voter lists, unfair purging of voter rolls, disinformation campaigns, and unlawful disenfranchisement of ex-offenders.

Madam Speaker, when anyone's right to vote is threatened, we're all threatened. We need to stop these blatant attempts to deny American citizens the right to vote.

#### WORKING ON BEHALF OF AMERICA

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

Mr. RANGEL. At a time that government is held in such low esteem, it's time that we all really say to each other that we all love America and we respect America. And all over the world people are just trying to get here.

Recently, we talked about In God We Trust, and the question is whether God is going to continue to trust us. Because the fact is that one of the things that makes our country different is that people don't come here to become rich. They come here to be respected. And that is what we have learned, no matter whether it's Jew or gentile or Mormon, every religion emphasizes the fact that we have a moral obligation to take care of those people that are vulnerable, whether it's our kids, our old folks, or sick people.

We don't talk that way in the House. We talk about Medicare, education, Medicaid and Social Security. But all of those things, including the opportunity to have a job, make America what it's supposed to be. It's the hope for the future that our kids will have a better opportunity than we did.

Let's say God bless America, and let's work and make certain that we do all that we can do.

#### LET'S NOT FORGET

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

Ms. HANABUSA. Madam Speaker, let's not forget. We talk about the Great Depression and how close we've come to it. Let's recognize and realize what we as a country did then. We passed the Social Security Act of 1935. And let's also not forget that part of that is the protection of not only our seniors, but also of those who are unemployed through no fault of their own. That is what we're looking at. Madam Speaker, we must recognize that it is time to extend the unemployment insurance, or we're going to cost our economy \$30 billion, and we're going to also affect 1 million people.

Madam Speaker, let's also recognize what makes us a great country. It is not our military might. What makes us a great country is compassion; it is the fact that we have defined ourselves by how we treat our people. Let's never forget that.

It is time to be compassionate, Madam Speaker. It is time for us to extend the unemployment insurance.

#### EXTEND PAYROLL TAX CUT

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

Mr. YARMUTH. Madam Speaker, about 1 year ago, Republicans were insisting that before we do anything to help unemployed Americans, we had to guarantee that tax rates for the richest of the rich were made at the lowest level in 50 years. Before doing anything to help those who were struggling, they demanded we give more to those who are hurting the least. But that was just the beginning. Now, they are resisting a tax cut that would give American families an average of \$1,000 per year. These are the same families that have seen their incomes drop by \$6,000 in just the last 2 years.

Republicans are putting more and more money into the pockets of millionaires and taking it out of the pockets of American families. They've gone from simply not helping working Americans, to actively making it harder for them to get by. These are not the priorities of the American people.

I urge my colleagues to support the extension of the payroll tax cut and stand up for this commonsense policy that will help millions of American families.

#### EXTEND UNEMPLOYMENT INSURANCE AND PAYROLL TAX CUTS

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

Mr. PAYNE. Madam Speaker, I rise today to urge my Republican colleagues to move fast and join forces to extend the unemployment insurance and payroll tax cuts.

Now more than ever, most Republicans are content with cutting off the unemployment insurance and raising taxes on millions of middle class Americans while refusing to raise taxes on the richest 1 percent. The unemployment rates for the month of October in my congressional district of Union, Essex, and Hudson Counties in New Jersey are between nine and 10 percent, which is above the national average. If Congress does not act by the end of this year, 2.2 million unemployed workers, including my constituents, will lose their unemployment insurance benefits by February 2012.

When times could not get any tougher, Republicans also refuse to extend the payroll tax cut holiday enacted earlier this year that gave virtually all working Americans a much needed tax cut. Failing to extend the payroll tax cut will strip over \$120 billion from the pockets of consumers. We must act now and extend the unemployment insurance and payroll tax cuts.

□ 1230

#### EXPIRATION OF UNEMPLOYMENT BENEFITS

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

Ms. CHU. Dawn, a single mother of two, spends every day looking for a job. After 20 years working in human resources, she was laid off in July; and now, the only thing paying her heat and electricity bills, the only thing putting food on the table, is her modest unemployment benefit.

In just 35 days and counting, her safety net will be pulled away if Congress fails to act. If we don't extend emergency unemployment benefits when they expire, by mid-February, 2.1 million Americans will have their benefits cut off. And by the end of the year, 6 million will be without this critical lifeline.

Today one out of every 11 Americans is out of work. Congress has never allowed unemployment benefits to expire when unemployment was this high for this long. We should not start now.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

#### GABRIEL ZIMMERMAN MEETING ROOM

Mr. FLEISCHMANN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 364)

designating room HVC 215 of the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 364

Whereas public events allowing Members of Congress to meet with constituents are an intrinsic element of American democracy and representative government;

Whereas at approximately 10:10 a.m. on January 8, 2011, a gunman attempted the assassination of Congresswoman Gabrielle Giffords, opening fire at her "Congress on your Corner" event in front of a Safeway supermarket in Tucson, Arizona, killing 6 and wounding 13, including Congresswoman Giffords;

Whereas Christina-Taylor Green, Dorothy Morris, John Roll, Phyllis Schneck, Dorwan Stoddard, and Gabriel Zimmerman lost their lives in the attack;

Whereas Gabriel Zimmerman began his Congressional career in January 2007 as Constituent Services Supervisor for then newly elected Congresswoman Giffords, a role in which he supervised a robust constituent services operation and worked directly with the people of Arizona's Eighth Congressional District to help them resolve problems with Federal agencies and to offer other forms of assistance;

Whereas Gabriel Zimmerman then served as Congresswoman Giffords' Director of Community Outreach, a position in which he proactively engaged the Congresswoman and her office with constituencies, organizations, and citizens throughout southern Arizona;

Whereas Gabriel Zimmerman organized hundreds of events to allow constituents to meet with Congresswoman Giffords while serving as Director of Community Outreach, and led the organization, planning, and implementation of Congresswoman Giffords' January 8, 2011 "Congress on your Corner" event;

Whereas Gabriel Zimmerman was a 1998 graduate of University High School in Tucson, Arizona, a 2002 graduate of the University of California at Santa Cruz, and a 2006 graduate of Arizona State University, where he received a Masters in social work;

Whereas prior to joining Congresswoman Giffords' staff, Gabriel Zimmerman was a social worker assisting troubled youth;

Whereas Gabriel Zimmerman was an outdoor enthusiast, all-around athlete, and lover of history, who at the time of his death at the age of 30 was engaged to be married, and who was known and respected by countless individuals throughout the Eighth Congressional District;

Whereas staff serve a vital role in the Congress, allowing the legislative branch to exercise its critical constitutional duties and enabling Members to effectively represent their constituents;

Whereas over 15,000 individuals are currently serving as Congressional staffers;

Whereas, on January 8, 2011, Speaker John Boehner stated, in reaction to the Tucson shooting, "I am horrified by the senseless attack on Congresswoman Gabrielle Giffords and members of her staff. An attack on one who serves is an attack on all who serve"; and

Whereas Gabriel Zimmerman was the first Congressional staffer in history to be murdered in the performance of his official duties: Now, therefore, be it

*Resolved*, That room HVC 215 of the Capitol Visitor Center is designated as the "Gabriel Zimmerman Meeting Room".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. FLEISCHMANN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

#### GENERAL LEAVE

Mr. FLEISCHMANN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 364.

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

There was no objection.

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

House Resolution 364 would designate room HVC 215 of the Capitol Visitors Center as the Gabriel Zimmerman Meeting Room. This resolution has broad bipartisan support, with 367 co-sponsors.

On January 8, 2011, our Nation, and this Chamber in particular, suffered a horrendous tragedy. On that day, one of our distinguished colleagues, Congresswoman GABRIELLE GIFFORDS, was hosting one of her many Congress on the Corner gatherings at a local supermarket, where she routinely met and conversed directly with her constituents. During that event, a gunman shot and killed six people, while critically wounding 13 others, including Congresswoman GIFFORDS.

I am heartened to hear of the amazing progress the Congresswoman is making in her recovery, and our prayers go out to her and her family.

Sadly, on that day, six people lost their lives. Among the dead were a 6-year-old girl, Chief Judge John Roll of the United States District Court of Arizona, and Congresswoman GIFFORDS' director of community outreach, Gabriel Zimmerman. Earlier this year, we honored Chief Judge Roll in naming a courthouse after him. Today we honor Congresswoman GIFFORDS' staffer Gabriel Zimmerman.

Gabe Zimmerman was only 30 years old and engaged to be married when he was killed. He graduated from the University of California at Santa Cruz in 2002, and in 2006 received a master's degree in social work from Arizona State University. Prior to joining Congresswoman GIFFORDS' staff, he worked as a social worker assisting troubled youth.

Gabe Zimmerman began his congressional career in 2007 as a Constituent Service Supervisor for then newly elected Congresswoman GIFFORDS. In that role, he supervised her constituent services operation and worked directly with the people of Arizona's Eighth Congressional District. He was later promoted to the Director of Community Outreach, where he organized hundreds of events to coordinate outreach to constituents.

As the first congressional staffer to be murdered in the performance of his

official duties, this resolution seeks to honor Gabe Zimmerman's ultimate sacrifice to the citizens of Arizona. This is also a gesture of sincerest gratitude from the Members of this Chamber who rely on their dedicated staff to help them serve the citizens of this Nation.

I support the passage of this resolution and urge my colleagues to do the same.

I reserve the balance of my time.

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

I want to commend Representative WASSERMAN SCHULTZ and the 367 bipartisan cosponsors of House Resolution 364.

I recognize, Madam Speaker, that this is an unprecedented bill, but the bill commemorates an unprecedented act, the sacrifice of the life of a staffer of the one of our Members who, herself, is still recovering from that tragedy, Representative GABRIELLE GIFFORDS.

We do not often have opportunities to speak on the floor of the House of our staff, whose duties are performed almost entirely behind the scenes. The tragedy in Arizona, however, does remind us that staffers are often exposed as much as Members to harm and are in harm's way.

Therefore, I think it entirely appropriate that we commemorate this loss of life, first in the history of the Congress, by naming a room after Gabriel Zimmerman in our Visitors Center.

I rise in support of House Resolution 364 and am pleased today to speak in support of a bill that designates a room in the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room".

Gabriel "Gabe" Zimmerman was a Congressional staffer who was killed along with five others, at a community meeting at a local grocery store sponsored by Representative GABRIELLE GIFFORDS on January 8th, 2011 while 13 other individuals were wounded, including Representative GIFFORDS and two other Congressional staffers. Gabe Zimmerman was a dedicated Congressional staffer who had worked for Representative GIFFORDS since 2006, first as an aide to her first congressional campaign, next as a Constituent Services Supervisor in Tucson, and eventually rising to the position of Director of Community Outreach where his duties included managing the logistics for all of Representative GIFFORDS' public District events and helping her constituents with the day to day details of navigating various federal agencies.

Gabe Zimmerman, a Tucson, Arizona native, was a 2002 honors sociology graduate of the University of California at Santa Cruz, and a 2006 graduate of Arizona State University, where he received a Masters in Social Work. Before he went to work for Representative GIFFORDS, Gabe Zimmerman worked as a social worker assisting troubled youth. He had a strong reputation of being dedicated to providing services to Representative GIFFORDS' constituents. Gabe also served on the boards of several organizations including the local YWCA, the Comstock Foundation, and the Child and Family Resources organization. At the time of his death, Gabe Zimmerman was 30 years old and engaged to be married.

Gabe Zimmerman was a respected Congressional aide serving on the front lines of providing services to the Arizonians that Representative GIFFORDS represented. There are nearly 15,000 Congressional aides that stream into House Office buildings and District offices across the nation, assisting Members of Congress in conducting the business of the American people. In many ways Gabe Zimmerman represents some of the best aspects of these men and women, with his colleagues describing him as "fiercely loyal to his boss" and "dedicated to providing services to the constituents of the 8th Congressional District of Arizona".

It is important to note that Gabe Zimmerman is the first staffer in U.S. history to be killed while in the performance of his official duties. Sadly, Gabe Zimmerman had been responsible for organizing Representative GIFFORDS' "Congress on Your Corner" event and was staffing the event when he was killed. This dedication should also be seen as a tribute to not only Gabe Zimmerman but to all staff members who work behind the scenes to assist Members of Congress. Given Gabe Zimmerman's dedication to public service and in honor of his death while in service to the U.S. Congress, I believe it is appropriate to designate room HVC 215 in the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room."

I ask unanimous consent that the resolution be managed by its sponsor, Representative WASSERMAN SCHULTZ.

The SPEAKER pro tempore. Without objection, the gentlewoman from Florida will control the time.

There was no objection.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield such time as I may consume.

I rise today to offer House Resolution 364, designating HVC 215 of the Capitol Visitor Center as the Gabriel Zimmerman Meeting Room.

On January 8, in Tucson, Arizona, tragedy struck this country in a shooting that shocked our Nation and tore through the fabric of the congressional community. Six people died that horrific day, including Gabriel Zimmerman, a congressional staffer for our friend and colleague, Representative GABRIELLE GIFFORDS of Arizona's Eighth Congressional District.

Now, less than a year after this horrible day, it is fitting that the United States House of Representatives, through passage of this resolution, properly honor the sacrifice and service of one of our own.

Gabe Zimmerman served as the community outreach director for our friend and colleague, Congresswoman GABBY GIFFORDS. Gabe was perfectly suited for this position, as anyone who knew him would tell you. That's because working as a community outreach director married two great passions in his life: his drive to help individuals and a firm conviction that America's Government needed to be open, accessible, and responsive to every American.

Ask any Member of Congress here what is one of the most valuable positions in their office, and they will tell

you it is our constituent outreach director. They listen each and every day to the concerns of our constituents—their problems, their suggestions, their complaints—and then they work to help them. The hours are long. Nights and weekends at home with family or out with friends are often sacrificed to attend community meetings. Each and every one of us have staff members working for us who show such dedication, and the hallways of this Capitol have echoed for two centuries with the hurried footsteps of congressional staffers serving the American people.

This resolution, designating the Gabriel Zimmerman Meeting Room, is not put forward to mark Gabe's death but, rather, to recognize his commitment in life and to making others' lives better. Ask those who knew him and they will tell you that Gabe had a way about him that invited conversation. He could walk into any room and find a way to connect to people. Gabe would often put in extra hours and was known to pay out of his own pocket for poorer constituents' bus fare, whatever he could do to help that little extra amount.

Gabe's dedication and cheerfulness had a profound effect on those with whom he came in contact. Just days after the shooting, well after dark, a gentleman came to Representative GIFFORDS' Tucson office, tears in his eyes, visibly shaking. He explained that just days before, Gabe had taken the time to sit down with him; and even though he'd come in late in the day, he listened to him, treated him like a human being, and made it clear he was going to work to help him. The gentleman simply couldn't believe that such a good person had been taken so young.

Among his colleagues in Tucson, Gabe was profoundly well liked. They told me, when I visited after the shooting, that Gabe was always excited to come in to work and that he cherished the ability to work for a Member of Congress and for one he so admired. His coworkers kiddingly called him Prince Charming because he was always there for them, always ready to come to their rescue.

□ 1240

In Representative GIFFORDS, Gabe found someone for whom he cared deeply as his mentor, as his boss, as a friend, and as a Member of his Congress who shared his passion for selflessly helping others. And while Representative GIFFORDS counted on Gabe to be her eyes and ears in her district, her husband Mark Kelly said that Gabby also looked upon Gabe like a younger brother, as so many of us as Members of Congress look at our own staff members.

Tragically, this loyal, determined, and talented public servant, someone who was a true apostle of our representative democracy, unknowingly also made the ultimate sacrifice for his country.



Gabe Zimmerman is the first congressional staffer in the history of this institution to be killed while carrying out his official duties. It is in this historical and hallowed moment that we vote on this resolution to name the congressional meeting room currently known as HVC-215 the Gabriel Zimmerman Room.

As those of us who work on the Hill know well, HVC-215 is frequently used for staff meetings of every variety. I can think of no better way to memorialize Gabe's service and ultimate sacrifice than to have this meeting place forever carry his name and memory.

Over the past 4 months, a bipartisan group of more than 400 of our colleagues, 402 now, to be exact, have signed on to this resolution in solidarity as cosponsors of this resolution honoring Gabe's sacrifice. This makes this resolution among just a select few pieces of legislation in history to have garnered such broad support in the House of Representatives.

With this vote, we honor the life of Gabe Zimmerman, and we also recognize all congressional staff—working in every corner of our great Nation—for their dedication to Congress and the American people.

From now on, each time we enter the Gabriel Zimmerman meeting room, let us be reminded of Gabe and of the service and sacrifice of every congressional staffer. I urge my colleagues to join me in support of House Resolution 364.

I reserve the balance of my time.

Mr. FLEISCHMANN. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), who coauthored this important resolution.

Mr. SCHWEIKERT. Today I rise in support of House Resolution 364, renaming House visitor room 215 the Gabriel Zimmerman Meeting Room.

As a Member of Congress, each of us consider our staff more than employees. We work with them. They represent our districts. But they are part of our team. They are part of our family. And they're also the voice, the eyes, and ears in our communities. They solve problems, and they work very long hours. Often, and I particularly feel bad about this, we often forget to say "thank you" to those staffers.

Today we say thank you to Gabriel Zimmerman, who was truly one of these dedicated staffers. He had a great reputation of being one of the most caring individuals you could possibly ever meet.

After receiving his master's degree at Arizona State University, a fine institution, he chose to give back to Arizona and give back to the community in southern Arizona, making our State a better place.

But on the morning of January 8, he had organized a Congresswoman on the Corner meeting outside Tucson so constituents could talk and meet with Congresswoman GABRIELLE GIFFORDS. Representing, that Saturday morning in southern Arizona, was what democ-

racy is all about. It is democracy at its finest. And then the unimaginable happened. Gabe Zimmerman is the first congressional staffer to lose his life in the service of this House.

Today we honor Gabriel's talents, the compassion, and the wonderful things he did for Arizona, for southern Arizona, for the community. And naming something as simple as a room will never be enough for his sacrifice. But it is the right thing to do for Gabe, for the things he did for Arizona, the things he did for Tucson, and also for this congressional family.

Think about this: A hundred years from now, there will be a young staffer getting their first tour of this body, this building, and during that tour, they're going to come across the Gabriel Zimmerman room. And when they read about it, they're going to understand the sacrifice that he gave, just like so many Members here give, but Gabriel gave the ultimate sacrifice, his love and his talent, for this body and for this family.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is now my privilege to yield 2 minutes to a good friend of Congresswoman GIFFORDS and a wonderful representative of the great State of Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. I rise in support of House Resolution 364, which enshrines the meeting room in the visitors center in the name of Gabe Zimmerman.

My colleagues have retold the tragedy that happened in Tucson in January, the deaths, the injuries; and as we recover from that trauma, led by the courage and strength of Congresswoman GIFFORDS, this moment is an important moment as we commemorate the sacrifice and honor the service of Gabe Zimmerman.

I want to quote from the statement that his mom made, Emily, at a press conference on July 20: "It's right to honor Gabe here, at the Capitol, where Congress is charged with responding to the needs of those people who stood in that line, at that grocery store, to all Americans, by crafting our Nation's laws. While he was the first congressional staff person in the United States' history to be killed in the line of duty, it's not his death, but his work and his ideals that should be recognized here, ideals shared by thousands of congressional staff people over hundreds of years of our Nation's history.

"Gabe thought a lot about and cared a lot about the importance of civic engagement in an open and civil society. That concept, that goal, which is a cornerstone of our democracy, can be remembered in this room, along with an idealistic young man who died."

I think his mom said it best.

So as we honor Gabe, we honor those staff people that work for us, that sometimes make us look better than we are; to those staff people that work for us that sometimes have to deal with the controversies which we create, and in doing so, they extend service and support to the people that we represent.

There is no finer example than Gabe Zimmerman, and I'm honored to support this resolution and honored to be from a community that Gabe was from.

Mr. FLEISCHMANN. Madam Speaker, I yield 1 minute to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Madam Speaker, I stand here today with my colleagues to support the dedication of a meeting room in the Capitol Visitors Center to Gabe Zimmerman, a man known for seeking to bring healthy political discourse through civil service.

I would first like to reaffirm my condolences to Gabe's family and loved ones for their loss. He will be missed.

Both a devoted congressional aide and a community leader, Gabe served Congresswoman GABBY GIFFORDS' district with a smile and a willingness to go above and beyond in assisting both his office and his fellow citizens. With an extroverted personality and a deep concern for others' well-being, Congresswoman GIFFORDS has noted that Zimmerman became the go-to person for constituents in the district. He was what you call back home "good people."

We can all appreciate and learn from Gabe that representing our citizens means going beyond what is asked of us to assist them. Gabe Zimmerman lived this mantra day by day.

It is with great respect that I support this bill to dedicate this place of meeting in honor of a man who lost his life through a senseless act of violence. I join the Arizona delegation in hoping that his sacrifice and the principles of his public service are remembered and honored by all of those who seek to make our Nation a better place.

Ms. WASSERMAN SCHULTZ. It is my privilege to yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

□ 1250

Mr. HOYER. I thank my friend DEBBIE WASSERMAN SCHULTZ, one of GABBY GIFFORDS' closest friends. I acknowledge the presence of GABBY GIFFORDS' extraordinary staffer and extraordinary leader on her staff, who herself lost a valued member of her staff and Gabby's staff.

Madam Speaker, all of us who serve in this House know that we could not do the work we do without the help of our extraordinarily able and highly motivated staffs. They work long hours with pay below their counterparts in the executive branch and in the private sector. Many are young, in their twenties and thirties, with an energy and a passion for public service that give us all great hope for the future.

Gabe Zimmerman was one of those passionate and dedicated staffers who loved his job, who loved his fellow staffers, and who loved his Congresswoman. He was working for a beloved friend and colleague of all of ours, Congresswoman GABBY GIFFORDS.

Gabe Zimmerman was a bridge between the Congresswoman and individuals and constituent groups in her district, fostering and expanding each day

the most important relationships Members of Congress maintain: those with their constituents, with the people who have entrusted them with the responsibility of representing them in this great body. Gabe Zimmerman was the first congressional staffer in history, as has been said a number of times, to lose his life in the line of duty, in the 222 years of the history of this body. He lost his life protecting, promoting, and defending democracy.

Gabe Zimmerman, along with six others, was not the object of attack, but a victim of a domestic terrorist intent on assassinating Congresswoman GIFFORDS and intent on randomly killing people participating in one of democracy's most basic activities—the discussion between constituents and their Representatives. Members of my own staff—and I'm sure the members of the staffs of every Member here—were profoundly shaken by this event, realizing that it could have been them or, indeed, any staffer, participating with their Members in any public or even private event.

It is entirely fitting, therefore, that we rename in his memory a room where, every day, Members and our staffs come together to further the representation of the American people. Every day, when we enter that room, we will remember Gabe Zimmerman. Gabe Zimmerman died while serving his country, and we honor him for that service.

But let me say to every staffer who serves with us that, by doing so, we honor you as well—your contributions and the contributions of all staffs—who, like Gabe, strive to make this country a better one for all Americans.

We send to Gabe's parents our deepest sympathy for a loss that cannot be compensated, but tell them that we share their extraordinary pride in this American hero.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of House Resolution 364, which will name HVC-215 after Gabe Zimmerman.

January 8, 2011, was a dark day in our country's history. Six of our citizens lost their lives, and Congresswoman GIFFORDS and many others were severely injured during a senseless act of violence. There is nothing this House can do to ease the pain of the families and friends who lost loved ones that day. For them, Tucson's painful memories may never fully recede.

What we can do is continue to honor those we lost—Gabe Zimmerman, Christina Taylor Green, John Roll, Dorothy Morris, Phyllis Schneck, and Dorwan Stoddard—and make sure they are never forgotten.

The loss of Gabe Zimmerman affected this body deeply. We all know staffers like Gabe—tireless public servants who work long hours and week-

ends for modest pay. Congressional offices wouldn't be able to function without people like Gabe. Yet they rarely receive the credit they deserve.

Shortly after the shooting, Gabe's friend C.J. told the Los Angeles Times about a visit he and Gabe made to the Lincoln Memorial. He said, "When we went to the Lincoln Memorial on a cold, damp January morning, the wind whipped through the place, and it was freezing cold, but Gabe had to read every single word of the Gettysburg Address . . . He put his all into his work. He put his all into his life."

Madam Speaker, Gabe's life was cut too short, but his life will be forever honored. Years from now, when young interns and staffers visit HVC-215, they will be reminded of Gabe Zimmerman's story—of his passion, of his service to his State and country, and of the example that he set.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is now my privilege to yield 2 minutes to a close friend of Congresswoman GIFFORDS' and someone who has stood by her, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. I thank the leadership of this House, both Democrat and Republican, and all the cosponsors for bringing this resolution before us and for honoring Gabe Zimmerman by naming the room in the Capitol Visitor Center after him.

I can think of nobody who better personified the idea of public service than Gabe Zimmerman. A lot of people get involved in politics for a lot of different reasons, but I think that the base reason that we all should want to be involved in it is to represent people. So when you read the stories about Gabe and about the service that he did even before he worked for Congresswoman GIFFORDS, you can see someone who truly understood what it meant to be a representative.

Gabe made so much of his life about caring for other people, and there can be no higher calling. In naming this room after him, we have a permanent reminder to everybody who comes through this Capitol about what this place is all about. It's about serving other people, and it's about public service. On the base fundamental level, Gabe understood that to do his job right—to represent his district, to represent this country—he needed to make sure that everybody in his district believed that they had a voice in Congress, and that's not an easy thing to do. We represent around 700,000 people, but there was nobody who Gabe wouldn't reach out to and listen to.

I have no doubt that there are thousands of people, if not tens of thousands, who have a better appreciation, who believe more in their government because of the work that Gabe Zimmerman did, and that's something that we need to be permanently reminded of. By naming this room after him, we will offer that opportunity to everybody who comes through this Capitol.

I also think it is reflective on Congresswoman GIFFORDS as well. Gabe

worked for GABBY because he believed in her and believed in what she was doing. She, too, personifies that notion that we're here to represent people—all of them—whether we agree with them or not. It's not just a matter of taking the ones we agree with and fighting for them. You have to fight almost extra hard for the ones who maybe you don't agree with, because that's what makes representative democracy work—believing in this country. Congresswoman GIFFORDS and her staff do that as well as any group of people that I've ever encountered.

It's fitting that we honor Gabe and that we offer our condolences to his parents with the encouragement that he has personified what this institution is all about. We will never forget that.

Mr. FLEISCHMANN. Madam Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Tennessee has 10½ minutes remaining, and the gentlewoman from Florida has 6½ minutes remaining.

Mr. FLEISCHMANN. I yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Madam Speaker, it's hard to add to all of the things that have been said today about Gabe Zimmerman, but I identify with each one of them.

I would simply say to you, though, that I never met Gabe. I did have the privilege to meet his lovely, precious family, and it was clear to me that everyone who knew Gabe loved him. If they knew him well, they loved him more. His selfless spirit of service is an inspiration to all of us, and it's also a reminder of how short our time here may be.

So, Madam Speaker, I just want to suggest to you that everyone in this place should embrace this resolution because it is a testament to the noble dedication of a young congressional staffer who lost his life in the service of his country.

I had the privilege of being there when this room was dedicated to him, so I hope that all of us can embrace this. I urge my colleagues to vote "yes" and to honor Gabe Zimmerman and the legacy of service that he left behind.

□ 1300

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is my privilege to yield 1 minute to the gentleman from Arizona (Mr. PASTOR).

(Mr. PASTOR of Arizona asked and was given permission to revise and extend his remarks.)

Mr. PASTOR of Arizona. Madam Speaker, I also rise in support of this legislation, and I too want to thank both the sponsors of this resolution, the cosponsors and the leadership, both on the Democratic side and the Republican side, for bringing this resolution before us today. I urge all my colleagues to vote "aye."

It's a tribute to Gabe Zimmerman, who gave his life less than a year ago in Tucson, and also it's a tribute to his family. His mother was a public servant in Tucson. She worked for many years for the city of Tucson, so he knew what public service was through his family.

It's also a tribute and a recognition of the service that all public employees give to our country and make our lives every day a little better. So may Gabe rest in peace, and may we continue to give thanks and gratitude to the public servants who give us a better quality of life.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. Madam Speaker, this is a somber occasion, but I am honored to speak in support of congressional action dedicating a room in the Capitol Visitor Center as the Gabriel Zimmerman Meeting Room.

As all America knows, Gabe and five others lost their lives on January 8 of this year in a parking lot in Tucson, Arizona, when a deranged man opened fire on innocent people. Gabe was just doing his job.

And while I've never had the pleasure to meet Gabe, I feel like I know a lot about Gabe. He worked for GABBY GIFFORDS, a Congresswoman who has become a good friend through our close work as leaders in the Space and Aeronautics Subcommittee of the Science and Technology Committee in the last Congress. GABBY showed me something rare in Washington, true bipartisanship; and it says a tremendous amount about Gabe that he had GABBY's trust and confidence.

I also feel I know Gabe because, like him, I was a congressional staffer. I served in the offices of two Texas Senators, Senator PHIL GRAMM and Senator JOHN CORNYN, for nearly 9 years; and there is nothing I wouldn't do to protect my bosses.

Gabe was put in a position that no congressional staffer in American history has faced, asked to sacrifice his life for his boss and innocent people. When the shots rang out, Gabe was in the line of fire. He didn't run. He made the ultimate sacrifice and became the first congressional staffer to give his life in the line of duty.

One final comment about Gabe's courage. Prior to my time as a Senate staffer, I served for nearly 10 years as a pilot in the United States Navy. Our military heroes who lay down their lives for their comrades are celebrated and remembered. They're given our Nation's highest military honors. They're immortalized in history.

And while Gabe Zimmerman was not wearing a uniform the day he died, he deserves to be immortalized nonetheless. This Congress does so today by passing H. Res. 364, permanently affixing Gabe Zimmerman's name on a plaque in the Capitol Visitor Center. We can never, ever forget Gabe's sacrifice for the United States of America,

and by passing H. Res. 364 we ensure that Gabe's short life is forever remembered, revered, and immortalized.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is my pleasure to yield 1 minute to the gentlelady from California (Ms. SPEIER).

Ms. SPEIER. I thank the author of this resolution for giving us all the opportunity to recognize Gabe Zimmerman and to honor his memory and to extend to his family, Ross Zimmerman, Emily Nottingham and Ben Zimmerman, our gratitude for giving their son and their brother in service to this country.

We have said it already: Gabe Zimmerman, a young man, a passionate, idealistic, 30-year-old man, engaged to be married to his beloved Kelly, lost his life in gunfire while assisting his Congresswoman, GABBY GIFFORDS.

In the routine course of affairs in this House, our staff Members often sacrifice their peace of mind in service to the needs of our constituents. In many of our hectic moments, they sacrifice their family time and the events with children that create a lifetime of memories.

Gabe Zimmerman loved his community and his Nation that he served, and it is just appropriate that we take the time today to recognize him and to affix a plaque in his honor.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding.

Gabe Zimmerman, I didn't know him, but I know many people that are just like him. They are called the congressional staffers.

Gabe Zimmerman dedicated his life to public service, and he died dedicating his life to public service. He died from an assassin's bullet in January of this year hosting a Congress on Your Corner event for GABBY GIFFORDS, which he organized.

There are many men and women just like Gabe Zimmerman who come to work every day and work in Congress. These staffers work very long hours, sometimes late into the night. They work weekends, they deal with people from our districts, and sometimes they get little or no appreciation for their hard work.

Congresswoman GIFFORDS is blessed to have a wonderful staff. I had the pleasure to be with her legislative director, Peter Ambler, and her director of operations, Jennifer Cox, when they hosted me at the Arizona border so I could talk to ranchers in Arizona; and this occurred after GABBY was shot and wounded.

I was impressed with these staffers and their work and keeping up the mission of our fellow Member of Congress, GABBY GIFFORDS, as she was recovering from her wounds. The energy and drive of these bright Americans represent really all that is good about our country. So on this day, it is good that Members of Congress remember and

give thanks for Gabe Zimmerman, his colleagues in Representative GIFFORDS' office, for Representative GABBY GIFFORDS, and for all the men and women who allow this great body to continue to be the people's House.

Ms. WASSERMAN SCHULTZ. Madam Speaker, it is my privilege to yield 1 minute to a woman with whom I experienced one of the most emotional experiences in my life, along with our colleague from New York, KIRSTEN GILLIBRAND, when we watched GABBY GIFFORDS open her eyes after her injury, the gentlelady from California, our leader, NANCY PELOSI.

Ms. PELOSI. Madam Speaker, I thank my colleague from Florida, Congresswoman DEBBIE WASSERMAN SCHULTZ, for taking the time today to bring this important legislation to the floor.

Yes, we did indeed experience an emotional moment to see GABBY open her eyes, but we all experienced an emotional moment here on August 1 when Congresswoman GABBY GIFFORDS came back to the floor of Congress to cast a vote. With all the smiles that we had that day, and we were part of history, we had deep inside of us the sorrow of those who lost their lives last January, and one of those people was Gabe Zimmerman.

So I'm pleased and saddened to come to the floor of the House of Representatives today to join my colleagues. I thank Congressman FLEISCHMANN, Congresswoman WASSERMAN SCHULTZ, and the Congresswoman from the District of Columbia for their leadership here and join in a bipartisan way, especially with the leadership of Congresswoman WASSERMAN SCHULTZ and the Arizona delegation in a bipartisan fashion speaking on behalf of this resolution.

□ 1310

As has been mentioned, Gabe Zimmerman and five others were tragically taken from us on January 8 of this year in the attack on Congresswoman GABBY GIFFORDS. All the Nation watched and prayed.

Today, in permanently naming a room in the Capitol complex after Gabe, we honor his life. As Gabe's mother, Emily Nottingham, said: It's not Gabe's death, but his work and his ideals that should be recognized here.

Gabe's ideals were rooted in service. He worked, as has been mentioned, as a social worker assisting troubled youth, served on the boards of several community organizations in Tucson, and tirelessly assisted the constituents of Congresswoman GIFFORDS. The work that he did made a difference to veterans seeking the benefits they were owed, to families facing foreclosure, and to seniors with lost Social Security checks.

As this resolution notes, there are more than 15,000 individuals serving as congressional staff. In honoring Gabriel Zimmerman today, we recognize all of them for their service.

I want to particularly acknowledge Pia Carusone, who is the chief of staff

for Congresswoman GABBY GIFFORDS, for her leadership in guiding the staff through this tragic time but not for one moment diminishing the concern and the service to the people of the district that GABBY GIFFORDS represents in Tucson.

Today we pray for Gabe's family. His mother, Emily; his father, Ross; his stepmother, Pamela; his brother, Ben; and his fiancée, Kelly. We hope it is a comfort to them to know that Gabe will be forever remembered here in the Capitol complex. When people walk through that complex and they see that name, that signage, whether it is above the door or directions to it, some may ask the question: Who is Gabe Zimmerman? They may not know him by name, but they know him by his sacrifice. We all honor that here today.

May Gabe Zimmerman, of course, rest in peace. May his memory always be a blessing to us. We know that it is, but we want everyone else to know it as well.

With that, I again thank Congresswoman WASSERMAN SCHULTZ for her leadership, persistence, determination, advocacy, and relentlessness in making this possible. In honoring Gabe, we honor the work of all of our staff, past, present, and future.

Mr. FLEISCHMANN. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding, and I thank those who have brought this resolution to the floor, particularly the gentlewoman from Florida, and for the hard work she has put into it, and for the staff of GABBY GIFFORDS for working so hard to get this done, and for the family of Gabe Zimmerman, working with this body, both sides of the aisle, to make sure that this resolution came to the floor today.

I was fortunate enough to be in Tucson just a few hours after the shooting and was with those assembled at the hospital, with friends and community activists and others when it was confirmed that Gabe Zimmerman had lost his life. I wish all who are within the sound of my voice today could feel in that room, that day and the days that followed, the love that was felt for this good man, for the work that he did for our colleague, and for how much he is loved throughout the State of Arizona. The State of Arizona will not forget what he has done. And with this resolution today, with this naming, we ensure that this institution does not forget Gabe as well.

Now, all of us as Members of Congress here have a plaque outside of our office that denotes that we are serving the people of our representative States. When we retire, when we leave after serving here, we will take those plaques with us, and maybe they'll decorate our office at home or a room at home. I think it is fitting that this plaque will remain here forever and will honor the service of Gabe Zimmerman and also honor the service of

many staff who work so hard that are often forgotten and often not appreciated for the work they do.

So it's an honor to be here, and I appreciate again those who have helped bring this resolution to the floor, particularly the family of Gabe Zimmerman. And I hope they know how much we appreciate their sacrifice and Gabe's sacrifice.

Ms. WASSERMAN SCHULTZ. Madam Speaker, before I yield back, I want to share one more story to really demonstrate to the entire country the heart of the young man that we are honoring here today, because even those who only occasionally came into contact with Gabe Zimmerman were touched by his passing because of the way he treated them in life.

The week following Gabe's death, the night shift security guard came and knocked on the door of Congresswoman GIFFORDS' Tucson office. They were working late, and her staff opened the door. The guard came hoping that the person he so often talked to at night hadn't really been killed. Tearing up, he said he hadn't known Gabe's name, but said that he often found Gabe working late and that Gabe would always ask him about his family or his weekend or just talk about sports. Gabe always treated him with dignity, which meant so much to him.

That's the importance of the legislation that we have in front of us today. Knowing that we are going to forever designate HVC 215 as the Gabriel Zimmerman Meeting Room sends a message to all of our staff and to the hearts of all who serve that we will honor their service, honor their commitment, honor their willingness to make a personal sacrifice to devote their lives to helping others. That was the epitome of Gabe Zimmerman.

I want to close just by thanking the entire Arizona delegation, particularly Mr. FRANKS and Mr. FLAKE, and most especially DAVE SCHWEIKERT, who had such courage in sponsoring this resolution with me, was passionately committed to garnering cosponsors for it, and really worked incredibly hard to bring it to the floor.

I also want to thank the leadership of both the Democrat and Republican Members. This is a very challenging and difficult time for our Nation, Madam Speaker. It is my hope, as hard as it is and as hard as it has become for us to engage in civil discourse, that we really all redouble our efforts as we have all publicly stated that we are willing and interested in doing, myself included, to make sure that we can earn the respect and earn every day the privilege that our constituents have given us to represent them here in our Nation's capital. And in doing so, we will honor Gabe's memory, honor the service of our colleague and friend GABBY GIFFORDS, and know that Gabriel Zimmerman did not die in vain.

I yield back the balance of my time.

Mr. FLEISCHMANN. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentleman for yielding, and I also want to thank my colleague from Florida for her leadership, along with the Members of the Arizona delegation, for putting this resolution together which is so important.

I have had the honor of knowing my colleague GABBY GIFFORDS since 2005 before either of us were actually elected to Congress. And there is no doubt in my mind that she wishes she could be here today on the House floor to speak in favor of this resolution that is honoring the life of Gabe Zimmerman, her director of community outreach who lost his life in that senseless attack on January 8.

As a former staffer myself, I know firsthand that working for a Member of Congress is not like most jobs. You rarely go home at 5 or 6; you work long hours; you typically do not have weekends off. But to those staff who work for all of us, every one of the House Members, the reward comes from working for constituents on behalf of our districts, our States, and our great country. All of our staff are extensions of the Members that they work for.

GABBY's staff is certainly a reflection of whom she is—a loyal, dedicated public servant. And Gabe Zimmerman is no different. I didn't know him, but I do know that he cared for his community, he cared for his country. Gabe was a passionate advocate for children, for social justice, and for antiracism. Gabe didn't wear the uniform of a soldier or a police officer, but he did give his life while serving his country, and so it is absolutely fitting that, inside the Congressional Visitor Center where thousands of Americans visit each and every year, a room will now bear Gabe Zimmerman's name in his honor. And I hope that this dedication will also serve as a reminder to all of us of the passion and the loyalty and that dedication that Gabe showed every day as a congressional staffer.

My thoughts continue to be with Gabe's family, with GABBY and her husband, Mark, and with all of GABBY's staff who have a constant reminder of how valuable life really is.

□ 1320

Mr. FLEISCHMANN. Madam Speaker, in closing, I wish to thank Congressman SCHWEIKERT and Congresswoman WASSERMAN SCHULTZ for their coauthorship of this very, very important legislation honoring Gabe Zimmerman. I want to thank the entire Arizona delegation for all their tireless efforts in this regard. I also wish to urge all of my colleagues in this great House, the people's House, to support this bill later today.

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

Mr. BACA. Madam Speaker, I rise today to voice my strong support for H. Res. 364, legislation to designate room HVC 215 of the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room."

I want to thank my colleague from Florida, Representative WASSERMAN SCHULTZ, for introducing this important legislation.

Gabe Zimmerman was a young man who dedicated himself to the betterment of his community, and lived a life of service to others.

This led him to work for Representative GABBY GIFFORDS—first as a field organizer and constituent service director, and later as a community outreach director.

We all know of the tragedy that occurred on January 8, when Gabe and 5 other individuals were forever taken away from this world.

But what many of us don't know is the type of life Gabe Zimmerman lived.

Gabe was integral in working with local charities, like Child and Family Resources, the YWCS, and the Comstock Foundation.

He was a loving son, brother, and fiancé—and a dedicated public servant.

I urge all my colleagues to honor the life and service of this tremendous young man, and vote "yes" on H. Res. 364.

Mr. REYES. Madam Speaker, I rise today in support of H. Res. 364, a resolution to name a meeting room in the Capitol Visitors Center after Gabriel Zimmerman, the only Congressional staff member killed while on duty. Gabe Zimmerman, a staff member for my friend and colleague Congresswoman GABRIELLE GIFFORDS, was one of six people killed in the January 8, 2011, attack in Tucson, Arizona.

The entire Capitol Hill community mourned the senseless deaths and the loss of one of our own. Those of us who serve in Congress know that the work we do to represent our constituents would not be possible without the support of our hard-working and dedicated staffs. Working early mornings and late nights, on weekends and federal holidays, these outstanding men and women bring energy and passion for public service.

Gabe Zimmerman died while helping Congresswoman GIFFORDS as she engaged in one of the most important functions of a Member of Congress, communicating with her constituents. It is fitting that the House of Representatives is today considering legislation to dedicate a space to the memory of Gabriel Zimmerman, a room where Members of Congress and our staff come together to represent the interests of the American people.

In honor of Gabe Zimmerman and all Congressional staff including my own, I rise today to pay tribute to the men and women who dedicate themselves to public service.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, the role of Congressional staff is an important one in helping all Members carry out our responsibilities, but it is a role too often not acknowledged. It is fitting that we pause today to honor one such staffer, Gabriel "Gabe" Zimmerman, who made the ultimate sacrifice while serving this Congress and this nation. Gabe was the first, and hopefully the last Congressional staffer to be murdered in the performance of his official duties when he was shot staffing Representative GABRIELLE GIFFORDS at a constituent event in her district. Six other people were killed and 13 were wounded, including Representative GIFFORDS and two other Congressional staffers.

By all accounts, Gabe was a kind and dedicated young man who worked tirelessly to improve the lives of the people in the 8th District of Arizona. He was a former social worker who assisted troubled youth, an athlete who loved the outdoors, a beloved son and brother, and he was engaged to be married. His life

was cut far too short. I am pleased that we are making this small tribute to him today.

Our hearts go out to Gabe's family and friends, to Ranking Member of the Space and Aeronautics Subcommittee, GABRIELLE GIFFORDS, during her recovery, and to all those impacted by that horrible tragedy.

Mr. VAN HOLLEN. Madam Speaker, on January 8, 2011 the nation was shocked and saddened by a senseless act of violence against a member of the House, Congresswoman GABBY GIFFORDS. That attack injured her and killed six innocent bystanders, including a Congressional staff, Gabe Zimmerman.

Gabe, a 30-year-old social worker, began work for Congresswoman GIFFORDS in 2007, supervising the constituent services operation and helping the people of Arizona's Eighth Congressional District resolve problems with Federal agencies and obtain government services. He was promoted to Director of Community Outreach, using his considerable talent and energy to engage citizens and make Congress accessible to them. In that capacity, he planned Congresswoman GIFFORDS' "Congress on Your Corner" event on January 8 and was at her side that day.

We continue to mourn his loss and pray for his family and friends. Gabe Zimmerman's life is a testament to the selfless work performed by Congressional staff every day for the American people. Today, we designate a room in the Capitol as the "Gabriel Zimmerman Meeting Room" to honor his work and recognize the dedication that he and all staff show to their country.

Ms. RICHARDSON. Madam Speaker, I rise today as a proud cosponsor of H. Res. 364, Designating Room HVC-215 of the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room." Adoption of this resolution would be a fitting tribute to Gabe Zimmerman's commitment to public service and the courage of our colleague Congresswoman GABRIELLE GIFFORDS of Arizona.

Gabe Zimmerman's devotion to public service knew no bounds and he made the supreme sacrifice in service to the public when he was killed on January 8, 2011, in Tucson, Arizona, at the hands of the same gunman who left Congresswoman GIFFORDS gravely wounded. Like many Americans, the tragic events which unfolded on that day in January left me in a state of shock, anger, and tremendous sadness.

As the weeks and months have passed, Americans have looked to each other for strength and have been encouraged by the tremendous progress that Congresswoman GIFFORDS has made in her recovery. Nearly a year later, we pause to remember not only Gabe and GABBY, but all the innocent victims of this tragedy who were gunned down while waiting to exercise their democratic right to have their opinions heard.

Madam Speaker, 19 people were shot on that tragic day in Tucson—six of whom suffered fatal wounds. While this tragedy focused national discourse on the need to reassess current gun restrictions and the responsibility of public institutions in reporting potentially dangerous behavior, we were also reminded of the value of maintaining civility in our public discourse.

Gabe Zimmerman, Congresswoman GIFFORDS' director of community outreach, personified the spirit of public service and patriotism that has made America great. His work

with the people of Tucson made him a popular member of the community, and his passion for social justice transcended his official role as a member of Congresswoman GIFFORDS' staff and left an indelible impact on everyone around him.

Gabe's drive to help others led him to pursue a master's degree in social work and a career in politics. Although Gabe's nascent career was cut tragically short, designating room HVC-215 as the Gabe Zimmerman Meeting Room will allow us to memorialize and celebrate his commitment to public service for years to come.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 364.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FLEISCHMANN) that the House suspend the rules and agree to the resolution, H. Res. 364.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 3463, TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION; PROVIDING FOR CONSIDERATION OF H.R. 527, REGULATORY FLEXIBILITY IMPROVEMENTS ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 3010, REGULATORY ACCOUNTABILITY ACT OF 2011

Mr. WOODALL. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 477 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 477

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration; and (2) one motion to recommit.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 527) to amend chapter

6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Small Business now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated November 18, 2011. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of

the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 4. It shall be in order at any time through the legislative day of December 2, 2011, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, relating to a measure addressing railway labor.

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

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

#### GENERAL LEAVE

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

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

There was no objection.

Mr. WOODALL. Madam Speaker, House Resolution 477 is a structured rule for the consideration of three bills: H.R. 527, the Regulatory Flexibility Act; H.R. 3010, the Regulatory Accountability Act; and H.R. 3463, a measure to terminate the Election Assistance Commission and end taxpayer financing of presidential elections and campaigns.

□ 1330

Not only do these bills show this House's commitment to small businesses, but they also demand that agency rulemaking be held accountable, reclaiming that authority that is vested here in this House.

H.R. 527, the Regulatory Flexibility Improvements Act, requires agencies to analyze the impact that a new regulation would have on small businesses before the regulation is adopted. By requiring all Federal agencies to obtain input and develop and conduct regular regulatory reviews of existing regulations, this bill, I believe, complements and codifies President Barack Obama's commitment in Executive Order 13563

that directs agencies to review their regulations and solicit public input.

H.R. 3010, the Regulatory Accountability Act, makes further positive changes. It reforms and modernizes the Administrative Procedure Act. It makes agencies more accountable and regulations more cost effective. In a recent study, Madam Speaker, that the Small Business Administration commissioned, they estimated the cost of the U.S. Federal regulatory burden at \$1.75 trillion. Now, that's not to say there aren't benefits that outweigh that burden; but when the burden is that substantial, Madam Speaker, we have to have a process in place that balances those benefits and those burdens, and that's all H.R. 3010 asks to do.

Madam Speaker, time and time again the American people have demanded more accountability from their Congress, more accountability from their government. This collection of bills today not only provides that accountability of Congress, but requires that accountability of our executive branch agencies.

As we talk about accountability, Madam Speaker, it's important to note that these bills are paid for by terminating the Election Assistance Commission. You will remember, Madam Speaker, that was a commission created in 2002 that was supposed to sunset by 2005 and yet has continued even until today. That commission was set up in the aftermath of the hanging chads of the 2000 Presidential election to help States implement election reforms, to help States make sure the integrity of their electoral process was preserved. And yet today, 6 years after the expected sunset of that commission, we hear from our Secretaries of State that they no longer need that commission, that that commission is not providing useful benefits to them. By terminating that, we're going to save the American taxpayer more than \$600 million over the next decade.

Madam Speaker, taken together, these three measures, H.R. 527, H.R. 3010, and H.R. 3463, help small businesses, increase agency transparency, and increase public participation in the entire regulatory process. They save money for hardworking American taxpayers and are positive reforms that this Congress can pass in a bipartisan way.

I hope that my colleagues on both sides of the aisle will support these underlying measures, and I hope they will support this rule so that we may consider them today.

With that, I reserve the balance of my time.

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

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

Mr. MCGOVERN. I rise in very strong opposition to this restrictive rule—and



not only restrictive, but a very convoluted rule—and I rise in opposition to the three bills that would be made in order by this rule.

Regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the Big Business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment. Those aren't my words, Madam Speaker. Those are the words of Bruce Bartlett, a Republican who worked for Ronald Reagan, George H.W. Bush, Jack Kemp, and RON PAUL.

Think about what Mr. Bartlett is saying in his last sentence: "Republicans would rather play political games instead of putting people back to work. They would rather fiddle while Rome burns instead of putting out the fire." And look at the Republican track record since the start of the 112th Congress: no jobs bills, not one. But we've found time to debate bills defunding Planned Parenthood and National Public Radio. There's no extension of the payroll tax cut or unemployment insurance, but we can spend hours debating the need to allow unsafe people the right to carry concealed weapons from State to State. No effort to take away tax breaks for oil companies who continue to make billions of dollars in profits each month, but we can find time to make our air dirtier and our water less safe by dismantling the Clean Air Act and the Clean Water Act.

Seriously, Madam Speaker, the agenda of the far right continues to dominate this House leadership, and that agenda is out of touch with the needs of the American people. We have a jobs crisis in this country. The rich are getting richer and everyone else is struggling. Yet the Republicans continue to side with the people who don't need any help. They killed the supercommittee because they would rather protect tax cuts for millionaires instead of dealing with the deficit. They are refusing to take up the extension of the payroll tax cut that expires at the end of the year because they don't want their millionaire friends to pay just a little bit more.

Just look at what we're doing this week. We're going to consider anti-regulatory bills that will make our country less safe and our citizens less healthy. We're going to consider a bill that actually promotes putting more corporate money into the political system. And we're going to debate a bill that makes it harder for workers to organize. Not one of these bills will put people back to work. Not one of these bills will help struggling families keep their heat on during the winter. Not one of these bills will help repair our aging infrastructure.

To quote Mr. Bartlett again: "People are increasingly concerned about unemployment, but Republicans have nothing to offer them." And that's the

truth, Madam Speaker. Republicans have absolutely nothing to offer.

The President proposed—and I have cosponsored—the American Jobs Act. It's a proposal that would help put Americans back to work, would extend the payroll tax cut and unemployment insurance, would help repair our aging infrastructure, and would provide aid to cities and States so they don't have to lay off more teachers and more police officers and more firefighters.

It's a bill that is paid for. It doesn't add one cent to the deficit. And it's made up of measures that Republicans and Democrats have supported in the past. Let me repeat that: what the President has proposed is a series of measures that Republicans and Democrats have supported in the past. The idea that a program was good under President Bush but not under President Obama doesn't make much sense to me, but that seems to be the thought process that passes for governing under this Republican leadership.

So where's the Republican plan? They don't have one. It's not enough to cross our fingers and hope that our economy improves. It's not enough to close our eyes and wish that more people would find a job. Actions speak louder than words, and it is clear by the Republican leadership's actions that they don't care about the economy. Either that, or they are making a conscious decision not to act simply for political gain. Either way, Americans are hurting because of their inaction.

Madam Speaker, our economy is not where it needs to be. There are still too many unemployed people in this country. There are still too many people struggling to make ends meet, struggling to pay their bills and to put food on the table. But this notion that red tape is what's keeping our economy from getting off the ground and that thoughtful regulations are preventing people from getting jobs is just untrue.

We don't need to waste time debating bills that make our air and water dirtier and less safe. We don't need to waste our time with bills defunding NPR and Planned Parenthood. We don't need to waste our time debating bills to reaffirm our national motto. What we need to do is to get this economy moving. What we need to do is create jobs.

Republicans have been in charge now for 330 days. That's 330 days without a jobs bill. It's not enough to call something a "jobs" bill if it doesn't put someone back to work. No, Madam Speaker, we need a real jobs bill. We need definitive action that shows the American people that we care about their well-being, that we understand what they're going through, and that we're here to help—in short, that we're on their side. The bills we will be considering this week just don't get the job done.

It's been 330 days, and Republicans still don't get it. I can't say that I'm surprised. I'm disappointed, but I'm not surprised.

I reserve the balance of my time.

□ 1340

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

I look at the clock above your head. I think it's been about 11 minutes since my colleague DEBBIE WASSERMAN SCHULTZ called for a toning down of the rhetoric and focusing more on policy. I don't think we were able to make it to minute 15.

I will quote my friend as he referred to Republicans: Either they don't care about the economy, or they are just acting for political gain.

Is that all there is? Either folks don't care, or they're just acting for political gain. It could be that their principles are different. It could be that their principles are different, but I don't actually believe that. I believe our principles are the same, because what these bills do is one thing and one thing only. Let's balance the regulatory burden with the benefits that it provides.

Madam Speaker, who is it in America that does not believe that balance is important in what we do here in Congress? I hear it back home all the time: ROB, balance. I want you to get things done, but I don't want you to get things done that are the wrong thing for the wrong reasons. I want you to come together and work on these issues.

Who is it, Madam Speaker, that does not believe that regulation to protect health and safety is important? I do. I come from one of the farthest right districts in the country. I believe health and safety are important things to regulate, but I believe we should balance those regulations.

When we doubled the budget of the Environmental Protection Agency between 2008 and 2009, where do you think that money went, Madam Speaker? The environment that I live in in Georgia was clean and thriving in 2008. But when you double the amount of money that you give to regulators, they have only one thing that they can do with it, and that's regulate more, regulate more.

We need balance, and that's all these bills are asking for. I have all the committee reports here, Madam Speaker, if any of my colleagues would like to come and look at them. There is not a line in any of these pages that says: Thou shalt not regulate. Not one. What they say is: Thou shalt regulate with balance—with balance.

A friend of mine was walking through the Occupy Atlanta protest the other day, Madam Speaker. A fellow came up and shook his fist at him. One of the protesters shook his fist at my friend and said, It's all about jobs. And my friend looked him in the eye and said, You know, you're exactly right. You should go out and hire somebody. You should go out and hire somebody. The fellow said, I'm not talking about providing jobs. I'm talking about I want a job myself.

Well, that's right. Every single bill that this Congress considers that helps job creators helps jobs.

We've got to end the rhetoric of loving jobs and hating job creators, Madam Speaker. There's only one opportunity that we, as Americans, have for employment, and that is finding an employer. And line after line after line of these bills say, before you punish American industry, make sure the balance is there, because, let's be clear, Madam Speaker, it's not that these jobs don't have to be performed.

Time and time again I hear my colleagues bemoaning the fact that we're not creating jobs. I, too, bemoan the fact that this administration has not created jobs. But that's not our only problem. Our problem is jobs that are leaving this country, Madam Speaker. Our problem is destroying even more jobs.

Industry is going to continue to operate around this planet. We can either embrace it here in this country in a balanced way or we can run them all overseas.

There's something that I believe we sometimes do disagree about here in this Congress, and that is that government cannot create jobs. Government can create an environment in which job creators can create jobs.

I cannot pass a bill in this Congress, no matter how hard I try, Madam Speaker, no matter how hard I work, that will make everybody in this country rich. I cannot do it. But this Congress has succeeded all too often at passing bills that can make everybody poor.

Balance, Madam Speaker, is what these bills contain. What this rule does—and it's important because it's a new operation that we're doing here in this House; and I'm very proud of it, and I hope my friends on the other side of the aisle are proud.

This is not an open rule today. I don't want to claim that it is. It's not on open rule. What we did, though, as the Rules Committee, is we asked all of our colleagues, anyone who has a proposal that they believe will make these bills better, send those amendments to the Rules Committee for consideration. Anybody—Democrat, Republican—send those amendments to the Rules Committee for consideration. This is what we did in the Rules Committee.

We received six Democratic amendments for H.R. 527, six ideas from the 435 Members in this House, six ideas for making these bills better. They all came from the Democratic side of the aisle, and we made every single one of those ideas available for debate here on the House floor today. You didn't used to see that. You didn't used to see it under Republican administrations. You didn't used to see it under Democrat administrations. That's what we're doing here today in a bipartisan way.

H.R. 3010, sent out a notice to the entire Congress, Send your ideas for making H.R. 3010 better. Send them to the Rules Committee so that we can con-

sider them for consideration on the House floor. There were 12 ideas that were submitted, Madam Speaker—one Republican idea, 11 Democrat ideas. Three of those Democrat ideas were later withdrawn, said, We don't want to bring those ideas to the floor. So that leaves us with eight, and we brought all but one.

My colleague from Georgia (Mr. JOHNSON), his amendment was not made in order because my colleague from Texas (Mr. OLSON) had an amendment that was substantially similar, and knowing that time is valuable on the House floor, we wanted to consider all ideas, but not all ideas from everybody, each idea only once.

Seven Democratic amendments, one Republican amendment made in order because we invited the entire United States House into this process.

This is the time on the rule, Madam Speaker. I'm not here to debate the underlying provisions. We've provided time to do that. But I do want to defend this rule as an example of what we ought to do.

Is it a little more convoluted than I would have liked? Yes, it is.

Is it a little outside of my issue areas? Yes, it is.

But does it make in order all of the amendments that our colleagues want to submit? It provides for time for debate on every single idea submitted.

That's an important change in this House, Madam Speaker. I'm grateful that we've been able to do it, and I reserve the balance of my time.

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

I want my colleagues to understand that one of the amendments they didn't make in order was the amendment offered by our colleague, Congressman JOHNSON, which basically stated that if the experts conclude that a rule would result in a net job creation, the rule shouldn't be delayed and blocked by all the stuff that's in this bill because we need jobs right now. It's interesting that that's the one that my Republican friends chose to block because it has to do with jobs.

Another amendment that they blocked was one that I had offered. I've offered it many, many times in the Rules Committee, and that is to basically bring to the floor an amendment that would allow us to vote to strip big oil companies of taxpayer-funded giveaways—subsidies is what I call them. And I've tried to bring it up on the floor a gazillion different times in a gazillion different ways, and I'm always told that there's a germaneness issue. But yet what does the Rules Committee do? Oftentimes, it waives all the rules so that sometimes non-germane amendments can come to the floor.

I mean, when you talk about balance, the fact that taxpayers are subsidizing big oil companies that made over \$100 billion in profit last year, that we're going to somehow continue taxpayer

subsidies to these big oil companies, yet, when you look at the Republican budget that they passed, they find ways to balance the budget on every single program that impacts middle-income and low-income people in this country.

What they do is they choose to balance the budget by lowering the quality of life and the standard of living for everyday people and for those struggling to get in the middle. There's no balance here. There's no balance here.

And in terms of bipartisanship, the President of the United States came to this Chamber and he gave a speech in which he outlined his jobs bill, which included a number of initiatives, all of which had in the past enjoyed bipartisan support. But I guess because he's the President, he's a Democrat, Republican leadership doesn't want to have those debates here on the floor, give him any victories, because that might not be politically advantageous to them.

Let's be frank about what's going on here. In my opinion, this is about political opportunism. This is about the leadership of this House blocking important legislation to put people back to work just because they can, just because it's been proposed by the President of the United States.

We need to focus on jobs in this Congress. We need to be focused on helping people get back to work. I don't care what part of the country you're from, people are hurting, people are struggling, and they're looking for us to do something, something meaningful, not to bring bills to the floor like this that, in the scheme of things, mean nothing or to have these great debates over reaffirming our national motto or on bills that make it easier for unsafe people to carry concealed weapons from State to State.

□ 1350

That we're debating those things when there are millions of people that are out of work, I think, is outrageous.

Madam Speaker, at this time I am proud to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, as we stand here today, I would like us to pause for a moment and think about an American family who is not here. The husband works in a Home Depot, the wife works as an administrative assistant in a hospital, and they make together about \$50,000 a year. And they're among the fortunate Americans who have jobs, but they're frankly very worried because it seems like the harder they work, the less ground they gain. They're going backwards the harder they work.

The House needs to understand that a month from tomorrow, unless this House acts, that family's taxes will rise by \$1,000. A month from tomorrow,

unless the House and the other body and the President act, that family's taxes will go up by \$1,000 a year.

President Obama has said he will sign legislation that prevents that tax increase from happening. The Democratic leader of the other body, Senator REID, has said he will move and support legislation that prevents that from happening.

Last night the minority leader, the Republican leader of the other body, indicated that he was now moving to a position in favor of legislation preventing that from happening. House Democrats are prepared at this moment on this bill, on this day, to support legislation that will postpone that tax increase on middle class families.

The American people want us to work together, and I would trust that the vast majority of American people would say that in these economic times working together to suspend a thousand-dollar tax increase on a \$50,000-a-year family is something we ought to work together on. President Obama agrees. Senator REID agrees. It looks like Senator MCCONNELL agrees. Leader PELOSI and the House Democrats agree. But we don't have that bill on the floor this afternoon.

This is our opportunity, colleagues, to move away from the daily back-and-forth of Republican versus Democrat politics and do something for which there is broad agreement and, I think, urgent need.

Now, we have 30 days to get this done, and our track record is not very promising on meeting deadlines around here. My suggestion is let's move this agenda on this day at this time and put before the House a bill that would suspend this thousand-dollar tax increase on middle class families, all wage earners, across the country. Certainly this is something on which we ought to agree, certainly this is something the House should be able to devote its time to, and certainly we should act on it here today.

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

Even though I'm a freshman in this body, I have been working hard to try to find metrics by which I can judge what's happening here because this body is not like so much that happens back home. The metric that I have found while we're debating a rule is that the less folks are talking about the rule, I think the better job we did crafting it. I think that's right. Because if it was an awful rule, we'd spend our time talking about what an awful rule it is. When it's a pretty good rule, we spend our time talking about other issues on the floor.

I happen to agree with my friend from New Jersey. A thousand dollars for a family earning \$50,000, that's real money. Now, I would say, though, to my friend from Massachusetts that if you take that \$1.75 trillion burden that the Small Business Administration tells us is upon the American people

because of regulations, that's actually \$5,000 per person. That's \$15,000 per a three-member family. And so yes, I agree with my friend from New Jersey that we should absolutely cooperate on focusing on those burdens. The burden we're focusing on today? Even larger, by orders of magnitude.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I'd be happy to yield.

Mr. ANDREWS. I would just ask the gentleman, then, if he is prepared to tell us whether the majority will put on this floor before the 31st of December a bill that suspends this tax increase on middle class Americans.

Mr. WOODALL. My friend flatters me by thinking I have the answer to that information as a young freshman on the House floor, but I'll tell you this. I'll tell you that two things are true, and it is a puzzler for me on the payroll tax holiday that's gone on this year.

On the one hand I will tell you that Republicans are absolutely the party of lower taxes and not higher taxes and that actually speaks to this issue. We're also the party of making sure that we're paying for those commitments that we're making. Social Security is different from any other tax, and when I go and talk to my grandfather, he'll say, "Rob, I want that Social Security. I paid into it all my life."

Well, we're not paying into it right now. The proposal is not to pay into it next year, the proposal was not to pay into it last year. I'd be interested to ask my friend if he's prepared to support lowering those Social Security benefits because, again, this is something we're paying into.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I'd be happy to yield.

Mr. ANDREWS. I am most certainly not in favor of that. I would frankly make up for the lost revenue with a surtax on people making more than a million dollars a year to cover it.

Let me ask the gentleman another question.

I understand that there are differing views in his party, and frankly ours, as to whether an extension of the cut for middle class families should continue. And I'm not asking him to say it would pass. That's beyond the reach of any Member, even the Speaker.

But is the majority prepared to make a commitment to the American people to at least get to vote on it, that it will let the majority work its will and either vote "yes" or "no" on avoiding this tax increase on middle class Americans?

Mr. WOODALL. I would say to my friend that the majority, again speaking out of school as a young freshman here on the House floor, but I know enough about my leadership to know the majority is absolutely committed to protecting and preserving Social Security not just for this generation but the next generation and beyond. And the question is going to be can we find

a proposal, because the one that was passed last year was not a proposal that both lowered tax burdens and protected the solvency of Medicare and Social Security.

We must be sure not to further bankrupt a program that we all agree is already going bankrupt. I look forward to that debate, Madam Speaker, between now and the end of the year.

And it's not just that tax that's expiring. I know my friend is also concerned about the Bush-Obama tax cuts that were extended in December of 2010 and wants to be sure that those will be extended in 2011 on into 2013.

Mr. ANDREWS. Will the gentleman yield?

Mr. WOODALL. I'll be happy to yield.

Mr. ANDREWS. Those income tax reductions, of course, were extended to December 31 of 2012. So there's not an urgent imminence to addressing that issue the way there is with this.

I would just again put the question this way. I fully understand there are different views as to whether or not we should avoid this middle class tax increase. I'm simply asking whether the gentleman supports giving us a clear up-down vote on having that happen.

Mr. WOODALL. I would say to my friend that I happen to support up-down votes on all sorts of things. I'm an open rules guy, and I'm very proud of our Speaker who believes that the House works best when the House works its will. That's really one of the changes that I understand we've seen in this year that we haven't seen in years past.

I think that's important, Madam Speaker, for us to be able to bring those votes to the floor.

But it's also important to make sure that folks have all of the information in the same way that folks might be tempted to mischaracterize these balancing provisions that we're bringing forth today as some sort of Republican chicanery.

Folks might also be tempted to characterize something that is going to hasten the bankruptcy of Social Security as being something that has no consequence at all. There really are consequences to this decision. And to say to my friend I look forward to a robust debate on that because it's an important issue for American families.

With that, Madam Speaker, I would like to reiterate that on H.R. 527, six Democratic amendments offered, six Democrat amendments made in order. The House works best when the House works its will. The rule today is providing that opportunity.

I reserve the balance of my time.

Mr. MCGOVERN. I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend from Georgia for engaging in good spirit in this dialogue.

I would simply want to make it clear: I think it's the position of our party very clearly the House should vote on whether to avoid this thousand-dollar

tax increase on the middle class. That's our position.

I think you can hear that the majority position is a little more nuanced than that. It is a yes-or-no question. We think there ought to be a vote on avoiding a thousand-dollar tax increase on the middle class. And we're ready to put our cards in the machine and do that.

□ 1400

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

My friend, the gentleman from Georgia, said that his party likes to pay for things. That statement startled me a little bit because they didn't think it was important to pay for the Bush tax cuts, mostly for the rich, which have now bankrupted us. They didn't think it was important to pay for the Medicare prescription drug bill, which was a lot more expensive than they had promised and was not paid for. They don't think about paying for the two wars that we're fighting in Afghanistan and Iraq.

We had balanced budgets when Bill Clinton left office. It was after that that everything got out of whack, and it was because of these tax cuts, which were mostly for the wealthy, and it was because of a prescription drug bill and two wars, all of which were not paid for. So I hope my friends on the other side have finally gotten religion on this issue in that it is important to try to pay for things as you go along and to embrace PAYGO as Democrats have done.

With that, I would like to yield 2 minutes to the gentlewoman from California (Ms. HAHN).

Ms. HAHN. I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time.

Mr. Speaker, I just don't think Americans can wait, but here we are again today debating legislation that will do nothing to create jobs or to help families during these tough economic times.

I agree with my colleague from New Jersey that we think that there just needs to be a vote on the House floor on this payroll tax cut, which, so far, my friends on the other side are not agreeing to. There were 120 million American families that had \$1,000 more in their pockets this past year because of the payroll tax holiday that we passed. I believe we need to pass a new middle class tax cut, one that will save the typical family \$1,500.

Now, I do agree with my friend from Georgia about job creators. I love job creators, but I think I have a different point of view on what helps our job creators and what helps our small businesses. I spent Saturday, November 26, Small Business Saturday, shopping in small businesses.

I went into every one of them, and I talked to them about what would help them: What can we do in Congress to help you as a small business? Almost

every single one of them said, Do you know what we need? We need customers. We need Americans to have jobs, and we need them to have money in their pockets that they will spend in our small businesses. That will help us. I guarantee, if we were to get more customers, we would expand and we would hire more people.

The SPEAKER pro tempore (Mr. POE of Texas). The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentle-lady an additional 1 minute.

Ms. HAHN. We know that it's our small businesses that have hired almost 60 percent of the new jobs that we've had in this country. We know that \$1,500 would go back into the economy, and we know that that \$1,500, through this middle class tax cut, would help businesses in this country.

I know we've been called the do-nothing Congress; but in this instance, if we do nothing, Americans who can least afford it will see a tax increase come right after the holidays. I dare say, Americans who will see that kind of a tax increase in January might worry about how they're spending their money this December, and it may just affect their generosity, not only to their own families, but to those who are in need in this country.

Mr. WOODALL. I yield myself such time as I may consume, Mr. Speaker, to say I'm always happy to find things that I agree on with those across the aisle.

I'll say to my friend from California that we're both new in this House and that I spent my Saturday doing those very same things. My small business owners told me that very same thing, though they told me one more thing.

They said, Do get the foot of government off the throat of my small business. They did say, ROB, you cannot help me by doing more, but you can help me by doing less. You can help me by getting out of the way and by letting me do what I do.

The question then becomes how we get those customers in that store, and there are absolutely two visions for making that happen. We can either try to dispense more favors from Washington, DC, Mr. Speaker. We can try to pump more money that we don't have out of Washington, DC, money that we're borrowing from our children and grandchildren; or we can try to get folks higher- and better-paying jobs—more jobs—which is what this rule is about today.

We are running jobs out of this country. We are forcing jobs out of this country. The new report came out of over 150 nations, Mr. Speaker. We are number 69 in how easy it is for businesses to comply with their tax burdens, for example. Number 69. We should be the best place on Earth to do business.

What is it that raises salaries?

Sometimes my friend on the left suggests that we could just raise the minimum wage and just guarantee every-

body money, but I don't believe we can. What we can do is give folks an opportunity to increase their productivity. No worker on the planet works harder than the American worker. No worker on the planet has more productivity than the American worker, and regulation after regulation after regulation slows the American worker down. If you want to put more money in the American worker's pocket, you let the American worker be more productive by providing some balance.

Again, nothing we're talking about today, Mr. Speaker, says thou shalt not regulate. We know we're going to regulate. What we're saying is, let's regulate with balance. Then my friend's small businesses and my small businesses will have those customers that they need to get this economy moving again.

I reserve the balance of my time.

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

I just want my colleagues to understand that, if we were to extend the payroll tax cut, according to Mark Zandi, who is a Republican economist who advised JOHN MCCAIN in his Presidential campaign, it would create 750,000 jobs. He also says that we're likely to go into a recession if the payroll tax cut expires, if my Republican friends don't allow us to have a vote up or down on it. I am going to ask people to vote "no" on the previous question so that we can have an up-or-down vote on this and so that people will have an opportunity to make their views on this issue known.

The other thing is we've heard all this talk about what the cost of regulation is. Again, some of the numbers that have been touted here I question very seriously. OMB's calculations demonstrate that regulation has a positive net effect on the economy and not by a little. In 2008, the Bush administration's OMB estimated that regulatory costs for major rules were between \$46 billion and \$54 billion and that the benefits of those regulations were between \$122 billion and \$656 billion.

So it goes back to the point I was making earlier, which is what we should be doing on this floor today—debating a bill to put people back to work. We should be extending the payroll tax cut. We should also be talking about initiatives that the President put forward, these bipartisan initiatives. We should be doing things that will make a real difference in people's lives.

My friend talks about the American worker. There is no Congress, no Republican leadership in my lifetime that has been more hostile to the American worker than the leadership that runs this House right now, bringing bill after bill after bill to this floor to take away the rights of workers at every single level.

Do you want to know what one of the problems is with jobs moving overseas? It's that some of the incentives in our

tax laws have made it easier and even attractive for companies to pack up and go overseas and hire cheaper labor.

One of the problems with these series of bills that we're dealing with here today is that it will result in a rush to the bottom in terms of regulation—the lowest common denominator in terms of clean water and clean air standards—because, among other things, this legislation says that we should take into consideration the standards in other countries.

So China is going to now set our clean water and our clean air standards? Give me a break. Let's get real. Let's bring something to the floor that will make a difference in the lives of the American people, especially those who are unemployed. Let's bring a real jobs bill to the floor. Let's do something meaningful.

I reserve the balance of my time.

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

I could likely go back and forth all day long with my friend from Massachusetts believing that he loves workers more, with my believing that I love workers more and with his believing that to define "loving of workers" means we have to regulate them differently from Washington, D.C. For me, "loving workers" means we're going to free them to do those things that they do best, which is to produce.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to a member of the Judiciary Committee whose amendment was not made in order by the Rules Committee, the gentleman from Georgia (Mr. JOHNSON).

□ 1410

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in opposition to this rule and the underlying bills. Instead of creating jobs, the Grover Norquist/Tea Party Republicans are assaulting the very regulations that ensure we have clean air, safe water and food, along with safe prescription drugs and other products that Americans consume. They want us to create so many barriers and obstacles that it would essentially make it impossible for Federal agencies to do their jobs, all in the name of simply increasing the profits of big business.

The Regulatory Accountability Act would require agencies to perform 60 additional analyses and other procedural actions within the rulemaking process, further slowing down an already burdensome process. I am talking about bureaucratic red tape. They want to take it to the next level. They want to duct tape and blindfold and put a straitjacket on Federal agencies issuing regulations that help Americans. This would also make it much easier for large corporations to evade their obligations to protect the public by giving special interests multiple points in the process to tie up the process in knots.

The Regulatory Flexibility Improvements Act is no better. It's a wolf in

sheep's clothing. Don't be fooled. This is not about helping small businesses. It's about halting regulations and increasing the profits of big business. Under the guise of small business protection, it would subject any regulation that could conceivably have any direct impact on small businesses to a more lengthy process, thereby delaying the implementation of virtually any action any agency proposes and wasting agency time while doing so.

I urge my colleagues to oppose this rule and the underlying bills.

Mr. WOODALL. I continue to reserve the balance of my time.

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

I would like to insert in the RECORD the Statement of Administration Policy, which is opposed to this legislation.

STATEMENT OF ADMINISTRATION POLICY  
H.R. 3010—REGULATORY ACCOUNTABILITY ACT OF 2011

(Rep. Lamar Smith, R-Texas, and 36 cosponsors, Nov. 29, 2011)

The Administration is committed to ensuring that regulations are smart and effective, that they are tailored to advance statutory goals in the most cost-effective and efficient manner, and that they minimize uncertainty. Accordingly, the Administration strongly opposes House passage of H.R. 3010, the Regulatory Accountability Act. The Regulatory Accountability Act would impose unprecedented procedural requirements on agencies that would prevent them from performing their statutory responsibilities. It would also create needless regulatory and legal uncertainty and increase costs for businesses, as well as state, tribal, and local governments, and further impede the implementation of commonsense protections for the American public.

The Regulatory Accountability Act would impose unnecessary new procedures on agencies and invite frivolous litigation. When a Federal agency promulgates a regulation, it must already adhere to the requirements of the statute that it is implementing. In many cases, the Congress has mandated that the agency issue the particular rule or regulation, and it often prescribes the process the agency must follow. Agencies must also adhere to the robust and well understood procedural requirements of the Administrative Procedure Act, and major rules are subject to the requirements of other Federal statutes such as the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, and the Paperwork Reduction Act. In addition, for decades, agency rulemaking has been governed by Executive Orders issued and followed by administrations of both political parties. These require regulatory agencies to promulgate regulations only upon a reasoned determination that the benefits of the regulations justify the costs, to consider regulatory alternatives, and to promote regulatory flexibility. Lastly, final regulations are subject to review by the Federal courts to ensure that agencies satisfy the substantive and procedural requirements of all applicable statutes and consider input from the relevant stakeholders.

Passage of H.R. 3010 would replace this time-honored framework with layers of additional procedural requirements that would seriously undermine the ability of agencies to execute their statutory mandates. It would require cumbersome "formal" rulemaking for a new category of rules, for which agencies would have to conduct quasi-

adjudicatory proceedings. It would impose unnecessary new evidentiary standards as a condition of rulemaking. It would subject the regulatory process to unneeded rounds of litigation. Finally, the Regulatory Accountability Act would undermine the Executive Branch's ability to adapt regulatory review to changing circumstances.

In these ways and others, the Regulatory Accountability Act would impede the ability of agencies to provide the public with basic protections, and create needless confusion and delay that would prove disruptive for businesses, as well as for state, tribal and local governments.

If the President were presented with the Regulatory Accountability Act, his senior advisors would recommend that he veto the bill.

Mr. Speaker, jobs, jobs, jobs. That's what we should be focusing on today—not guns, not abortion, not reaffirming our national motto—jobs. We need to put people back to work. But that doesn't seem to be part of the Republican agenda, and it's hurting our country.

At the end of this year, as you have already heard during this debate, the payroll tax cuts signed into law by President Obama will expire. Without action, middle class Americans will see their taxes go up by a thousand dollars next year. Without action, GDP growth will fall by half a percent and will cost the economy 400,000 jobs according to the economic forecasting group Macroeconomic Advisers. Extending this tax cut is not just good for American families, it's good for the American economy. According to Ameriprise Financial, extending the payroll tax cut could add more than 1 million jobs to the economy.

Mr. Speaker, this is the kind of legislation that we need to be debating, not right-wing, hot-button social issues or bills that, when you add it all up, don't mean anything to anybody in this country.

But where is this extension of the payroll tax? It's not in this rule? It's not in the majority leader's schedule. In fact, the Republicans seem to be ignoring this issue.

It's sad. It's sad that the Republican leadership would rather raise taxes on middle class Americans basically to protect tax breaks of millionaires. If there was a vote right now on a bill that was going to cut one penny, it was going to cost Donald Trump one penny more in taxes, the other side would be overfilled with speakers. But we're talking about middle-income Americans, struggling Americans, that if we don't act by the end of this year they will see a \$1,000 increase in their taxes.

Now, we can change all that here today. We can change that here today and actually bring to the floor something that is meaningful. If we defeat the previous question, I will offer an amendment to the rule to require that we vote on a payroll tax holiday extension for next year. If we don't pass an extension, all working Americans will get a little less in their paychecks beginning in January.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous materials prior to the vote on the previous question.

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

There was no objection.

Mr. McGOVERN. Mr. Speaker, again I urge my colleagues to vote "no" and defeat the previous question so we can make sure that working families do not see their payroll taxes go up while we're still struggling to recover from a recession. This is exactly the type of action that people all over the country are hoping this Congress will move on.

I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. WOODALL. I yield myself the balance of my time.

I'm proud to be here with you today, Mr. Speaker. When we talk about jobs, jobs, jobs, that's why I came to Congress, and that is exactly what we're talking about in this rule today. And I hope, Mr. Speaker, you have seen with great concern what I have seen here today, and that is a complete disconnect, it appears, with my colleagues on the other side with the understanding that increasing regulation, needlessly increasing regulation, burdens the American worker, undermines the American economy, thwarts jobs. And I say, Mr. Speaker, this is one of those things on which if we disagree we're just going to have to agree to disagree, because it is as clear to me as it is that the sky is blue that when you increase the regulatory burden you make the American family poorer for it.

I know I can't ask for a show of hands here, Mr. Speaker, but if I did and said, Who is it, who wants dirtier drinking water back home in their district? Who is it that doesn't drink from the same spigot as the rest of us? Who is it that doesn't shop at the same grocery stores as the rest of us? Who is it who doesn't drive on the same roads as the rest of us? We're all in this boat together. We're all this boat together, Mr. Speaker.

I come from the Deep South, and whenever we start talking about environmental issues, it always gets me so pumped up, because, dad gum it, nobody spends more time outside than I do. Nobody cares more about the environment than I do. And yet time and time again you hear that characterization that somehow asking for a balanced regulatory environment, a balanced regulatory environment, is somehow anti-environment or anti-American.

I must tell you, Mr. Speaker, these bills before us today, the Regulatory Flexibility Improvements Act, the Regulatory Accountability Act, that's why I came to Congress. That is why I came to Congress.

We cannot make everybody rich, but we can make everybody poor. And when we regulate without regard to the

benefits of that regulation, without regard to the burdens of that regulation, that's exactly what we do.

My friend quoted the OMB, talking about the values of regulations. I don't dispute that at all. I'm absolutely certain there are some regulatory initiatives that do, in fact, produce a benefit. All I'm asking for is that we balance that benefit with whatever burden it causes, because—and this is a rhetorical question, Mr. Speaker, but do folks honestly believe that the regulatory burden should exist irrespective of the benefits that it provides. That's what we do. In these two pieces of legislation, Mr. Speaker, we ask regulatory agencies to examine those benefits and burdens.

Now, as my friend from Massachusetts talks about partisan politics, I come from a district that was a proud "no" vote on both the ridiculous stimulus bill from the Bush administration and the ridiculous stimulus bill from the Obama administration.

□ 1420

We are equal opportunity "no" votes on ridiculousness. And that is what we have here as we try to reclaim some regulatory authority from the executive branch agencies.

I'll be the first to say, Mr. Speaker, that I think the Congress went a little light on President Bush. And I certainly believe the last 2 years of the Democratic Congress went a little light on President Obama. I think we have a constitutional duty to defend our legislative prerogative to make the rules that this Nation abides by, not an unelected bureaucrat downtown, but elected officials right here in Washington, D.C., here in the people's House, those of us who have to go home and subject ourselves to voters every 2 years. This is where that authority belongs. And we should have those votes. Yes and no, we should have those votes on whether or not that's our shared vision of America.

Now I'm going to get a little off topic, Mr. Speaker. It's clear to me that we're going to be talking about the payroll tax over the next week or 10 days. I want to encourage all of my colleagues to understand that's not a free discussion. Every penny that you choose not to deposit in the Social Security trust fund is a penny closer to bankruptcy the Social Security trust fund comes.

It's easy to say you're going to get something for nothing, but we're not. \$15 trillion in debt, Mr. Speaker; \$15 trillion. We've already been giving away something for nothing for far too long. The question is how can we both help the middle class taxpayer with their tax burden and preserve Social Security for generations to come. It's not a freebie, Mr. Speaker. These are tough questions that require serious answers, not on a motion to recommit, not on a motion to instruct, but in thoughtful committee consideration.

I'll get back to the rule now because this has had thoughtful committee

consideration. Both the underlying provision and the rule itself have gone through regular order. Mr. Speaker, there's no need to rush these bills to the floor. We can take them through the process to make sure that they are thoughtfully examined line by line by line. And these bills have been.

Interestingly enough, Mr. Speaker, that's all these bills are asking of our administrative branch agencies—that the regulations that they're promulgating be examined line by line by line to make certain that the benefits outweigh the burdens.

It's a surprise to me, Mr. Speaker, that it's even something that we're arguing about today. I would have thought that this is common sense. Certainly in my district it's common sense. Perhaps other constituencies feel differently—balancing the benefits with the burdens. Don't let folks tell you, Mr. Speaker, that regulations come without a burden. I'll give you an example. I have a cardboard box manufacturer in my district, manufactures cardboard boxes. It may not be glamorous work, but it's important work. I was visiting the plant the other day. They said: ROB, when they were talking about the ethanol regulations, did they ever talk about the impact the ethanol regulations would have on cardboard box manufacturers?

I said I wasn't in Congress then, but I never heard about it.

They said when you decided that you were going to insert ethanol in every gallon of gasoline, you also decided you were going to raise the price of corn. And we use corn starch in the glue that holds our boxes together, and we use corn starch with our fiber to make our boxes stronger. And every time you pass a regulation that increases the use of ethanol and decreases the availability of corn to other sources, you raise the price of our boxes. You can produce boxes anywhere in the world; and if we can't stay competitive, we're going to lose this business overseas.

Mr. Speaker, there are unintended consequences to the work of this body every single day, and the arrogance to believe we can foresee them all astonishes me. We must understand our fallibility. We must understand that we cannot foresee all of those consequences.

So every time we have an opportunity to measure, Mr. Speaker, every time we have an opportunity to look at the pros and the cons to ensure that we're getting it right, Mr. Speaker, every time we pass a regulation, we steal freedom from someone somewhere. Understand that. Every time we pass a regulation, we steal freedom from somebody somewhere.

Our government is a social contract where we agree to give up individual liberty so we can exist collectively. We have public services for safety and fire, on and on and on. But every single one of those comes at the expense of personal liberty. But we have decided that the expense is worth it.



Mr. Speaker, these bills do that today: balance benefits and burdens, provide that information to the American voter, and let's make sure that what we're doing is worth it.

Mr. Speaker, this is an example of how one ought to do a rule, how one ought to open up the process, how one ought to encourage debate on all of the ideas that are brought to this House floor. I encourage strong support for this rule. I encourage strong support for the underlying legislation.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 477 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following new section:

SEC. 5. Not later than December 16, 2011, the House of Representatives shall vote on passage of a bill to extend the payroll tax holiday beyond 2011, the title of which is as follows: "Payroll Tax Holiday Extension Act of 2011."

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the

motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

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

#### WORKFORCE DEMOCRACY AND FAIRNESS ACT

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3094.

The SPEAKER pro tempore (Mrs. ROBY). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 470 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3094.

□ 1427

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. KLINE) and the gentleman from Cali-

ornia (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE. Mr. Chairman, I rise in support of H.R. 3094, the Workforce Democracy and Fairness Act, and I yield myself such time as I may consume.

The legislation we are considering today is straightforward. It reaffirms workforce protections that have been in place for decades.

Across the country, the American people are asking: How can we get this economy moving again? What will it take to finally put people back to work? And Washington is responding with a number of answers. Some think we should support more spending, more taxes, and more regulations. In essence, they are asking the country to double down on the same failed policies of the past.

My Republican colleagues and I believe we should chart a different course, one that includes removing regulatory roadblocks to job creation. The Workforce Democracy and Fairness Act is part of that effort. The legislation says we shouldn't allow unelected bureaucrats to dictate policies that make our workplaces less competitive.

In June the National Labor Relations Board proposed sweeping changes to the rules governing union elections. Under the board's radical scheme, employers would have just 7 days to find an attorney and navigate a host of complicated legal issues before confronting an NLRB election official. Employees will have as little as 10 days to decide whether they want to join a union, denying them an opportunity to gain valuable information and make an informed decision.

The NLRB is already telling employers like Boeing where they can and cannot create jobs. Now the board wants to take away a worker's right to make a fully informed decision in a union election. This proposal largely prohibits employers from raising additional legal concerns, denies answers to questions that can influence the vote, and turns over to union leaders even more personal employee information.

Let's get something straight: The board's scheme isn't about modernizing the election process. This is a draconian effort to stifle employer speech and ambush workers with a union election. Less debate, less information, and less opposition—that's Big Labor's approach to workers' free choice, and it is being rapidly implemented by the activist NLRB.

□ 1430

For 4 years Democrats controlled this Congress. To my knowledge, not once did they try to streamline the union election process. Not once. They did champion a failed effort to strip workers of their right to a secret ballot, but they didn't bother to offer any solutions to the alleged problems they now say plague the election process.

Today, union elections take place in an average of 31 days, giving workers a month to consider the monumental

question of whether or not to join a union. One month. Are there cases where delays have occurred? Yes. But without a doubt, these are the exceptions to the rule. And former and current members of the NLRB have cited partisan shifts on the board as the leading cause of such delay. A broken board is no excuse for trampling on the rights of American workers.

I'm aware the board recently revised—recently being yesterday—its earlier proposal and set aside some of the more egregious provisions. However, the latest iteration still denies employers access to a fair election process, still deprives workers of the opportunity to make a fully informed decision, and still perpetuates the threat of more punitive measures in the future. The board seems utterly determined to finalize a flawed proposal, regardless of the damage to the integrity of the board and our workplaces. We must act now.

The Workforce Democracy and Fairness Act reaffirms workforce protections our Nation has enjoyed for decades. Employers currently have a fair opportunity to prepare for a preelection hearing. The bill ensures employers have at least 14 days—2 weeks—a fair opportunity to prepare for the hearing. Employers and unions can currently seek board review of issues raised before the election. The bill preserves their right to seek board review before the election. Workers currently have an average of 31 days to decide their vote. The bill guarantees workers at least 35 days.

Before the board's reckless Specialty Healthcare decision, a commonsense standard determined which employees would participate in the election. Once again, H.R. 3094 takes steps to restore a traditional standard, ensuring employees continue to have freedom and opportunities in the workplace and employers can effectively manage their labor costs.

Despite the heated rhetoric we will hear from opponents today, the bill is a responsible effort to set in law, Mr. Chairman, protections workers and employers have long enjoyed. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER), a member of the Rules Committee.

Ms. SLAUGHTER. I appreciate the gentleman yielding.

Mr. Chairman, with millions of Americans out of work, job creation certainly should be the number one priority of this Congress. And yet, where are we today? We're not creating any new jobs here, but we're using the precious floor time considering a bill that attacks the rights of all American workers and has no chance of becoming law. That, unfortunately, is something we do week after week here.

As my colleagues have pointed out, rather than minimizing the delay in

union voting procedures, today's bill mandates delay. The bill empowers employers to interfere in union elections by adding anti-union employees to voting blocs—gerrymandering the elections. That, by itself, should be enough to vote against this bill.

Letting an employer deny and manipulate union elections is a blatant attempt to put the fox in charge of the henhouse. It is a direct attack on the ability of workers to bargain collectively to protect their rights. And we've seen in America, with all the protests and uprisings, that American citizens don't like that so much.

Wherever you work, whether it's union or not, if you appreciate a 40-hour work week, sick leave and vacation days, safer working conditions, don't blame the men and women of the unions for the unemployment crisis that they didn't cause. Thank them for bringing those things to you. It was not a benevolent employer that gave you those. It was the union movement.

So rather than considering a bill to attack the American worker, we should be working together. As we plead on the floor day after day to create jobs for the American people, the situation grows more dire every day.

I urge my colleagues to oppose this bill and see if we can get to work to really create jobs.

Mr. KLINE. Mr. Chairman, the gentlelady just said that we should be addressing legislation to create jobs. That's exactly what we are doing today.

At this time I am very pleased to yield 3 minutes to the chairman of the Subcommittee on Health, Employment, Labor, and Pensions, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I rise today to urge my colleagues to support the Workforce Democracy and Protection Act.

Our country is in the middle of a jobs crisis. The national unemployment rate is hovering at 9 percent. In Tennessee, where I live, it's higher than that. Millions of American families are struggling to make ends meet. Amidst this economic uncertainty, the House has passed over 20 jobs bills that would help spur our economy that are sitting over on the Senate side, right down the hallway here, not voted on. Sadly, the Senate isn't the only roadblock to economic recovery. That's why we're here today—to rein in a National Labor Relations Board that has run amok.

I grew up in a union household. My father was a member of the United Rubber Workers Union. And I know about this. I lived with it, grew up with it.

In June, what problem were we trying to fix? Currently, elections are held, as the chairman said, within 31 days. And unions win almost 70 percent of the elections held. So let's say the 1st of October of this year you wanted to have an election. By the end of that month you could vote on whether a worker wanted to be in the union or

not. A very fair process. If this rule goes into effect, as he said, 7 days for an employer to find representation to go through over 400 pages of rules just on this very complicated subject.

It gets worse. As little as 10 days to vote. So a worker would have to make their mind up, in some cases, it could be as quick as 10 days. Imagine voting on the President of the United States in 10 days.

And it gets worse. Workers would then be required by law to hand over personal information. What we want to do is to allow the employee to decide what information is given to the union about how they want to get contacted.

Mr. Chairman, this just isn't right, nor is the National Labor Relations Board's decision to redefine how a bargaining unit is determined. Instead of creating jobs, employers will be forced to negotiate with a multitude of small bargaining unions, which will raise labor costs and destroy the possibility of advancement opportunities. Something must be done to restore the fairness to the union election process. And that's why I'm a proud cosponsor of this legislation.

The bill simply does this. It gives 14 days to pass before a preelection hearing is held. This hearing will allow both sides to raise any relevant or material issues in a non-adversarial environment. It would protect the worker's right to make an informed choice by requiring an election take place in not less than 35 days. We owe it to our constituents to let them hear both sides of the story and make up their own minds. A worker's privacy should also be protected, allowing the unions access to only what the employee decides is their contact information. This bill also restores longstanding rules for defining what a bargaining unit is. It's over three decades of rules.

Mr. Chairman, there's only one way I can describe this bill—it's common sense. I respect the right of the workers to form unions. That's their right under the law. But I believe that the union election should follow a process that is balanced and protects the rights of employees and employers, not just the unions.

I urge support of this bill.

Mr. GEORGE MILLER of California. I yield myself 4 minutes.

Mr. Chairman, Members of the House, during the depths of the Great Depression, Congress gave the American worker the right to ban together with coworkers and to bargain for a better life. For more than 75 years, the National Labor Relations Act has vested the ultimate decision on whether or not to form or belong to a union with the workers themselves. The principle underlying this law is that when workers decide they want to have a union, they should get a union.

□ 1440

These rights and this law have served this country well. They built the middle class. They brought us the 40-hour

workweek. They brought us safer workplaces. The exercise of these rights ensured economically secure families and the prospect that our children could build an even better life. These rights have been an unqualified success. They helped to create an economic engine unparalleled in the history of the world.

But especially this year, forces have gathered that will do anything to take away those rights from American workers, from American families. These forces subscribe to the perverse ideology that says workers should just accept whatever the powerful decides is good enough for them, and that's the end of the discussion. They use real crises as an excuse to gain more power. We've seen them try it in Wisconsin and in Ohio and all across the country, where the real goal was to take away the rights of workers, not to solve the economic problems of those States; where the real goal was to constrain workers in the collective bargaining process, not to deal with the economic problems of those States; and where they don't control the statehouses and State legislatures, they have come to the Congress of the United States.

This bill today is part of that scheme. This bill is part of a national effort by the Republican Party, by the Chamber of Commerce, and much of the business community in this country to strip workers of their rights at work; to take ordinary working men and women and tell them they will have no rights to join a union; they will not be able to gather for an election because this legislation prevents that election from happening.

How does it do that? It does that, one, by having the employer decide who will be in the bargaining unit, not the employees as is dictated under the law and as affirmed by this Congress over and over again that decision belongs to them.

How does it do that? So it stuffs the ballot box at the outset, and the employer making up the bargaining unit as opposed to the employee. Then they throw in the ability to have whatever frivolous appeals, whatever frivolous issues you want to raise, no matter how frivolous, they must be raised before this time, before the election, and all of the appeals must be decided. So while they talk about how this gives you a tight time frame, in fact what we see is endless delays. It's the endless running up of legal costs of attorneys on both sides, all in the idea of buying time for the employer to intimidate the employees from joining a union, to constantly hold businesses and the workplace—face to face, businesses to advocate against the union so that they can turn around the decision that the employees essentially have made when they say, We want to go to an election; we want to have a union; this is our bargaining unit. And that's the goal here is to destroy the ability of this law to function.

You cannot have a situation where that exists in this country, because

this law is not only important to employees in the workplace. It's important to millions of Americans who are in the middle class in this economy today. These are people who are there because of the collective bargaining rights of people over the last 75 years in this country to bring the benefits, to bring the wages, to bring the job security, to bring the health care benefits, to bring the pension benefits and the protections to middle class families.

We have seen, as the unions have declined, so have the wages, so have the benefits of workers to their own productivity. The American worker continues to increase their productivity. They are the most productive workers in almost every sector of our economy in the world, and yet more and more of their productivity is being syphoned off by the 1 percent, if you will, by the employers that decide they need more bonuses, by the employers that decide they need bigger paychecks, by the employers that decide they need more shareholder dividends, by the employers that decide that they need more golden parachutes, they need more arrangements to get rid of people at the elite level.

That's what this is about. It's about stealing from the American workers and not giving them a right to continue to bargain for the benefit of their families and their communities, and we ought to reject this bill today.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the chairman of the Subcommittee on Workforce Protections, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank the chairman for yielding.

Mr. Chairman, as I, a former United Steelworkers Union member, stand here today, the unemployment rate in Michigan stands at 10.6 percent, and in areas of my district it is as high as 14 percent.

Our primary focus in Congress, as passed in the Republican jobs plan and seated in the Senate right now, our primary focus is to get burdensome government regulations out of our way and out of the way of the American people and let them get back to work.

The National Labor Relations Board has taken actions that directly oppose American job providers and job creators. How can any Michiganiaan operating a business expect to compete on a level playing field with NLRB membership like Craig Becker, who once wrote, "Employers should be stripped of any legally cognizable interest in their employees' election of representatives." And also, "Employers have no standing to assert their employees' right to fair representation."

In their recent action to create an ambush-style election process, the NLRB has taken the side of a former special interest attorney over the will of the American working people. The rogue majority of the NLRB wants to set conditions that stifle job creation and expansion. Job creators are terri-

fied of the NLRB's actions to create an ambush-style election process that will prevent employees from making an informed decision. And more stunningly, they reversed 30 years of precedent through their Specialty Healthcare decision, which would allow unions to carve up a worksite however they use.

America's job creators and workforce deserve fairness to ensure that union representation elections, like elections for our political leadership, are done in a just manner that allows all participants to make an informed decision on their representation status.

The Workforce Democracy and Fairness Act will ensure that employees and employers will have a level playing field at the NLRB and its special interest allies are determined to tilt.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

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

Mr. ANDREWS. Mr. Chairman, for years the American Dream has been based on a basic deal: If you go to work every day and work as hard as you can, you will make a decent wage. If you get sick and have to go to the hospital, you'll have health benefits that mean that you won't lose everything you have because you got sick. At the end of the 40th hour of the week, your time belongs to you and your family, not to your boss, unless your boss is willing to pay you time and a half. And you don't have to work until the day you die because you can earn a decent pension and spend the golden moments and days of your life taking care of your grandchildren and your family. That's the deal.

None of that existed for most Americans before collective bargaining existed. America has a middle class because America has collective bargaining.

This bill is not about the number of days before an election or the size of a bargaining unit. This bill raises the issue of whether you truly believe in collective bargaining. And what this bill does is say to the minority of employers in America—and I think they are the minority by far—who would choose to subvert an election process, who would choose to intimidate and coerce their workers into voting against the union, this bill gives them a roadmap of exactly how to do that. It is a subversion of the American middle class because it's a subversion of collective bargaining.

Our grandfathers and grandmothers stood on picket lines to fight for collective bargaining. The people of Ohio stood on election day to fight for collective bargaining. Colleagues, let us together stand today against this legislation and for collective bargaining and the American middle class.

Mr. KLINE. Mr. Chairman, I am pleased to yield 2 minutes to the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank the chairman for yielding.

Mr. Chairman, I rise today in support of H.R. 3094, the Workforce Democracy and Fairness Act, a bill I proudly sponsor.

As a Representative from Alabama, a right-to-work State, the continued activist agenda of the National Labor Relations Board is alarming.

□ 1450

Its proposed rules to alter longstanding Federal labor practices and policies are a clear example that the White House and the NLRB are committed to a culture of union favoritism. The NLRB's proposals undermine the rights of employers and employees by empowering unions to manipulate the workforce for their own gain.

The Workforce Democracy and Fairness Act is one of many bills put forward by my Republican colleagues that will prevent the NLRB from imposing sweeping changes to our Nation's workplaces. Additionally, and most importantly, this bill restores key labor protections that both workers and employers have enjoyed for decades.

I want to say that again: This bill restores key labor protections that both workers and employers have already enjoyed for decades. Congress has the responsibility to ensure that the NLRB's labor interests are not undermining an employer's efforts to create jobs and grow their businesses.

At a time when approximately 14 million Americans are unemployed and searching for work, not to mention the millions that have given up, Congress must implement policies that encourage new jobs, not hinder them. This legislation will rein in the activist NLRB and reaffirm protections workers and job creators have received for decades.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a ranking subcommittee member of the committee.

Ms. WOOLSEY. Mr. Chairman, H.R. 3094, the so-called Workforce Democracy and Protection Act, what a great title for legislation that assaults the majority's year-long war against unions, against workers, and the National Labor Relations Board. This is just the latest of that. And they gave it this wonderful title.

And since they took control of this body in January, my colleagues on the other side of the aisle have been doing everything in their power to stack the deck against labor unions and those who aspire to join them. Seemingly, the bills that they bring to the floor are designed to make life easier for the corporate special interests and, as usual, harder on workers who just want a fair shake.

Curious, since the labor movement is the most powerful force for economic security and upward mobility that we have in this country, and unions are

the reason there is a strong middle class in the United States of America, that they would want to attack it. We need to remove obstacles to union elections, and we need to create ways for members to join unions, not prevent them from being union members.

It's baffling to me that my Republican friends have absolutely no plans to create any kind of jobs, but a carefully orchestrated plan to undermine the rights and protections of working people. Instead of helping people who are reeling from this sluggish economy, they work to create distractions and to create scapegoats.

Mr. Chairman, workers deserve better than a government of, by, and for the wealthiest 1 percent.

Vote "no" on H.R. 3094.

AMERICAN FEDERATION OF LABOR  
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington DC, November 18, 2011.

Hon. JOHN P. KLINE

Chairman, House Education and the Workforce,  
Washington, DC.

Hon. GEORGE MILLER

Ranking Minority Member, House Education  
and the Workforce, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MINORITY MEMBER MILLER: On behalf of the AFL-CIO, I urge you to vote against H.R. 3094, the Workforce Democracy and Fairness Act, when it is considered by the House of Representatives. Masquerading as a bill to protect the status quo with respect to elections supervised by the National Labor Relations Board, H.R. 3094 would actually mandate delays, giving companies more power to wear down support for the union and creating new opportunities for stalling elections. The result of this bill will be to make workers wait months, perhaps years before they are allowed to vote on whether to form a union. The bill would also destroy 75 years of NLRB case law that has governed the appropriateness of bargaining units, giving companies more power to gerrymander the eligibility of voters in a union representation election in order to unfairly skew the results.

Under H.R. 3094, no election may occur sooner than 35 days after the filing of an election petition, even if all parties agree to an earlier date. But the bill does not limit how long an election may be delayed as a result of employer claims, challenges and litigation. The bill would mandate a full pre-election hearing on any "relevant and material" issue, broadly defined to include virtually any issue, even those that are not in dispute and not material to the appropriateness of the bargaining unit. By incentivizing marathon pre-election hearings, the bill would reward wasteful litigation and increase taxpayer costs by requiring findings on unnecessary and extraneous issues.

In a further effort to deny workers their right to choose whether to form a union, H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of companies to force workers to listen to their anti-union propaganda, under the threat of discharge if they try to object. Moreover, it fails to protect workers who are fired, threatened, or interrogated because they want to exercise their federal statutory right to form a union. In fact, current remedies for well-documented, wide-spread violations of workers' rights have been regularly criticized as paltry and ineffective, treated by companies as merely a cost of doing business.

H.R. 3094 would also overturn the recent Specialty Healthcare decision, in which the

NLRB applied to non-acute health care facilities, mostly nursing homes, the same community-of-interest standard that it has traditionally applied to determine the appropriateness of bargaining units in other industries. While the U.S. Court of Appeals for the District of Columbia upheld that standard in 2008, the bill broadly applies a one-size-fits-all test in disregard of the particular needs of specific industries and circumstances. The bill's newly minted test will create uncertainties for the parties as this vague new standard is repeatedly litigated.

H.R. 3094 has one goal: to empower companies which want to delay elections so they can mount one-sided, anti-union campaigns, both legal and illegal, to discourage workers from freely choosing whether or not to form a union. At a time when more and more experts are recognizing that middle class incomes are falling in tandem with the declining rate of union membership, Congress should be finding ways to protect workers' freedom to form a union, not throwing up roadblocks to the exercise of this fundamental right.

Sincerely,

WILLIAM SAMUEL,  
Director, Government Affairs Dept.

Mr. KLINE. Mr. Chairman, I am very pleased to yield 1 minute to another member of the committee, the gentleman from Nevada, Dr. HECK.

Mr. HECK. I thank the chairman for yielding.

Mr. Chairman, I rise today to pose an important question to Nevadans. How would you feel about having only 10 days' notice that an election would be held? That would give you only 10 days to research the candidates and find out where they stand on the issues, 10 days to decide who best represents you, your voice, your values.

And to my distinguished colleagues in this body, how do you think your constituents would react if we changed the law so that they had only 10 days' notice that an election would be held?

It would be unconscionable for Congress to abdicate its responsibility and allow a board of unelected bureaucrats to do something that this body would never do itself. That's the debate today, whether or not Congress allows the National Labor Relations Board to radically change the way union elections are governed, with little to no input from those most affected by this decision.

I urge my colleagues to vote for the Workforce Democracy and Fairness Act to prevent the National Labor Relations Board from doing something we would not do ourselves.

Mr. GEORGE MILLER of California. I yield 2¼ minutes to the gentleman from New Jersey (Mr. PAYNE), a member of the committee.

Mr. PAYNE. Mr. Chairman, H.R. 3094, the Workforce Democracy and Fairness Act, really, as you know, should be called the Election Prevention Act.

I'm gravely concerned about today's legislative proposal. Current law recognizes that workers should be able to associate with other units into any appropriate bargaining unit. This bill creates a presumption that all workers should be in a bargaining unit unless it is proven otherwise. That's just the reverse of the way law should be.

It allows employers to stuff the ballot boxes with workers who are not engaged in the organizing drive in the first place, therefore likely to vote "no."

It also increases the chances that workers' petition for an election will be rejected, which would cancel elections because they do not obtain the 30 percent signatures from this vast bargaining unit, all ways to try to thwart the election.

The NLRB has proposed rules which would eliminate loopholes in current law that allow unscrupulous employers to delay elections, frustrating workers' efforts to organize. This bill would essentially impose arbitrary delays and block those pending NLRB rules to eliminate avoidable delays.

The fact of the matter is that that bill encourages frivolous litigation. The original bill provided employers with an unqualified right to consistently raise a new issue at any point during the pre-election hearing in order to drag out the hearing. This would include any issue that may reasonably be expected to impact the election's outcome.

This bill does not limit these problems, but states that these issues, even when immaterial to an election, are considered relevant. Based on this fact, a hearing could therefore go on indefinitely, and that's what the purpose of this is.

Furthermore, parties could bring up issues such as economic conditions, or unfair labor practices, or other items not normally considered in pre-election hearings. Additionally, this bill seems to require that the board must finish a request for review before an election can be directed. This will encourage employers to file requests for review, even frivolous ones, to create a backlog at the board and further delay elections.

The current election process needs to be fixed. Employers easily delay and prolong elections giving themselves a unfair advantage to our American workers.

The fact that we are even discussing the "Workforce Democracy and Fairness Act" is a mockery. There are millions of unemployed workers across the nation and yet we are here to limit the rights of those who are employed. We should be here passing the American Jobs Act to help the unemployed.

A recent survey, conducted by the National Employment Law Project, NELP, of four of the top job search websites—CareerBuilder.com, Indeed.com, Monster.com, and Craigslist.com—found over 150 job advertisements that specified applicants must be currently employed. That is simply unacceptable.

However, the provisions in the American Jobs Act will prevent qualified Americans, who are unemployed through no fault of their own, from being unfairly screened from employment opportunities.

For over 300 days in the House majority, the GOP has refused to put forward a clear jobs plan. Now is the time to help our workers and not harm them.

Again, I would like to reiterate my strong opposition to H.R. 3094 and I request my Congressional colleagues to do as well.

INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
*Upper Marlboro, MD, November 28, 2011.*  
Re. H.R. 3094 Workforce Democracy and  
Fairness Act.

DEAR REPRESENTATIVE, On behalf of the International Association of Machinists and Aerospace Workers, I strongly urge you to vote "NO" to the "Workforce Democracy and Fairness Act" H.R. 3094. This anti-worker legislation should be called the "Election Prevention Act" because it would give unscrupulous employers more opportunities to thwart workers' efforts to organize and also add more delays to an already broken National Labor Relations Board ("NLRB") election process.

This bill was introduced in direct response to the NLRB's proposed rule to minimize undue delay in union elections. Instead of minimizing delay, H.R. 3094 mandates it. For example, no election may occur sooner than 35 days after filing of an election petition. However, there is no limit on how long an election may be delayed as a result of employer claims, challenges and litigation. Delay gives employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of employers to force workers to listen to their antiunion propaganda, under the threat of discharge if they try to object.

H.R. 3094 also manipulates the procedure for deciding who is in the bargaining unit. The bill encourages the "gerrymandering" of bargaining units by codifying a test that destroys 75 years of Board decision-making.

In sum, H.R. 3094 would delay and ultimately prevent union representation elections, encourages frivolous litigation, and manipulates the procedure for deciding who is a bargaining unit. For the above reasons, I ask that you oppose this latest attack on workers' rights by voting "NO" to the "Election Prevention Act."

If you have any questions, please contact Matthew McKinnon, Legislative Director.

Sincerely,

R. THOMAS BUFFENBARGER,  
*International President.*

BUILDING AND CONSTRUCTION  
TRADES DEPARTMENT, AMERICAN  
FEDERATION OF LABOR-CONGRESS  
OF INDUSTRIAL ORGANIZATIONS,  
*Washington, DC, November 28, 2011.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

DEAR REPRESENTATIVE: On behalf of the approximately 2 million skilled craft professionals who comprise the Building and Construction Trades Department, AFL-CIO, I write to urge you to vote against H.R. 3094, the Workforce Committee Democracy and Fairness Act.

This bill represents an unfair attack on workers and the mechanisms in place that protect their ability to freely choose to form a union. H.R. 3094 amends the National Labor Relations Act (NLRA) to allow for obstructive delays in the scheduling of a union election. This bill would mandate that workers wait at least 35 days before voting on joining a union once petitions have been filed seeking the vote. Not only would this flawed legislation call for delays, but H.R. 3094 would also empower employers to engage in anti union campaigns to discourage workers from making an unconstrained decision on whether to form a union.

Further, H.R. 3094 undermines the ability of the National Labor Relations Board to protect workers who are fired, threatened or otherwise harassed because they want to ex-

ercise their federal statutory right to form a union.

This troubling and misguided attack on workers' rights must be stopped.

With kind personal regards, I am,  
Sincerely,

MARK H. AYERS,  
*President.*

SERVICE EMPLOYEES  
INTERNATIONAL UNION,  
*Washington, DC, November 18, 2011.*

DEAR REPRESENTATIVE: On behalf of more than 2.1 million members of the Service Employee International Union (SEIU), I strongly oppose H.R. 3094, the Workforce Democracy and Fairness Act, and urge you to vote against this bill when it comes to the House floor for a vote.

H.R. 3094 is yet another attack on workers' rights and the NLRB's mandate to protect them. We encourage you not to force American workers to choose between their rights and their jobs. During these tough economic times, it is vital to support good-paying jobs and protect workers' rights to bargain collectively for better compensation. Good-paying jobs are necessary to rebuild the middle class and they support job creation by bolstering consumer demand.

H.R. 3094 undermines workers' rights by limiting the NLRB's ability to serve as an adjudicator of workforce fairness and democracy by increasing litigation and representation delays indefinitely; undermining a union's ability to communicate with workers; and removing employees' right to determine their bargaining unit. In a time when 54 percent of employers threaten workers during work time about union membership, it is vital that unions have fair access to communicate with employees about their rights.

If passed, H.R. 3094 will disrupt 75 years of NLRB experience configuring appropriate bargaining units. It undermines employees' ability to form a union by removing employees' right to self-organize bargaining units and allowing employers to manipulate the pool of eligible voters for the representation election.

Employers have the ability to drag the election process out at least over six months. H.R. 3094 would allow the elections to be delayed even further by first reversing the NLRB's proposed rule to efficiently serve and standardize election procedures and secondly by allowing virtually any issue, including frivolous appeals, to be litigated in representation case proceedings prior to the election. During this delay, many employers hold captive audience meetings and threaten workers to prevent them from exercising their democratic right to representation in the workplace. Finally, H.R. 3094 would overturn 50 years of NLRB procedure regarding the list of eligible voters provided to the union and making it difficult for unions to communicate with workers.

SEIU strongly opposes H.R. 3094 and urges you to vote NO when this bill comes to a vote. It not only overturns the NLRB's recent proposed rules but sets American workers' rights back decades.

Votes on this legislation will be added to the SEIU Congressional Scorecard found at [www.seiu.org](http://www.seiu.org). If you have any questions, contact Josh Nassar, Assistant Director of Legislation.

Sincerely,

MARY KAY HENRY,  
*International President.*

Mr. KLINE. Mr. Chairman, I yield 2 minutes to another distinguished member of the committee, the gentleman from Florida (Mr. ROSS).

Mr. ROSS of Florida. Thank you, Mr. Chairman, for the recognition and also

for bringing forth this most necessary legislation.

I rise in support of H.R. 3094. Quite simply put, the National Labor Relations Board has lost all credibility. From its anti-American attack on Boeing to its inability to allow Delta employees to choose their own labor future, the NLRB has become nothing more than a taxpayer-funded Big Labor advocate.

The Workforce Democracy and Fairness Act is just what it says it is, legislation that, if passed, will enshrine in law the rights of the American worker to both information and choice, two things my friends on the other side of the aisle believe in as well.

What is truly sad, Mr. Chairman, is that taxpayers, already living under the burden of exploding debt and record unemployment, are paying the salaries of NLRB attorneys and administrators to stifle employment and to ship jobs overseas. The proposed NLRB rule remedied by this legislation requiring elections be held in as little as 10 days gives workers virtually no opportunity to inform themselves about their rights.

□ 1500

To show just how radical this NLRB has become, we must ask ourselves, when in the history of this great Republic has shortening the time for an election been considered more fair? We hear Members from the other side of the aisle say that even requiring some to show identification to vote is unfair and restrictive. But drastically cutting short the time for an election is more fair?

As if that was not radical enough, the NLRB's decision on micro-unions overturns 30 years of successful precedent. For example, at retail stores, multiple labor unions could target unorganized different groups of workers. Sales persons, merchandise managers, department managers, stock clerks, and security guards could each form separate unions. This will put worker against worker, and employers will spend more time negotiating with unions than they do on focusing on their jobs and on their business.

The question we must ask is, what are they so afraid of? The answer is they're afraid of an American worker free to work hard and earn the fruits of that labor. They're afraid of the American worker given the right to choose their own future. I don't know about anyone else, but I trust the American worker to make the right decision. I don't trust the government.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. The right to organize is a fundamental right in a democratic society. In fact, workers' rights are human rights. This bill seeks to frustrate workers' rights to an election through attacking the National Labor Relations Board.

Today workers have to wait an average of 101 days to cast a ballot in an

election, 101 days to wait for union representation. How long should workers have to wait to be able to assert their fundamental rights in a democratic society if we really believe in democracy?

Some of us believe that when a majority of workers want to be able to have a union, they should be able to do so forthwith.

We believe in government of the people. Why then would corporations want to block or frustrate the right of workers to be able to organize? I think it's pretty obvious. When workers are organized, they have the ability to participate in being able to say what their wages are worth. So this is about wages. It's about benefits. It's about workplace safety, about working conditions.

Workers rights are human rights. And this assault on the NLRB actually ends up being translated into a fundamental assault on our democracy. If we believe in a democracy, then we believe in a right to organize, a right to collective bargaining, a right to strike, a right to decent wages and benefits, a right to a secure retirement, a right for workers to participate in a political process.

This is America. Let's lift up the standard of workers—not attack it by making the day of their election and claiming a union farther and farther away almost to the point of nullification. Stand up for the American workers. Defeat this bill.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. HURT).

Mr. HURT. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the Workforce Democracy and Fairness Act offered by Chairman KLINE, and I thank the chairman for his leadership on this issue.

For the past 3 years, we have seen a vast expansion in the size and scope of the Federal Government, which has resulted in a suffering economy and job market and an unfriendly business environment for job creation and investment.

A recent troubling example of this government overreach is the National Labor Relations Board's proposed rule-making that would alter the longstanding precedent of procedures that govern union elections. These new rules would do little more than empower Big Labor bosses by restricting employers from communicating with their employees during the process, preventing the employees from gaining access to critical information necessary to make informed decisions on their votes, and diminishing the fundamental rights of both employees and employers across the country.

This sort of government intervention in the workplace is an attack on our economic freedom and will only provide more uncertainty in our economy at a time when we are struggling to recover.

With far too many Fifth District Virginians and Americans out of work, we

must put an end to the arbitrary rule-making of the unelected bureaucrats that comprise the NLRB. Instead, we must provide our job creators the opportunity to hire and grow without the uncertainty caused by unnecessary and burdensome government regulations. And we must preserve the protections and freedoms that American workers deserve, allowing them to participate in a full and fair election process.

I urge my colleagues to support this important legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the Democratic leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding and for his leadership on behalf of America's working families and for bringing the opposition to this legislation to the floor today.

Mr. Chairman and my colleagues, more than 75 years ago, President Franklin Roosevelt signed a bill which created the National Labor Relations Board and said he did so to give every worker "the freedom of choice and action which is justly his." Today we say which is justly his or hers. That was a very important moment for workers because it said that they could negotiate, they could bargain collectively, giving great leverage to workers in our country, and it was necessary.

The freedom of choice in action has rested at the core of a growing, thriving American workforce. It has created the American middle class that has made our country great and is the backbone of our democracy.

This legislation on the floor today undermines freedom of choice in action. It will weaken our middle class, and again weaken our democracy.

For months in Wisconsin, Ohio, and other States nationwide, Americans have seen Republican Governors and legislatures attack teachers, firefighters, police officers, and other public servants. We've seen American workers, union and non-union alike, fight back, inspiring the Nation.

My colleagues on the other side of the aisle have promoted many myths about their misguided legislation which they're bringing forward today and how it will impact the National Labor Relations Board. So I would like to clarify a few facts.

First, this bill mandates delay rather than minimizes it. It encourages frivolous litigation rather than discourages it. It convolutes and distorts elections rather than simplifying them.

Simply put, this legislation would deny workers their right to a free and fair election to form a union. It adds extensive delays to the process as workers organize with the clear intention of, as my colleague, Congressman GEORGE MILLER, the ranking member of the Education and Labor Committee has said, wearing down workers so they give up fighting for a better deal. It's an age-old tactic. It must be rejected.

At a time when Americans are demanding jobs and job growth, economic



growth for our country, today's legislation is the wrong priority. We need to be solving the problem and challenge of creating jobs, and not adding to the problems, as this bill would do.

There is a great deal of work to be done to reignite the American Dream. Igniting the American Dream is what Franklin Roosevelt did when he signed this bill and many other initiatives of that era. And they corrected many ills in our economy and our society in communities across the country in terms of fairness and American value.

So we want to reignite the American Dream, to build ladders of success for all who want to work hard and play by the rules, and remove obstacles to fuller participation in our economy so that many more workers can participate in America's prosperity.

□ 1510

This is about, again, strengthening the middle class, the backbone of our democracy. Yet this legislation will have the opposite effect of eroding rights and opportunity. I urge my colleagues to vote "no."

Mr. KLINE. Mr. Chairman, I submit for the RECORD this letter from the Coalition for a Democratic Workplace, with 243 associations and organizations in support of this legislation.

COALITION FOR A  
DEMOCRATIC WORKPLACE,  
November 29, 2011.

DEAR REPRESENTATIVE: On behalf of millions of job creators concerned with mounting threats to the basic tenets of free enterprise, the Coalition for a Democratic Workplace urges you to support H.R. 3094, the Workforce Democracy and Fairness Act. Congress needs to immediately pass this much-needed legislation. The bill directly addresses recent and economically crippling actions of the National Labor Relations Board (Board or NLRB). Specifically, the bill would block the Board from moving forward with its ambush election proposal. If left unchecked, the proposal will effectively deny employees' access to critical information about unions and strip employers of free speech and due process rights. H.R. 3094 also would reverse the Board's recent decision in Specialty Healthcare, which poses an immediate and direct threat to our economy by opening the door to swarms of micro-unions.

The Coalition for a Democratic Workplace, a group of more than 600 organizations, has been united in its opposition to the so-called "Employee Free Choice Act" (EFCA) and EFCA alternatives that pose a similar threat to workers, businesses and the U.S. economy. Thanks to the elected officials who stood firm against this damaging legislation, the threat of EFCA is less immediate than Congress. Politically powerful labor unions, other EFCA supporters, and their allies in government are not backing down, however. Having failed to achieve their goals through legislation, they are now coordinating with the Board and the Department of Labor (DOL) in what appears to be an all-out attack on job-creators and an effort to enact EFCA through administrative rulings and regulations.

While the Board's actions have gained recent notoriety from the unprecedented attempt by the agency's Acting General Counsel to mandate where and how one company—Boeing—can operate and expand its business, the Boeing case is just the tip of

the iceberg. During the last few years, the Board and DOL have issued a barrage of anti-business and anti-worker decisions and rules, which collectively amount to the greatest upheaval in U.S. labor law in over 50 years. The Workforce Democracy and Fairness Act directly remedies ambush elections and micro-unions (Specialty Healthcare), which are two of the Board's most damaging and outrageous actions.

On June 21, the Board proposed a rule on "ambush elections." According to Board Member Brian Hayes, these new procedures could result in union representation elections held in as few as 10 days after the filing of a union petition. The NLRB's own statistics reveal that in 2010, the average time to election was 31 days, with over 95 percent of elections occurring within 56 days. The current election time frames are not only reasonable, but permit employees time to hear from both the union and the employer and make an informed decision, which would not be possible under the proposed timetables. In fact, the reduced time frame would leave employers barely enough time to secure legal counsel, with little to no opportunity to talk with employees about union representation or respond to promises union organizers may have made to secure union support, even though many of those promises may be completely unrealistic. Given that union organizers typically lobby employees for months outside the workplace without an employer's knowledge, these "ambush" elections would often result in employees' receiving only half the story. They would hear promises of raises and benefits that unions have no way of guaranteeing, without an opportunity for the employer to explain its position and the possible inaccuracies put forward by the union. Ambush elections would be particularly damaging to small businesses as the proposed changes would effectively eliminate any measure of due process by forcing elections before most employers could even understand what was happening or even obtain legal advice and representation.

The proposal also tramples over employer due process rights. As Member Hayes noted, the proposed rule will "substantially limit the opportunity for full evidentiary hearing or Board review on contested issues involving, among other things, appropriate unit, voter eligibility and election misconduct." The proposal would require that all pre-election hearings occur within seven days of the petition. Businesses must file a statement within those seven days setting forth their position on all relevant legal issues. Any issues not identified in the statement would be waived forever. These unnecessary time limits put enormous pressure on all businesses, but like the NLRB's ambush election proposal, the impact will be especially damaging to small business, who will have enough problems finding counsel within these time frames, let alone obtaining any meaningful understanding of their rights and obligations under this complex law.

In Specialty Healthcare, the NLRB paved the way for the formation of "micro-unions," which make it easier for unions to organize by permitting them to form smaller bargaining units that often exclude those similarly situated employees who oppose unionization. This effectively disenfranchises them. Prior to the decision, bargaining units had to include employees who share a "community of interest." Smaller units were only permissible where the employees in the proposed unit had interests that were "sufficiently distinct from those of other employees to warrant the establishment of a separate unit." This prevented swarms of small, "fractured units," of similarly situated employees. As a result of the Board's decision, businesses now face the

possibility of having to manage multiple, small units of similarly situated employees with increased chances of work stoppages, as well as potentially different pay scales, benefits, work rules and bargaining schedules. This will greatly limit an employer's ability to cross-train and meet customer and client demands via lean, flexible staffing because employees will no longer be able to perform work assigned to other units. Employees also will suffer from reduced job opportunities, as promotions and transfers will be hindered by organizational unit barriers.

Again, we urge you to support passage of H.R. 3094, the Workforce Democracy and Fairness Act. If left unchecked, the actions of the NLRB will fuel economic uncertainty and have serious negative ramifications for millions of employers, U.S. workers they have hired or would like to hire, and consumers.

THE COALITION FOR A DEMOCRATIC  
WORKPLACE

NATIONAL ORGANIZATIONS (118)

60 Plus Association;  
Aeronautical Repair Station Association;  
Agricultural Retailers Association;  
AIADA, American International Automobile Dealers Association;  
Alliance for Worker Freedom;  
American Apparel & Footwear Association;  
American Bakers Association;  
American Concrete Pressure Pipe Association;  
American Council of Engineering Companies;  
American Feed Industry Association;  
American Fire Sprinkler Association;  
American Foundry Society;  
American Frozen Food Institute;  
American Health Care Association;  
American Hospital Association;  
American Hotel and Lodging Association;  
American Meat Institute;  
American Nursery & Landscape Association;  
American Organization of Nurse Executives (AONE);  
American Pipeline Contractors Association;  
American Rental Association;  
American Seniors Housing Association;  
American Staffing Association;  
American Supply Association;  
American Trucking Associations;  
American Wholesale Marketers Association;  
Americans for Tax Reform;  
AMT—The Association for Manufacturing Technology;  
Asian American Hotel Owners Association;  
Assisted Living Federation of America;  
Associated Builders and Contractors, Inc.;  
Associated Equipment Distributors;  
Associated General Contractors of America;  
Association of Equipment Manufacturers;  
Automotive Aftermarket Industry Association;  
Brick Industry Association;  
Building Owners and Managers Association (BOMA) International;  
Center for Individual Freedom;  
Center for the Defense of Free Enterprise Action Fund;  
Coalition of Franchisee Associations;  
College and University Professional Association for Human Resources;  
Consumer Electronics Association;  
Custom Electronic Design & Installation Association;  
Environmental Industry Associations;  
Fashion Accessories Shippers Association;  
Food Marketing Institute;  
Forging Industry Association;  
Franchise Management Advisory Council (FRANMAC);  
Heating, Airconditioning & Refrigeration Distributors International (HARDI);

HR Policy Association;  
IEC National;  
INDA, Association of the Nonwoven Fabrics Industry;  
Independent Women's Voice;  
Industrial Fasteners Institute;  
International Association of Refrigerated Warehouses;  
International Council of Shopping Centers;  
International Foodservice Distributors Association;  
International Franchise Association;  
International Sign Association;  
International Warehouse Logistics Association;  
Kitchen Cabinet Manufacturers Association;  
LeadingAge;  
Metals Service Center Institute;  
Motor & Equipment Manufacturers Association;  
NAHAD—The Association for Hose and Accessories Distribution;  
National Apartment Association;  
National Armored Car Association;  
National Association of Chemical Distributors;  
National Association of Convenience Stores;  
National Association of Electrical Distributors;  
National Association of Home Builders;  
National Association of Manufacturers;  
National Association of Wholesaler-Distributors;  
National Club Association;  
National Council of Chain Restaurants;  
National Council of Farmer Cooperatives;  
National Council of Investigators and Security Services (NCISS);  
National Council of Textile Organizations (NCTO);  
National Federation of Independent Business;  
National Franchise Association;  
National Grocers Association;  
National Mining Association;  
National Multi Housing Council;  
National Pest Management Association;  
National Precast Concrete Association;  
National Ready Mixed Concrete Association;  
National Restaurant Association;  
National Retail Federation;  
National Roofing Contractors Association;  
National School Transportation Association;  
National Small Business Association;  
National Solid Wastes Management Association;  
National Systems Contractors Association;  
National Tank Truck Carriers;  
National Tooling and Machining Association;  
National Utility Contractors Association;  
NATSO, Representing America's Travel Plazas and Truckstops;  
North American Die Casting Association;  
North American Equipment Dealers Association;  
Petroleum Marketers Association of America;  
Precision Machined Products Association;  
Precision Metalforming Association;  
Printing Industries of America;  
Professional Beauty Association;  
Retail Industry Leaders Association;  
Snack Food Association;  
Society for Human Resource Management;  
Society of American Florists;  
SPI: The Plastics Industry Trade Association;  
Steel Manufacturers Association;  
Textile Care Allied Trades Association;  
Textile Rental Services Association;  
The Real Estate Roundtable;  
Truck Renting and Leasing Association;  
U.S. Chamber of Commerce;

United Fresh Produce Association;  
United Motorcoach Association;  
Western Growers Association.

## STATE AND LOCAL ORGANIZATIONS (125)

A & K Earthmovers, Inc.;  
American Society of Employers (Michigan);  
Arkansas State Chamber of Commerce/Associated Industries of Arkansas;  
Associated Builders and Contractors, Inc. California Chapter;  
Associated Builders and Contractors, Inc. Central Florida Chapter;  
Associated Builders and Contractors, Inc. Central Pennsylvania Chapter;  
Associated Builders and Contractors, Inc. Chesapeake Shores Chapter;  
Associated Builders and Contractors, Inc. Delaware Chapter;  
Associated Builders and Contractors, Inc. Eastern Pennsylvania Chapter;  
Associated Builders and Contractors, Inc. Florida East Coast Chapter;  
Associated Builders and Contractors, Inc. Florida Gulf Coast Chapter;  
Associated Builders and Contractors, Inc. Hawaii Chapter;  
Associated Builders and Contractors, Inc. Heart of America Chapter;  
Associated Builders and Contractors, Inc. Indiana Chapter;  
Associated Builders and Contractors, Inc. Inland Pacific Chapter;  
Associated Builders and Contractors, Inc. Iowa Chapter;  
Associated Builders and Contractors, Inc. Keystone Chapter;  
Associated Builders and Contractors, Inc. Massachusetts Chapter;  
Associated Builders and Contractors, Inc. Mississippi Chapter;  
Associated Builders and Contractors, Inc. Nevada Chapter;  
Associated Builders and Contractors, Inc. New Mexico Chapter;  
Associated Builders and Contractors, Inc. New Orleans/Bayou Chapter;  
Associated Builders and Contractors, Inc. Ohio Valley Chapter;  
Associated Builders and Contractors, Inc. Oklahoma Chapter;  
Associated Builders and Contractors, Inc. Pacific Northwest Chapter;  
Associated Builders and Contractors, Inc. Rhode Island Chapter;  
Associated Builders and Contractors, Inc. Rocky Mountain Chapter;  
Associated Builders and Contractors, Inc. South East Texas Chapter;  
Associated Builders and Contractors, Inc. South Texas Chapter;  
Associated Builders and Contractors, Inc. Western Michigan Chapter;  
Associated Builders and Contractors, Inc. Western Washington Chapter;  
Associated Industries of Massachusetts;  
Builders Association of Northern Nevada;  
CA/NV/AZ Automotive Wholesalers Association (CAWA);  
CAI—Capital Associated Industries Inc. (Raleigh, NC);  
California Delivery Association;  
Carson City Chamber of Commerce, Carson City, NV;  
CenTex Chapter IEC;  
Central Alabama Chapter IEC;  
Central Indiana IEC;  
Central Missouri IEC;  
Central Ohio AEC/IEC;  
Central Pennsylvania Chapter IEC;  
Central Washington IEC;  
Centre County IEC;  
Charleston Metro Chamber of Commerce;  
Eastern Washington IEC;  
El Paso Chapter IEC, Inc.;  
Employers Coalition of North Carolina (Raleigh, NC);

Fairfax County Chamber of Commerce;  
Greater Bakersfield Chamber of Commerce;  
Greater Columbia Chamber of Commerce;  
Greater Montana IEC;  
IEC Atlanta;  
IEC Chesapeake;  
IEC Dakotas, Inc.;  
IEC Dallas Chapter;  
IEC Florida West Coast;  
IEC Fort Worth/Tarrant County;  
IEC Georgia;  
IEC Greater St. Louis;  
IEC Hampton Roads Chapter;  
IEC NCAEC;  
IEC New England;  
IEC of Arkansas;  
IEC of East Texas;  
IEC of Greater Cincinnati;  
IEC of Idaho;  
IEC of Illinois;  
IEC of Kansas City;  
IEC of Northwest Pennsylvania;  
IEC of Oregon;  
IEC of Southeast Missouri;  
IEC of Texas;  
IEC of the Bluegrass;  
IEC of the Texas Panhandle;  
IEC of Utah;  
IEC Southern Colorado Chapter;  
IEC Southern Indiana Chapter-Evansville;  
IEC Texas Gulf Coast Chapter;  
IEC Western Reserve Chapter;  
IECA Kentucky & S. Indiana;  
IECA of Arizona;  
IECA of Nashville;  
IECA of Southern California, Inc.;  
IEC-OKC, Inc.;  
Iowa-Nebraska Equipment Dealers Association;  
Little Rock Regional Chamber of Commerce;  
Lubbock Chapter IEC, Inc.;  
Manufacturer and Business Association;  
MEC IEC of Dayton;  
Mid-Oregon Chapter IEC;  
Mid-South Chapter IEC;  
Midwest IEC;  
Minnesota Grocer Association;  
Montana IEC;  
NAIOP Colorado;  
Nebraska Chamber of Commerce & Industry;  
New Jersey Food Council;  
New Jersey IEC;  
New Jersey Motor Truck Association;  
North Carolina Chamber;  
Northern New Mexico IEC;  
Northern Ohio ECA;  
NW Washington IEC;  
Ohio Manufacturers' Association;  
Plumbing-Heating-Cooling Contractors Association of California (CAPHCC);  
Portland Cement Association;  
Puget Sound Washington Chapter;  
Rio Grande Valley IEC, Inc.;  
Rocky Mountain Chapter IEC;  
Rogers-Lowell Chamber of Commerce (Arkansas);  
San Antonio Chapter IEC, Inc.;  
South Carolina Trucking Association;  
Southern New Mexico IEC;  
State Chamber of Oklahoma;  
Texas Hospital Association;  
Texas State IEC;  
Tri State IEC;  
Virginia Manufacturers Association;  
Virginia Trucking Association;  
Western Carolina Industries;  
Western Colorado IEC;  
Western Electrical Contractors Association;  
Wichita Chapter IEC.

I am now pleased to yield 2 minutes to another member of the committee, the distinguished gentleman from Indiana, Dr. BUCSHON.

Mr. BUCSHON. Mr. Chairman, I rise today in strong support of the Workforce Democracy and Fairness Act.

In the last few years, the National Labor Relations Board has had a clear bias toward Big Labor in decisions and rulemaking. Although this bill addresses several onerous rules and decisions from the NLRB, I would like to focus on one in particular.

On August 26 of this year, the Board overturned decades—let me repeat—decades of precedent with its decision in the Specialty Healthcare case. By standing up today and voting for the bill before us, we can stop an out-of-control agency from causing irreparable harm to industries across the Nation. The Board has decided it will no longer determine if the interests of a bargaining unit are sufficiently different from other current units. This will encourage unions to create the smallest so-called “micro-unions” possible, and it could result in employers having to negotiate with multiple units within their own businesses. This undermines a worker’s ability to make an informed choice about whether to join a union, and it may potentially fractionate the workplace.

H.R. 3094 reinstates the traditional standard for determining which employees make up an appropriate bargaining unit. This bill is about fairness for workers and employers. It returns the Board to the precedent that it has operated under for the last 20 to 30 years under both Republican and Democratic administrations. Returning to this precedent will provide certainty and clarity to workers and employers, and it will undo the biased behavior of the current Board.

I support this bill, and I urge my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. I thank the gentleman for yielding.

Mr. Chairman, today the majority is showing the American public again that the majority doesn’t think we have a jobs crisis in America. Getting Americans back to work is not their top priority. Getting the American economy back on track and creating jobs is my first, second, and third priority. Until the majority gets to work, we’re not going to move this country forward.

Democrats remain committed to creating jobs immediately and to expanding educational opportunity for all Americans. Rather than bringing to the floor legislation to help create jobs, we’re wasting time with this attempt to undermine workers’ rights—the right to organize, to have safe working conditions, fair wages.

On Monday night, I had a town hall. Not one person—not one—wanted to talk with me about the NLRB or its rulemaking; but many wanted to talk about job creation and wanted to make sure we were investing in our chil-

dren’s education. I offered an amendment to this bill to help keep teachers in the children’s classrooms. I offered a real solution to a real problem, not a special interest giveaway to big business. Unfortunately, the majority blocked my amendment on procedural grounds.

Now, across the country, budget cuts and teacher layoffs have forced schools to reduce the days of the school year, to cut classes in literacy or arts or music or physical education, to increase class sizes, or to reduce library hours. My amendment would have invested in our workforce and our educational system. My amendment would have supported nearly 400,000 education jobs, enough for States to avoid the harmful layoffs and to rehire tens of thousands of teachers who lost their jobs over recent years.

Tom, a student from East Brunswick, wrote me recently. “Teacher layoffs in the eyes of this student is a bad thing,” he said. “This past year, I had many oversized classes.”

Our children don’t get a second chance to succeed in school. Our future economic growth depends on a well-educated and innovative workforce. That’s what we should be dealing with today. My amendment would have supported our children. This flawed bill ignores those pleas for help.

Mr. KLINE. Mr. Chairman, I am very pleased to yield 4 minutes to another distinguished member of the committee, the gentleman from South Carolina (Mr. GOWDY).

Mr. GOWDY. I want to thank Chairman KLINE not only for yielding but also for his leadership on this and on so many other issues on the Education and the Workforce Committee.

Mr. Chairman, when so many of our fellow citizens are looking for work, when so many of our fellow citizens want nothing more than to be able to meet their familial obligations and their obligations to the community, when so many of our fellow Americans want nothing more than the most fundamental of all family values, which is a job, and when they look and they see that America is increasingly competing with other countries for work, it is no longer just competition among the States. We are competing with other countries for work.

The NLRB continues to pursue an activist, politically motivated agenda, thwarting economic recovery and continuing to place our companies at a competitive disadvantage worldwide.

Mr. Chairman, virtually everyone is familiar with the most glaring example of NLRB overreach and union pandering, which is the complaint against Boeing. Despite not a single example of a job being lost in Washington State, despite not a single example of a worker losing a single benefit or right in Washington State, the NLRB sued Boeing, seeking to have Boeing close its South Carolina facility, mothballing a \$1 billion facility, displacing 1,000 workers and returning the work to Washington State.

Then they had the unmitigated temerity, as we recently learned, to joke about it in emails, to joke about a competitor called Airbus, which is Boeing’s number one competitor. Wanting work and not getting it is not a laughing matter. Boeing is exhibit A among the evidentiary reasons that the NLRB has overreached its statutory mission, but it is not the only piece of evidence, Mr. Chairman. Currently, union elections take place, on average, within 31 days of the filing of an election petition. Additionally, unions are victorious more often than not when there is an election.

But that’s not good enough. The NLRB wants more.

So they proposed sweeping changes to the election process, shifting the balance of power even further towards unions seeking employees by promoting rush elections and ruling that elections can take place in as little as 7 to 10 days. The Board severely limits the opportunities for workers to hear all sides of an issue and make an informed decision. Additionally, employers would only have 7 days to retain legal counsel and decipher the complex labyrinth of Federal labor law before presenting their cases before an NLRB hearing officer.

So Education and the Workforce Chairman JOHN KLINE smartly introduced H.R. 3094, the Workforce Democracy and Fairness Act, to simply level the playing field. This legislation requires that no union election occur in less than 35 days, thus granting all parties the ability to present their arguments and ensuring workers have the ability to reach an informed decision. H.R. 3094 acknowledges that full and complete information is treasured when employees are contemplating how they will vote.

Ironically, some unions have already endorsed President Obama in an election that is well nigh a year off; but somehow 31 days is too long for employers in an election that’s every bit as important to them. The hypocrisy and blind advocacy has to stop.

The purpose of the NLRA is to balance the rights of employers, employees, and the general public. The NLRA is not calculated to drive up union membership, because they’re a loyal constituency for the Democrat Party. Because the NLRB through its filings and proposed rules and regulations has lost all pretense of objectivity in labor issues, fair, even-handed pieces of legislation, such as this one, are necessary.

□ 1520

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, this legislation will delay workers’ attempts to unionize and will deny Americans their fundamental right to bargain collectively.

In the next 3 weeks, we have jobs legislation to consider, middle class tax cuts and unemployment benefits to extend, a 2012 budget to pass. The Labor,

Health and Human Services, Education Appropriations Subcommittee has not even seen a bill yet; and yet just as they have all year long, the majority has chosen to waste precious time—time that we should be spending on the people's business—to continue their misguided war against workers' rights.

Once again, the majority has put forward a bill that has no other purpose than to roll back hard-won gains by American workers and erode the right of collective bargaining in this country. The legislation before us attempts to deny the right to form a union by imposing excessive delays on the process, stifling the flow of information to workers, and looking the other way while workers' rights are being violated.

How long is this majority going to persist in this wrong-headed crusade against hardworking American men and women, the same hardworking men and women who built the middle class of this Nation? Last month the CBO found that wages have stagnated in this country and median income has fallen in recent times, even as the income of the top 1 percent has tripled. It is no coincidence that this has happened while union membership has decreased. But the majority persists in trying to squeeze middle class workers and accelerate this race to the bottom.

This is not the American way, and it is not what the American people want. In Ohio last month, they rejected yet another Republican attempt to eviscerate the right to collective bargaining. It is time to stop these attacks on basic American rights. It's time to roll up our sleeves and get to work on creating jobs, reducing the deficit, and restoring economic growth to this Nation.

Say "no" to this legislation.

Mr. KLINE. Mr. Chairman, I yield 2 minutes to another member of the committee, the distinguished gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. I appreciate the gentleman yielding.

Mr. Chairman, I cosponsored and rise today in support of H.R. 3094 because it aims to restore key protections to the American workplace, protections for both workers and their employers from overreach by the National Labor Relations Board.

This important legislation intends to protect job growth by deterring harmful NLRB regulations. The NLRB's recent notice of proposed rulemaking would significantly alter NLRB union election procedures, thus undermining the rights of employers and employees alike. The proposed rules will unacceptably shorten the time between the filing of a petition and the election date, which will limit the opportunity for a full hearing of contested issues, including the appropriate bargaining unit, voter eligibility and election misconduct.

I share the concerns of my constituents regarding the shortened time-

frame for union elections and the potential it may have on an employer's ability to communicate with his or her own employees regarding unionization. H.R. 3094 aims to ensure that employers and employees are able to participate in a fair union election process by providing 14 days for employers to prepare their case to present before the NLRB, providing employees with at least 35 days to deliberate over the pros and cons of unionizing prior to voting on this issue, discouraging the so-called practice of "ambush elections," and guaranteeing the right of employers to discuss the pros and cons.

This legislation is not about whether employees should have the right to unionize. As a former Teamster member who worked his way through college, I certainly strongly support that right. This legislation is about giving employees a fair and deliberate opportunity to make that decision, one of the most important decisions they'll make in their life, because it deals with their livelihood.

Outside of family matters and health concerns, deciding where you work and in what type of environment you work is going to be probably more important than anything else you do related to your career. What this legislation says is we think employees should have a fair opportunity to make that decision.

I support this legislation and urge a "yes" vote.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong opposition to the Workforce Democracy and Fairness Act.

This bill would severely undermine workers' rights to organize and, if implemented, will eventually silence and end unions as we know them.

Congressman GEORGE MILLER was correct in referring to this bill as the Election Prevention Act. H.R. 3094 would require the National Labor Relations Board to hear useless and trivial appeals from companies in order to stop elections. This is an outright assault on middle class workers and the families they support.

The middle class is in decline. A CBO report found that between 1979 and 2007, the top 1 percent of earners experienced income growth of 275 percent. That's the top 1 percent, while the middle-income earners saw only 40 percent in growth over the same period. Statistics like these are startling and paint a distinct picture of this country as one that is quickly evolving into a two-tiered society with no room at the top at all for the middle class.

The Workforce Democracy and Fairness Act is nothing more than an outright assault on the middle class. If this misguided and dangerous legislation is passed, you will see an even more rapid decline of the middle class in our country. I urge all Members of the House to rebuke this misguided legislation and instead focus on policies that will encourage and facilitate job growth.

Mr. KLINE. Mr. Chairman, may I ask how much time remains.

The CHAIR. The gentleman from Minnesota has 6 minutes remaining, and the gentleman from California has 9¾ minutes remaining.

Mr. KLINE. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to this misnamed bill, which would promote neither democracy nor fairness in the workplace. Now, I have just been on this floor a few minutes, but it is ironic that I have heard speaker after speaker in favor of this bill but who vote consistently against working men and women's right to organize and bargain collectively.

Ironic, perhaps, the right of workers to organize and bargain collectively for better and fairer conditions has been protected by our laws since the era of the New Deal, which was opposed by so many.

This legislation is part of an agenda, frankly, that the Republican Party continues to pursue, which no economist believes creates jobs in the coming year. This bill before us won't do anything to help the economy or create jobs, period; and it places obstacles in front of workers seeking to exercise their right to organize.

I want to point out to my friends that interestingly enough, in terms of trying to protect elections, there's all about you can't have an election before, but there's nothing in this legislation you have to have an election by. That would perhaps be more credible, if it said not sooner than this, but not later than this.

That would show that you really wanted to pursue elections for working men and women so they could organize and bargain collectively for pay and benefits and working conditions.

□ 1530

But it doesn't say that. It says you simply can't have it before. It never says you have to have it. It never says you can't delay it by suit after suit after suit. It never says you've got to get to issue. It never says you've got to give the employees the right by a certain date.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 1 minute.

Mr. HOYER. This bill before us won't do anything to help the economy or create jobs, as I said. I continue to have the strongest faith in the American worker, that they are the most talented and most productive in the world. We should not be rolling back their protections. Instead, we should focus on helping to get more Americans back to work.

And as for the NLRB, the real trauma is it is now a pro-worker and employer NLRB, as opposed to simply a pro-employer NLRB. That's the problem you have.

The courts ought to ensure equal treatment. The NLRB ought to ensure equal treatment. It has not been doing that for some period of time; and now, in my view, it is. God bless them. That's what they should do.

Employers and employees ought to get a fair shake and a fair election, and I agree with that premise. Timing is obviously of concern to both parties. I would hope we would defeat this bill, and then if we want to talk about assuring elections, let us do so to protect democracy and protect workers.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding.

I come before you as an ironworker for 18 years before coming to Congress. I actually practiced before the National Labor Relations Board, and I've actually represented a number of unions in election proceedings, and I wish I could point out every inaccuracy offered by my colleagues on the other side of the aisle, but I only have 1 minute.

Let me start off by saying that I've heard time and time again by my colleagues that the NLRB is an advocate for unionism; it's an advocate for Big Labor; it's nothing more than overreaching and trying to create unions. For those who believe that, I ask you to look at the American workforce. What percentage, since the NLRB is creating all of these unions and is overreaching, what percentage of the American workforce is working under a union agreement right now? The answer is 11 percent.

So if those guys are in the tank, the NLRB is in the tank for creating unions, they're batting about 110. They're doing a lousy job. I've heard a lot about 31 days for an average election. That's where the union and the employer agree; it's 31 days. If the union and the company don't agree, it's over 100 days.

I urge my colleagues to vote against this bill. This is an attack on the middle class in America. We need to put people to work instead.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Why aren't we talking about jobs today? We are here on the floor to talk about this bill, this so-called Workforce Democracy and Fairness Act. Not surprisingly, it is neither democratic nor fair. It is, in fact, a blatant attack on workers' rights, the latest in a long line of Re-

publican assaults on workers. This time the right wing is attacking the very right to organize.

Labor unions helped create the middle class and build the American dream. They helped establish for all American workers much-needed protections and bargaining rights for wages and workforce conditions. This bill would undo that progress.

The anti-worker bill would also empower employers to engage in anti-union campaigns and weaken the NLRB and their ability to protect people from unfair treatment at work.

Just as voters in Wisconsin and Ohio stood together to stop the Republican assault on workers, today I stand here on the floor against yet another assault on working families. When will we get beyond yet another Republican sideshow and get back to talking about jobs?

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong opposition to the so-called Workforce Democracy and Fairness Act. The sponsor of this bill recently said it would remove an obstacle standing in the way of a stronger and more competitive workforce. I find that statement puzzling. This bill, if passed, would actually make the organization process even longer, less efficient, and more litigious. It would drag out union elections so that the deck is stacked even higher against American workers.

But the truth is unions have been at the forefront of workers' rights for over a century in the United States. They've been instrumental in achieving the 40-hour work week, the right to collectively bargain, safer workplaces, and the guarantee of compensation for injuries sustained on the job. They have created an entire generation of middle class Americans and helped build the most prosperous country in the world today. I think we'd all agree that unions have made the American workforce stronger.

So how can legislation that makes it harder to form unions strengthen the American workforce? If someone has an answer, I'd like to know. If not, then let's get back to the job of creating jobs for the American people, strengthening the economy, and creating more jobs for these people. I urge Members to vote "no" on this bill.

Mr. KLINE. I continue to reserve the balance of my time.

The CHAIR. The gentleman from Minnesota has 6 minutes remaining, and the gentleman from California has 3¾ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. This particular piece of legislation that undermines unions makes it more difficult to organize and generally frustrates American working

men and women from organizing on the job takes place just a few weeks after the Republican majority was trying to take down the Clean Air Act and the EPA. When you look at the Republican job approach, their argument seems to be that workers and people who want to breathe are the problem with the American economy. People who want to drink clean water and breathe clean air and people who want to have some rights to the job, they're the reason why the American economy doesn't work. Well, that happens to be about 99 percent of us, Mr. Chairman.

I hope that as people are watching this debate on this floor today, that they're taking careful note of who is on the side of the American worker, who is on the side of Americans trying to breathe and to have clean air. And what in the world does getting rid of the Clean Air Act and gutting unions have to do with making American jobs?

The fact is the Republican majority is abandoning their responsibility to create jobs, and I hope the American worker is watching today.

TRANSPORTATION TRADES  
DEPARTMENT, AFL-CIO,

Washington, DC, November 29, 2011.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL-CIO (TTD), I urge you to vote against the Workforce Democracy and Fairness Act (H.R. 3094) when it is considered by the House of Representatives this week. Despite its misleading title, this bill has nothing to do with "democracy" or "fairness" but instead is intended to interfere with a worker's basic right to freely decide whether or not to be represented by a union under the National Labor Relations Act (NLRA). Instead of wasting time on bills that would make it hard for workers to negotiate for fair wages and good jobs, Congress should focus on helping the 14 million Americans looking for work every day.

H.R. 3094 would complicate and delay the union election process. Specifically, the bill creates a mandatory waiting period of 35 days after the filing of an election petition, even if the employers and employees agree to an earlier date. This waiting period is designed to give unscrupulous employers time to mount aggressive campaigns to pressure workers into abandoning their organizing efforts. At the same time, the bill does nothing to limit how long an election can be delayed, leaving the door open for employer claims, challenges and litigation that could prevent fair elections from being held for months or years after a petition is filed. Moreover, this legislation encourages wasteful litigation by mandating a full pre-election hearing on any broadly defined "relevant and material" issues. The result would be to incentivize time-consuming pre-election hearings, and increase taxpayer costs.

This legislation would also make it more difficult for workers to choose to form a union and tip the scales further toward employers in the election process. Additionally, the bill would allow employers to effectively gerrymander the bargaining unit to artificially create a workforce that is more likely to reject union representation.

H.R. 3094 is nothing more than an attack on the right of America's workers to collectively bargain. At a time when unemployment remains high, and our economy continues to struggle, this legislation is an unfortunate distraction from what the American people need: job-creating legislation

that invests in our nation's aging transportation system while helping our economy recover. Please vote against H.R. 3094 and stand up for America's workers.

Sincerely,

EDWARD WYTKIND,  
*President.*

AMERICAN FEDERATION OF LABOR  
AND CONGRESS OF INDUSTRIAL OR-  
GANIZATIONS

*Washington, DC, November 28, 2011.*

Hon. JOHN P. KLINE,  
*Chairman, House Education and the Workforce,  
Rayburn House Office Building, Wash-  
ington, DC.*

Hon. GEORGE MILLER,  
*Ranking Minority Member, House Education  
and the Workforce, Rayburn House Office  
Building, Washington, DC.*

DEAR CHAIRMAN KLINE AND RANKING MINORITY MEMBER MILLER: On behalf of the AFL-CIO, I urge you to vote against H.R. 3094, the Workforce Democracy and Fairness Act, when it is considered by the House of Representatives. Masquerading as a bill to protect the status quo with respect to elections supervised by the National Labor Relations Board, H.R. 3094 would actually mandate delays, giving companies more power to wear down support for the union and creating new opportunities for stalling elections. The result of this bill will be to make workers wait months, perhaps years before they are allowed to vote on whether to form a union. The bill would also destroy 75 years of NLRB case law that has governed the appropriateness of bargaining units, giving companies more power to gerrymander the eligibility of voters in a union representation election in order to unfairly skew the results.

Under H.R. 3094, no election may occur sooner than 35 days after the filing of an election petition, even if all parties agree to an earlier date. But the bill does not limit how long an election may be delayed as a result of employer claims, challenges and litigation. The bill would mandate a full pre-election hearing on any "irrelevant and material" issue, broadly defined to include virtually any issue, even those that are not in dispute and not material to the appropriateness of the bargaining unit. By incentivizing marathon pre-election hearings, the bill would reward wasteful litigation and increase taxpayer costs by requiring findings on unnecessary and extraneous issues.

In a further effort to deny workers their right to choose whether to form a union, H.R. 3094 imposes restrictions on workers' opportunities to receive information from unions, but does nothing to curb the power of companies to force workers to listen to their anti-union propaganda, under the threat of discharge if they try to object. Moreover, it fails to protect workers who are fired, threatened, or interrogated because they want to exercise their federal statutory right to form a union. In fact, current remedies for well-documented, wide-spread violations of workers' rights have been regularly criticized as paltry and ineffective, treated by companies as merely a cost of doing business.

H.R. 3094 would also overturn the recent Specialty Healthcare decision, in which the NLRB applied to non-acute health care facilities, mostly nursing homes, the same community-of-interest standard that it has traditionally applied to determine the appropriateness of bargaining units in other industries. While the U.S. Court of Appeals for the District of Columbia upheld that standard in 2008, the bill broadly applies a one-size-fits-all test in disregard of the particular needs of specific industries and circumstances. The bill's newly minted test will create uncertainties for the parties as this vague new standard is repeatedly litigated.

H.R. 3094 has one goal: to empower companies which want to delay elections so they can mount one-sided, anti-union campaigns, both legal and illegal, to discourage workers from freely choosing whether or not to form a union. At a time when more and more experts are recognizing that middle class incomes are falling in tandem with the declining rate of union membership. Congress should be finding ways to protect workers' freedom to form a union, not throwing up roadblocks to the exercise of this fundamental right.

Sincerely,

WILLIAM SAMUEL,  
*Director, Government Affairs Department.*

THE ELECTION PREVENTION ACT  
FACTS ON THE REPUBLICANS' H.R. 3094

(Prepared by the House Committee on Education and the Workforce Democrats, November 2011)

While Americans across the country are rejecting the special interest attacks on workers' rights and demanding action on jobs, Republicans in Washington are continuing their overreach against working families. Their latest effort to roll back workers' rights is H.R. 3094, which should be called the 'Election Prevention Act.' The bill's singular goal is to delay and ultimately prevent workers from voting in workplace elections.

The Republican agenda's obsession with busting workers' unions comes at the expense of rebuilding the middle class and getting America back to work.

H.R. 3094 favors wealthy special interests at the expense of Americans' rights in the workplace.

These rights helped to create the American middle class in the last century. In recent decades, the erosion of these rights has helped to lower families' paychecks, decrease health and retirement security, and widen the gap between rich and poor.

A key to growing and strengthening our nation's middle class is empowering Americans to bargain for more of the wealth they create, not stripping them of rights.

The 'Election Prevention Act' denies workers' right to a free and fair election in three key ways:

The 'Election Prevention Act' bill mandates delay, rather than minimizing undue delay in elections. The bill's overarching concern is that workers' choice be postponed with mandatory and arbitrary waiting periods. For instance, no election may occur sooner than 35 days after the filing of a petition. However, there is no limit on how long an election may be delayed. Delay gives unscrupulous employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

Rather than discouraging frivolous litigation, the Election Prevention Act encourages it. The bill incentivizes a mountain of litigation for the sole purpose of gumming up the election process and stalling any vote. This will create a massive backlog of cases, including frivolous ones, on the taxpayer's dime.

The 'Election Prevention Act' bill manipulates the procedure for deciding who is in a bargaining unit. Employers would get an edge in preventing an election from ever being triggered by gerrymandering elections through stuffing the ballot boxes with voters who were never engaged by the organizing drive. And, although employers already have the information, this bill would require that voter information be hidden from those supporting a union until right before the election.

Mr. KLINE. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentleman is recognized for 2¾ minutes.

Mr. GEORGE MILLER of California. If anybody thinks that this is just a technical change, let's understand what has gone on since the Republicans have taken control of the House. The first effort was they cut \$50 million out of the NLRB account. Then there was an amendment on this floor to try and zero out the money for the NLRB. Then they passed a rule that said that you could retaliate against workers and you could move work away from those workers. You could outsource it, and they enshrined the right to outsource work to retaliate against workers. And now we have the effort to try and prevent elections from taking place. This is a systematic effort joined in by a number of States and the Republicans in this Congress to take away the rights of workers at the workplace in America, the basic rights that have built the middle class.

And while they've continued this campaign against the NLRB, thank God the NLRB has continued to work because we see today that a settlement has been reached in the Boeing case, and you don't get to retaliate against workers. The new 737 work will go to Washington; the 787 will continue to go to South Carolina. The NLRB worked that agreement out between employer and employee. And let's remember, Boeing is on the record they didn't support the legislation that was put on in behalf of their name. So that worked out.

And just a few minutes ago, the NLRB apparently voted on a compromise rule dealing with elections. And so that compromise rule hopefully will now become a permanent rule and that will go forward. That's what the NLRB does: It works out these arrangements between employers and employees over these issues about how the American workplace will be managed, but it does not strip away the basic rights of workers to choose to join a union. It does not allow you to retaliate against the union.

□ 1540

It does not allow you to delay elections to such a point that you finally beat the union into submission or people give up, they get dispirited and move away. It doesn't allow that. That's the basic labor law of this country.

So today the NLRB, working with employers and employees, has reaffirmed that principle. Today in this House, they continue the effort to try to strip workers of their rights. They continue the effort in light of the evidence that these things get worked out in the workplace. Yes, these are contentious. They're big issues. But we have a vehicle that's 75 years old that has worked well on behalf of this economy. Not only did it build the middle



class in this country, it also built one of the largest economies. Why? Because we have the most productive workers in the history of the world industry after industry after industry, however you measure it.

Why aren't our steelworkers competitive with China? Because our plants are cost competitive on ton of steel, but when you manipulate the currency, our people can't win. But our workers continue to be there every day. And now, thank you to the work of the NLRB working out these arrangements, the NLRB will continue to be there every day for employers and employees to settle their differences.

Mr. KLINE. Mr. Chairman, I yield myself the balance of my time.

Let's clear up a few things today we've heard in this debate. It's very interesting. We clearly have a different view, there's no question about it.

We've heard repeatedly that this bill strips workers of their rights. Sometimes my colleagues confuse workers with Big Labor leaders. This bill in fact protects workers' rights—union workers' rights, nonunion workers' rights. The proposed regulations—which apparently are under modification, as we speak, from the NLRB—were in fact an attack on workers' rights, a demand that more personal information be provided union organizers whether or not the workers approved of that, and shrinking the amount of time that workers might have to make a decision on one of the most important aspects in their life to as little as 10 days. This bill protects workers' rights and makes sure they have time to make this important decision.

We've heard today that bargaining units would be gerrymandered by employers. In fact, this bill puts us back to the standards that have been in place for decades to make sure that workplaces aren't fractured and fragmented and you have worker against worker, worker against employer, making it harder for employers to run an effective business, making it harder for them to have confidence to hire Americans.

We've been told that we're wasting time today and that we ought to be having a jobs bill, which apparently means spending more borrowed money. We're already borrowing 42 cents on every dollar, Mr. Chairman, that we're spending now, and yet apparently you can't create a job in this country unless government does it with borrowed money. Well, we disagree.

We think, we believe that we have been moving legislation in this House which will in fact help American job creators put Americans back to work. One of the obstacles is confusion. It's uncertainty. It's worry about the regulatory climate and what is coming down the path.

The President of the United States has said this economy needs a jolt, Mr. Chairman. I disagree. It needs certainty. It needs predictability. Employers, employees, and consumers

need confidence in the future. They don't need to be jerked.

The distinguished minority whip said the NLRB ought to be fair. He said employers and employees ought to get a fair election. I couldn't agree more. Employers and employees ought to have a fair shake. They ought to get a fair election. And that's what this bill does.

So the choice today is pretty simple. If you support an employer's right to speak to his or her employees during an organizing campaign, then support the Workforce Democracy and Fairness Act. If you support a worker's right to make an informed decision in a union election, then support the Workforce Democracy and Fairness Act. If you support giving workers a say in the personal information, Mr. Chairman, available to union leaders, then support the Workforce Democracy and Fairness Act. And if you support reinvigorating Congress' responsibility to write the law, then support the Workforce Democracy and Fairness Act.

I urge my colleagues to stand by our workers and their employers by supporting this simple, commonsense legislation.

I yield back the balance of my time.

Ms. MCCOLLUM. Mr. Chair, I rise today in strong opposition to the so-called "Workforce Democracy and Fairness Act" (H.R. 3094).

The changes to union election procedures promoted in this bill are the exact opposite of the kind of fair and democratic policies that our working families need. Instead of focusing on job creation and the revitalization of our middle class, the Republicans in this chamber are once again promoting legislation that undermines the rights of American workers.

This proposed legislation would limit the ability of the National Labor Relations Board to interpret our nation's labor laws and to protect worker's right to unionize. For over 75 years, the National Labor Relations Act has guaranteed the rights of employees to organize and bargain collectively, or to refrain from such activity if they choose. During the New Deal, our predecessors in this body created the National Labor Relations Board as an independent agency charged with the oversight and enforcement of these rights. H.R. 3094, which overturns the rulings of the NLRB, undermines its charge to maintain fair and democratic relationships between unions and employers.

This legislation allows the problem of prolonged delays in union elections to continue unchecked by adding mandatory and arbitrary waiting periods. It seizes from workers the right to determine their own representative membership groups, which would allow unscrupulous businesses to suppress election drives and vote down union representation. It would also make it possible for irresponsible and frivolous litigation to endlessly delay the election process, effectively barring workers from their fundamental right to collective bargaining representation in the workplace.

Supporting and protecting America's workers is an essential part of rebuilding our economy and ensuring that all families and communities share in our nation's prosperity. Our middle class was built on the rights and safeguards that labor unions fought to obtain.

From the 40 hour workweek to ending child labor, union representation has helped to guarantee rights that many of us take for granted today. Unions negotiate for safe working conditions, living wages, and basic benefits that impact all workers. Efforts to decrease the power of collective bargaining in this country in recent decades have been accompanied by an erosion of workers' benefits and greater income inequality. This year in Wisconsin and Ohio, we have seen voters reject recent attempts to strip away the rights of government workers, and we should likewise reject this attempt to limit access to these rights for those in the private workforce.

This bill does nothing to protect and support working families, and I urge my colleagues to stand up for workers rights and oppose this bill.

Mr. TOWNS. Mr. Chair, H.R. 3094, is a bill more aptly named the Election Prevention Act—not the Workforce Democracy and Fairness Act. There is nothing particularly fair about a bill intended to diminish the right of private-sector workers to organize union elections, promote delays for the sake of delays, and encourage unnecessary litigation. At a time when American workers are suffering from layoffs, unemployment, and stagnant wages it is quite simply irresponsible to roll-back basic labor protections. This bill does nothing to put the country back on a track of sustained economic growth. Instead of preserving the ability of workers to unionize and demand fairer wages, this legislation will keep wages low and economic recovery stagnant.

We should be working together to identify ways to keep people employed and providing more Americans with opportunities to return to work. We should not be spending valuable time contemplating measures that make workers weaker and more vulnerable to unemployment or unfair compensation for their hard work. In the state of New York, which has the highest rate of union membership, the 7.9 percent rate of unemployment is well below the national average and the latest statistics show it is decreasing. Nation-wide, between 2004–2007 unionized workers enjoyed wages 11.3 percent higher than workers with similar characteristics who did not belong to a union. The more money workers have, the more they spend, and the more consumer demand grows. And yet, here we are considering a measure designed to prevent union elections across the nation and depress wage growth, instead of contemplating legislation to create teacher jobs, construction jobs, and economic reforms to address the deep structural causes of persistent unemployment.

There is a good reason why people do not want to see their labor rights trumped. Our rights in the workplace are the basis for the middle class. These rights were essential to securing higher paychecks for everyday people, and obtaining health and retirement security for the average worker. At a time when we are facing the possibility of deep cuts in health, education, and social security it is all the more imperative that we keep in place whatever power people have to demand a fair compensation and a fairer share of the wealth we create through diligent work. Workers should be empowered to bargain for a bigger share of the wealth they create; they have earned it. But this is not what this legislation is interested in doing. It would rather protect employers at the expense of employees,

which history has shown will not distribute the wealth created by the workers.

The main purpose of H.R. 3094 has nothing to do with democracy and fairness in the workplace. Making elections difficult or almost impossible, whether it be in society or the workplace, is neither democratic nor is it fair. The Election Prevention Act preemptively blocks the National Labor Relations Board's proposed rules to streamline the election process and use modern administrative measures to improve communication between all parties involved—the workers, employers, unions, and the Board. It does this because the more protracted the delays during an election process, the greater the chance workers will give up demanding a union and the power to bargain collectively.

A basic American value is that we should all be able to choose how and with whom to form into an association for the purpose of voicing our interests and views. This same idea that we ought to be able to choose how and with whom to form a community of interests is enshrined in the National Labor Relations Act. The bill before us seeks to deprive workers of this basic right so fundamental to our understanding of democracy by giving employers the power to determine who should be included in an "appropriate" bargaining unit instead of allowing people to decide for themselves. This is unacceptable.

Supporting this bill means contradicting our basic values about fair representation, ignoring the message that Americans have sent regarding their wish to retain their rights in the workplace, and putting ideology above the need to create employment. Voting for this bill will not only hurt our chances of an economic recovery—it is equivalent to cutting people's rights and preventing them from securing a fair portion of the wealth they have created.

I urge my colleagues on both sides of the aisle to vote "no."

Mr. DINGELL. Mr. Chair, I rise in strong opposition to H.R. 3094, the Workforce Democracy and Fairness Act. This bill should be defeated because it does nothing to help create jobs or put this country back on the path to sustainable economic recovery. Rather, H.R. 3094 is an unconscionable assault on the right of every American worker to organize, a right that I have defended for my entire congressional career.

The Workforce Democracy and Fairness Act is a partisan reaction to a recent rulemaking by the National Labor Relations Board (NLRB) concerning union elections. This one-sided bill carries on in the fine Republican tradition of stifling any attempt of working men and women to gain any leverage on management by unionizing. This frightens my Republican colleagues to no end, and while they will tell you that H.R. 3094 allows workers equal opportunity to hear both sides of the story, the hard truth of the matter is it will not. The bill we consider today allows employers to use all manner of litigious rascality to postpone union elections and fire workers for objecting to having to listen to anti-union propaganda. That is neither democratic nor fair, and is certainly undeserving of our support at a time when our country's middle class is being decimated.

Vote down this bill, and stand up for America's working families.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise today in opposition of H.R. 3094, the Workforce Democracy and Fairness

Act. Contrary to what the title suggests, there is nothing democratic or fair about this biased attempt to weaken labor unions and hurt working families all across the country.

This partisan bill does nothing positive for the high unemployment rate in this country or our vulnerable economy. Instead of utilizing our limited time on the House floor to consider real solutions to the economic problems we are facing today, this legislation seeks only to exploit these difficult times in order to advance a Republican ideological agenda against union organizing and the National Labor Relations Board (NLRB).

The goals of this legislation are simply to undermine the ability of American workers to organize and bargain collectively. H.R. 3094 will create barriers to union elections through waiting periods and more stringent criteria, dilute voter pools, and disproportionately tip the scales of power in favor of employers.

We have seen similar attempts to disarm the NLRB in this Congress before, also deceptively titled to deliberately mislead the American people. The Protecting Jobs from Government Interference Act, which I opposed, sought to gut the NLRB of its authority entirely. Under the guise of protecting jobs, this bill also sought purely to advance a partisan agenda.

It is these same partisan tactics that are preventing this Congress from making any significant progress on the real important issues at hand.

Mr. Chair, it is shameful that my Republican colleagues insist on bringing such partisan bills such as H.R. 3094 to the House floor. At this critical time for our economy, it is absolutely vital that we spend our time constructively to work toward shoring up our economy and creating jobs here at home. Instead, they have demonstrated that radical ideology is a more important priority than compromise in the name of finding real solutions to our nation's problems.

Mrs. MALONEY. Mr. Chair, I rise today to oppose yet another attempt at rolling back workers' rights, H.R. 3094, the Election Prevention Act. This assault on union employees is anti-democratic and harmful to the American middle class. Instead of legislation to create jobs and to grow the American workforce, the House Majority is attempting to undermine worker protections and put workers at risk.

It is a strength of our democracy that employees have the freedom and the federal statutory right to choose whether or not to be represented by a union. However, this legislation would effectively end collective bargaining rights by putting power exclusively in the hands of employers. It gives employers the ability to delay indefinitely a union election, allowing for intimidation and harassment of employees. It does nothing to protect workers who are fired, threatened, or interrogated for exercising their right to form a union. It also prevents individuals to choose the coworkers with whom they wish to seek representation. Furthermore, this legislation incentivizes wasteful litigation prior to union elections and would increase taxpayer costs by creating a backlog of required findings on superfluous issues.

Unions have helped to improve the wages and working conditions of all Americans and to grow the American middle class. This war on union employees that is being waged in states across the country and here on Capitol Hill

must not continue. It is time for us to turn our efforts to strengthening protections for American working men and women as well as to helping those outside the workforce to find good jobs. I urge my colleagues to vote "no."

Mr. PRICE of North Carolina. Mr. Chair, I rise in strong opposition to the cynically named "Workforce Democracy and Fairness Act," which is neither fair nor democratic and would do nothing to create a single job or improve conditions for American workers. Instead, this legislation represents just the latest Republican attack on the workers' rights that are at the core of American democracy.

Look around you today. Fourteen million Americans—our neighbors, friends, and family members—are unemployed, searching for a job. They, and millions more citizens from every congressional district in America, are demanding that we, as their elected Representatives, proactively address our nation's economic crisis, create jobs, and reduce unemployment. But these demands continue to fall on the deaf ears of the Republican majority. No wonder we see such unrest around the country. Instead of attempting to put people back to work, the House Republican majority, in between its manufactured fiscal crises, spends its time attacking the rights of American workers. Instead of crafting bipartisan legislation aimed at helping unemployed Americans find work, the majority has instead focused on stripping those Americans fortunate enough to have a job of the rights they already possess.

Today is Wednesday, the middle of the work week—a day when millions of unemployed Americans would love nothing more than to pull on their work boots, tie their ties, or put on their suits and head to work. But today on the floor of the House of Representatives, we're not considering a jobs bill. Instead, we face the latest product of the majority's single-minded obsession with the dismantling of American worker rights. H.R. 3094 does not create one single job. Instead, this legislation would undermine a private-sector worker's right to vote, to exercise his right to bargain collectively. This bill will effectively gum up, delay, and obscure the election process overseen by the National Labor Relations Board, opening the door for unscrupulous employers to undermine their employees' rights.

What's worse, in order to pay for the changes made in this bill, tomorrow we will be considering a bill to eliminate the Presidential Public Financing System and the Election Assistance Commission—key safeguards against the influence of special-interest money in politics and abuses of voting rights, respectively. The irony should not be lost on anybody who is paying attention: in order to undercut the democratic rights of organized workers, this majority is undermining the democratic rights of the entire American electorate.

Let's be clear: this bill, like all of the other unambiguously partisan, anti-worker bills brought to a vote in the House by the Republican majority over the course of this year, has no chance of being signed into law. It's simply an ode to special interests that does nothing to move our economy forward. After 11 months of control, the House majority has made clear that it has no interest in reigniting our economic recovery and helping put people back to work. I encourage my colleagues to defeat H.R. 3094 and to continue to push for the consideration of jobs legislation to help put Americans back to work.

Mr. WILSON of South Carolina. Mr. Chair, I would like to thank our Chairman and I am thankful for his leadership on this very important issue.

Once again, the President's National Labor Relations Board is trampling on the rights of American workers and employers by denying them the opportunity to participate in a free election. Current policies have been in place for decades to ensure each worker is given a fair amount of time to make a decision about joining a union. With the proposal set forth in June, the NLRB will decrease the amount of time given for a worker to consider joining a union from an average of thirty days to as little as ten days. This radical policy of rush elections will limit the amount of knowledge and information available to each union worker.

Moreover, this new proposal will give unions the capability to branch out and form smaller collective bargaining groups, creating a bigger burden on employers as costs will rise to manage multiple unions. Our Nation does not need more government involvement that negatively impacts the way employers operate their businesses.

The job killing influence of the NLRB such as the attack on Boeing workers in South Carolina must be stopped before it tramples the rights of American workers. Congress has a responsibility to ensure every American is given the right to a free election, an opportunity granted by the laws of our country.

I am proud to be an original cosponsor of this commonsense legislation and encourage my colleagues to vote in favor of The Workforce Democracy and Fairness Act which protects our employers and union workers from the Big Labor policies of the President's National Labor Relations Board and promotes more freedom for job creation.

Mr. STARK. Mr. Chair, I rise in opposition to H.R. 3094, the Workforce Democracy and Fairness Act. This bill is just one more Republican attack on workers and middle class Americans under the guise of protecting the "job creators" we hear so much about from the other side of the aisle.

In case you missed the recent Republican Presidential debate when front runner and former House Speaker Newt Gingrich said we should do away with child labor laws, the Republican message is clear: laws that protect workers are not needed. Instead, workers should just rely on the benevolence of "job creators" to pay them for the hours they worked or to hold a fair union election. Today's legislation is another attempt to undermine workers' rights.

For eighty years, the National Labor Relations Board, NLRB, has operated as an intermediary between workers and employers. I applaud the NLRB's decision to modernize union election rules with standardized election timelines and electronic petition filing, and a streamlined hearings process. House Republicans responded to these modest and overdue changes by bringing up legislation to interfere with workers' rights to organize.

Every aspect of this legislation would make it more difficult for workers to form a union. It would allow companies to obstruct any attempt by workers to unionize and create infinite avenues for employers to delay elections, including litigation. These delays empower those employers who want to intimidate and harass workers and bring in union-busters. It would also allow employers to gerrymander

bargaining units to skew election results in their favor.

When I hold town meetings in my district, my constituents are not clamoring for Congress to make it harder to join a union. They want our economy fixed and they want jobs. Attacking working men and women, as this bill does, will not create a single job or help a single family pay their bills. I urge all of my colleagues to vote no.

Ms. LINDA T. SANCHEZ of California. Mr. Chair, I rise today in opposition to H.R. 3094, the Republican plan to crush workers' rights and destroy any glimmer of hope our working families have at economic recovery. The Republicans designed this bill to destroy 75 years of National Labor Review Board case law in their attempt to dismantle the middle class.

Collective bargaining and the right to organize helped build a strong American middle class. It doesn't cost the federal government one dime in real money. Instead of taking steps to create jobs and strengthen working families, Republicans are dismantling key worker protections. All workers should have the ability to negotiate with their employer about salary and benefits, whether they're in a union or not. Organized labor is great for business. Thousands of companies across the country thrive with a unionized workforce.

Those businesses recognize that their employees deserve to have a safe workplace and fair wages and benefits. That's just good business. This bill encourages corporations to stall NLRB elections while they mount a one-sided, anti-union campaign. At its core, this is an undemocratic bill that undermines our values.

We have a long established process for workers to attempt to form a union and collectively bargain with employers. Employers and employees should stay on equal ground in the process. There is no need to deny workers their right to a free and fair union election.

Many of my Republican friends like to talk about the issue of Tort Reform. They like to tell us that we have to prevent frivolous lawsuits—they cost taxpayers millions and millions of dollars and they drag down the economy.

I have news for my Republican friends: the Election Prevention Act encourages frivolous litigation. This bill will mean mountains of litigation before union elections can be held. The result is a massive backlog. Guess who picks up the tab? The American taxpayer!

We have important issues facing our country and it boggles my mind that we are taking up yet another bill that does nothing to get our friends and neighbors back to work. We need to focus on lowering the unemployment rate and creating jobs—not taking away the rights of hardworking Americans.

I urge my colleagues to recognize this veiled attempt to destroy the rights of American working families.

Mr. VAN HOLLEN. Mr. Chair, today in the United States, 13.9 million people are unemployed. Nine percent of the American workforce is out of a job, worrying how to make ends meet. Nearly half are long-term unemployed, jobless for over 27 weeks.

These Americans are looking to Congress for help. The President sent us a comprehensive plan for job creation and this House has not acted. We have over thirteen percent unemployment in the construction sector and roads and bridges to repair all over the coun-

try and this House has not brought an infrastructure bill to the floor. Local governments are facing tough budgets and laying off teachers and police and this House has provided no relief.

Today we have a bill on the floor that will not create a single job nor help a single American worker. Instead, it will make it more difficult for them to assert their rights in the workplace and almost certainly encourage frivolous litigation.

The time we spend on legislation like this is time we fail to spend addressing the real needs of the American people. I urge my colleagues to vote no on this bill.

Ms. HIRONO. Mr. Chair, it is sad for our country that today the U.S. House is voting on H.R. 3094, yet another bill to roll back workers' rights.

Today's bill does nothing for the number one issue on people's minds in Hawaii and around the country: creating new, good-paying jobs.

We're seeing unemployment on Hawaii Island at nearly 10 percent.

On Kauai, it's nearly 9 percent. In Maui County, it's nearly 8 percent.

Instead of addressing this top issue of jobs, today's bill is part of a continuing assault against organized labor around the country. This bill is just like the attacks we saw in Wisconsin and Ohio.

But Ohio's families said no.

And so do Hawaii's.

Because Hawaii families believe working men and women should be able to have a voice at the table.

This belief helped build the middle class in Hawaii and across our country through legislation enabling workers to bargain collectively for better wages and working conditions.

Congress should be focusing on creating jobs—

Not making it easier for a few companies to prevent workers from having a voice in the workplace.

While most employers in Hawaii want to support their workers, I have heard from workers in Hawaii that some companies exploit the current system to prevent workers from having a voice in the workplace.

For example, in February 2003, National Labor Relations Board Administrative Law Judge Gerald Wacknov ruled against a Hawaii business where a labor dispute had been going on for years.

In 2002, workers at this company, who had not been given a raise in six years, asked the International Longshore and Warehouse Union (ILWU) for help in organizing a union.

Judge Wacknov ruled that "the Employer's conduct prior to the election . . . substantially interfered with the employees' free choice."

In the run-up to the union election, the workers were forced to attend one-on-one or group meetings on work time, where the management could convince workers to vote against the union.

Under current law, we know that a company can talk to their workers at any time and urge them to vote against joining a union.

The company can scare workers into thinking that voting for a union will cost them their jobs.

Meanwhile, unions are not allowed to visit the worksite to make their case for joining a union.

They do not have access to complete contact information that will enable them to effectively contact workers.

This company even hired a private security firm and posted large, threatening security guards outside the voting area during the vote.

After Judge Wacknov's ruling in February 2003, the company appealed the decision. A year and a half later, in summer 2004 the overburdened National Labor Relations Board upheld Judge Wacknov's ruling and ordered a new election.

In August 2004, a second election was held for the company's workers, and a majority voted to join the union.

The company appealed yet again.

In February 2005, NLRB Administrative Law Judge James Rose found that the company had effectively stuffed the ballot box in its favor by unfairly adding ineligible voters.

In July 2005—40 months after a petition was first filed to hold an election—the NLRB Board finally certified the ILWU Local 142 as the union for the workers.

Still, the company has continued to offer appeal after appeal of the election's results.

It's now the end of 2011.

The workers still do not have their first bargaining contract for better wages and conditions.

Today's bill on the House floor would make this unfairness even worse.

H.R. 3094 would make it nearly impossible, in contested situations, for workers to come to the table and have a voice in the workplace by voting to join a union.

Nationwide, in contested cases, workers already have to wait an average of four months to vote whether to join a union. Various delays can already occur.

Today's bill would make this problem even worse. It would add an extra minimum waiting period of two weeks before a hearing, and five weeks before an election. This is in addition to the already long wait time.

And each day of delay allows an employer to continue to scare their employees into voting against a union.

Today's bill would add to the NLRB's paperwork burdens. H.R. 3094 would require the NLRB to hear frivolous appeals from a company to stop an election.

This would completely overwhelm the NLRB with thousands of frivolous appeals and delay elections even longer.

Clearly, the current system is already stacked against workers trying to have a voice at the table.

This bill should really be called the "Election Prevention Act."

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

Instead, let's stand with working men and women of this country and focus on what people really want—getting back to work.

Mahalo.

Ms. RICHARDSON. Mr. Chair, I rise in strong opposition to H.R. 3094, the deceptively named "Workforce Democracy and Fairness Act," and I appeal to my colleagues to join me in rejecting this dangerous legislation designed to undermine the collective bargaining rights of America's workers.

I oppose this legislation for three principal reasons:

First, it flies in the face of 75 years of judicially-approved, National Labor Review Board (NLRB) case law governing the eligibility of bargaining units, transferring that power away from workers wishing to organize.

Second, it would open the door to indefinite delays within the union election process, invit-

ing frivolous litigation designed to cripple the system and prevent fair elections.

Third, it would unfairly impose restrictions on the opportunity of workers to receive union information while allowing employers free reign to bombard their workers with anti-union propaganda.

In short, this legislation would reduce the power of workers to organize for fair treatment to a level not seen since the late 19th century.

At first glance, the Workforce Democracy and Fairness Act sounds like a reasonable bill, but its glib appeal vanishes when one examines its intent closely.

Proponents argue that by inserting delays prior to a union election, so-called "ambush elections" would be avoided. It claims not to interfere with the NLRB's supervision of elections.

Mr. Speaker, this claim is disingenuous. The argument that creating employer based delays for a union election will somehow give a union member more time to make a better and more informed decision is questionable at best.

Letting an employer delay union elections is unfair to the American worker who wants his or her voice heard. Big Business is not supporting this bill to help unionized workers make more thoughtful decisions. H.R. 3094 is a blatant attempt to silence and confuse.

Enacted in 1935, the National Labor Relations Act (NLRA) was designed explicitly to encourage collective bargaining. Since then, the NLRB and the courts have interpreted this law and developed processes for handling workers who seek to form and manage unions.

H.R. 3094 would substitute 75 years of expertise and decades of case law for new and untested processes that favor wealthy special interests and corporate litigators.

Creating a legal precedent for unfairly stalling or even halting union elections is the true aim of this act. This legislation takes away the ability of unions to function as a democratically elected entity, prevents it from communicating with its members, and saps its organizational strength.

Moreover, the resounding defeat of Ohio's Senate Bill 5, which tried to restrict collective bargaining rights of more than 360,000 public employees in that state, plainly demonstrates the American people's opposition to a legislature's attempt to stifle the rights of workers.

Equally troubling is that under H.R. 3094 companies are free to force their workers to listen to anti-union information under the threat of discharge if they try to object. This provision is truly an act of coercion which has no place in the American workplace.

The result of this strategy is obvious. H.R. 3094 permits employers to intimidate their employees and discourage them from securing workplace rights.

This is why the White House recently released a statement describing H.R. 3094 as an attempt to "undermine and delay workers' ability to exercise their right to choose whether or not they will be represented by a union."

Imagine if H.R. 3094 passed. Imagine a working environment where a union wants to cast a ballot, but its obstructed by the employer with a steady stream of delays, bureaucracy, and litigation. Imagine a working environment where one's livelihood is threatened if a worker refuses to attend an anti-union meeting. Imagine a working environment where dissent is not permitted. This would be the reality under H.R. 3094.

At one time, this was the reality in our country. It existed in the days of child labor, when the 12-hour workday was the standard, when there were no weekends, no safety regulations, or any of the other workplace protections that we take for granted.

America no longer lives in the Gilded Age. American workers fought for over 100 years to achieve the right of collective bargaining for a better future. The democratic core of the right to unionize is under attack by this legislation.

H.R. 3094 would be a great leap backward for our country. I urge my colleagues to reject this deceptive legislation and secure the rights of American workers.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

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

H.R. 3094

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

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Workforce Democracy and Fairness Act".*

**SEC. 2. TIMING OF ELECTIONS.**

*Section 9 of the National Labor Relations Act (29 U.S.C. 159) is amended—*

*(1) in subsection (b), by striking "The Board shall decide" and all that follows through "Provided, That the" and inserting: "In each case, prior to an election, the Board shall determine, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining. Unless otherwise stated in this Act, and excluding bargaining unit determinations promulgated through rulemaking effective before August 26, 2011, the unit appropriate for purposes of collective bargaining shall consist of employees that share a sufficient community of interest. In determining whether employees share a sufficient community of interest, the Board shall consider (1) similarity of wages, benefits, and working conditions; (2) similarity of skills and training; (3) centrality of management and common supervision; (4) extent of interchange and frequency of contact between employees; (5) integration of the work flow and interrelationship of the production process; (6) the consistency of the unit with the employer's organizational structure; (7) similarity of job functions and work; and (8) the bargaining history in the particular unit and the industry. To avoid the proliferation or fragmentation of bargaining units, employees shall not be excluded from the unit unless the interests of the group sought are sufficiently distinct from those of other employees to warrant the establishment of a separate unit. Whether additional employees should be included in a proposed unit shall be based on whether such additional employees and proposed unit members share a sufficient community of interest, with the sole exception of proposed accretions to an existing unit, in which the inclusion of additional employees shall be based on whether such additional employees and existing unit members share an overwhelming community of interest and the additional employees have little or no separate identity. The"; and*

*(2) in subsection (c)(1), in the matter following subparagraph (B)—*

*(A) by inserting " , but in no circumstances less than 14 calendar days after the filing of the petition" after "hearing upon due notice";*

(B) by inserting before the last sentence the following: "An appropriate hearing shall be one that is non-adversarial with the hearing officer charged, in collaboration with the parties, with the responsibility of identifying any relevant and material pre-election issues and thereafter making a full record thereon. Relevant and material pre-election issues shall include, in addition to unit appropriateness, the Board's jurisdiction and any other issue the resolution of which may make an election unnecessary or which may reasonably be expected to impact the election's outcome. Parties may raise independently any relevant and material pre-election issue or assert any relevant and material position at any time prior to the close of the hearing.";

(C) in the last sentence—

(i) by inserting "or consideration of a request for review of a regional director's decision and direction of election," after "record of such hearing"; and

(ii) by inserting "to be conducted as soon as practicable but not less than 35 calendar days following the filing of an election petition" after "election by secret ballot"; and

(D) by adding at the end the following: "Not earlier than 7 days after final determination by the Board of the appropriate bargaining unit, the Board shall acquire from the employer a list of all eligible voters to be made available to all parties, which shall include the employee names, and one additional form of personal employee contact information (such as telephone number, email address or mailing address) chosen by the employee in writing.".

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112-291. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF  
NEW YORK

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-291.

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike "and".

Page 9, line 19, strike the second period and insert "; and" and after such line insert the following:

(3) by adding at the end the following:

"(f)(1) Prior to presenting any objection, filing, pleading, statement of position, paper, or appeal (in this subsection referred to as 'filing') in any proceeding prior to an election under this section, an attorney or other party representative has a duty, to the best of his or her knowledge, information, and belief, and formed after an inquiry reasonable under the circumstances, to assure that—

"(A) such a filing is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

"(B) the claims, defenses, positions, and other legal contentions in the filing are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

"(C) the factual contentions in the filing have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or development of the record; and

"(D) any denials of factual contentions in the filing are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

"(2)(A) At any stage of a representation proceeding prior to an election under this section, including pre-election hearings, requests for Board reviews, or Board reviews, the Board or its agents, upon their own motion or that of a party to the proceeding, shall have discretion to impose sanctions against a party for presenting a frivolous or vexatious filing or raising a frivolous or vexatious matter to the Board under this section, or upon a finding that an attorney or other party representative breached his or her duty under this subsection. Sanctions may include reasonable litigation costs, salaries, transcript and record costs, travel and other reasonable costs and expenses. If the Board determines that a party has raised a frivolous or vexatious matter for purposes of delaying an election, the Board shall immediately direct that an election be conducted not less than 7 days after such determination.

"(B) For purposes of this section, a frivolous or vexatious filing is one that an attorney of ordinary competence would recognize as so lacking in merit that there is no substantial possibility that the Board would accept it as valid. The Board shall be guided by Rule 11 of the Federal Rules of Civil Procedure in determining whether an objection, filing, pleading, paper or appeal is frivolous.".

The CHAIR. Pursuant to House Resolution 470, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple. If a party makes a frivolous or vexatious filing during a preelection representation hearing, the NLRB or an administrative law judge will have the authority to impose sanctions. Potential sanctions include reimbursement of attorney fees and costs. Further, if the Board determines that a party has presented a frivolous filing and further finds that such filing is for purposes of delaying an election, an election will be ordered to take place not less than 7 days after the determination.

My amendment is rooted in well-established law—Rule 11 of the Federal Rules of Civil Procedure. Rule 11, which sanctions frivolous filings in Federal court, is a longstanding and tested standard that has been in practice for nearly 70 years, but it is currently inapplicable to representation proceedings at the NLRB. Why should we continue to allow the filing of frivolous litigation at the NLRB but defer it in the courts? The short answer: We shouldn't. There is no good reason. This amendment simply harmonizes NLRB practice with the national standards used in our court system.

While I urge the adoption of this amendment, the underlying bill before

us today is nothing more than another attempt by the majority to distract the public from the most important issue facing our country—job creation. Because my colleagues on the other side of the aisle apparently lack any plan to get unemployed Americans working again, they are relying on the false specter of powerful unions and burdensome regulations as the bogeymen in the American labor market.

However, a recent national poll by the Bureau of Labor Statistics shows that only 0.2 percent of employers cite "government regulations and interference" as their reason for laying off employees. That's 0.2 percent. The main reason cited for layoffs is lack of demand. We need real solutions to create American jobs, not phony distractions that attempt to steer the conversation to problems that don't exist.

While current law allows union elections to proceed while requests for full Board review are considered, H.R. 3094 mandates that elections be delayed until the full Board decides whether or not to grant a request for review by the full NLRB, no matter how frivolous the arguments. In doing so, this bill incentivizes parties opposed to unionization to file frivolous lawsuits to delay union elections. Not only is this unfair to hardworking Americans, but it adds tremendous cost to taxpayers. This built-in incentive for delaying tactics makes my amendment all the more important.

In the past, many of my Republican colleagues have argued passionately about the evils of frivolous lawsuits; therefore, I am confounded to hear opposition to my amendment that seeks to discourage frivolous litigation. Why is it that litigation that thwarts the ambitions of working families, no matter how frivolous or misguided, is now suddenly okay? Don't construction workers matter?

Unfortunately, such frivolous litigation is too often used by unscrupulous employers to oppose unionization. In my own district, 14 T-Mobile technicians attempted to organize a local chapter of the Communications Workers of America, only to discover that their employer had undertaken several subversive measures aimed at derailing the path to union organization.

□ 1550

One such legal challenge included a dispute over the definition of whether or not the CWA is a legitimate labor organization. Let me say that again: a dispute over whether or not the CWA is a legitimate labor organization. The CWA, we should all know, represents over half a million American workers.

Under H.R. 3094, T-Mobile's frivolous challenge would have to be completely adjudicated by the NLRB before the union election could occur, giving T-Mobile the ability to legally hammer employees with anti-union messaging for weeks, months, or even years.

A constituent of mine wrote to me regarding the T-Mobile incident, and I

quote: "It is abundantly clear to us that the company is only engaged in this effort in order to buy enough time to continue with an intimidation campaign as an effort to prevent us from exercising our right to organize and bargain collectively. We want to exercise our legal right in a timely and efficient manner, to decide for ourselves through the established election process whether or not to join the CWA. This process of delay and intimidation being exercised by T-Mobile management is wrong and should not be allowed to happen in the future. After several months of this verbal and emotional assault, I will stand firm in my commitment to gaining a voice at work. What I am asking for is a fair chance to vote."

A fair chance to vote. What can be more American than that?

This is a fundamental matter of standing up for the American worker. This bill is an affront to one of our most principled values. The ability of workers to collectively bargain has been one of the basic pathways for workers to gain the protections and pay necessary to access the American Dream. We should not undermine this shared principle, and yet this is precisely what the underlying bill does. My amendment would provide at least some protections for employees who seek to organize their workplace.

Mr. Chairman, I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. GOWDY. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

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

Let me first thank Mr. BISHOP for raising the important issue of frivolous, vexatious litigation. I am thrilled almost beyond words—not quite—almost beyond words that our colleagues on the other side of the aisle recognize the deleterious impact that frivolous, vexatious litigation has on our economy.

We very much support, Mr. Chairman, a more effective use of rule 2011. We have consistently supported tort reform that correctly sanctions frivolous and vexatious lawsuits. So, again, I thank our colleague from the other side of the aisle for bringing attention once again to the impact frivolous litigation has on our economy.

Nevertheless, Mr. Chairman, this amendment is not the right vehicle for a number of reasons.

The purpose of the underlying bill is to correct the misguided effort of the NLRB to have quick elections, which means the time is compressed for litigants, especially those caught off guard by the legal filing, to respond. What do litigants and their counsel do when they're given an inadequate time to prepare for litigation? They overplead, they over-answer, they throw everything they can into the answer be-

cause to do otherwise is to risk missing an issue and being sued for illegal malpractice or, worse yet, failing to adequately represent your client. So in a very counterintuitive way, the NLRB's rush to have elections is more likely to result in over-pleading than the status quo would be.

Mr. Chairman, this amendment also gives increased power to the very agency that we are trying to rein in. That, too, is counterintuitive. To reward an activist, agenda-driven executive branch entity with even more power to wield incorrectly is an invitation we are loathe to accept.

This amendment does not even provide all the safeguards of rule 11 in the Federal Rules of Civil Procedure. And I heard my colleague and friend on the other side of the aisle make reference to rule 11. If this were simply rule 11, we may very well be standing up to join in support. It's not rule 11. It doesn't provide notice and a reasonable chance to respond. It doesn't provide an appeal procedure. It denies an opportunity to withdraw the frivolous matter before sanctions are imposed. Even current NLRB provisions require due notice and an opportunity for a hearing in allegations of misconduct cases.

This amendment, I am sure—I am convinced—is well intended, to root out frivolous filings and pleadings; but it has to be done in an evenhanded, fair manner, not one calculated to skew the balance even more in favor of those seeking unionization and away from job creators.

Other than union membership being at a historic low, Mr. Chairman, why the rush to change the rules? Is 31 days too long? Is a 70 percent success rate in elections not good enough? I appreciate the motive behind the amendment, but I must oppose it because of the mechanism; and I would encourage my colleagues to do the same.

I reserve the balance of my time.

The Acting CHAIR (Mr. YODER). The gentleman from New York has 15 seconds remaining.

Mr. BISHOP of New York. I will only say in my 15 seconds that rule 11 gives the person who files a frivolous motion or the entity that files a frivolous motion 20 days to withdraw that filing, which would defeat the purpose of what we're trying to accomplish here, which is to see to it that we ultimately do get elections.

And I would repeat what the minority whip said, which is I think is lot of us would feel differently about this underlying bill if there were not just a minimum time for which there was an election to take place, but a maximum time in which the election had to take place. This is one means for us to try to get that.

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

Mr. GOWDY. May I inquire of the Chair how much time I have remaining.

The Acting CHAIR. The gentleman from South Carolina has 1½ minutes remaining.

Mr. GOWDY. I just find it instructive again—and we need to give pause and reflect on why we're here. We're not here because Chairman KLINE had an idea out of the blue. We're here because an activist, agenda-driven NLRB is dissatisfied with 31 days to have an election. They're dissatisfied with a 70 percent success rate. So what Mr. KLINE has done—and smartly so—in this bill is try to get us back to the status quo ante and have a level playing field where employees can have enough information to make what may be one of the most important decisions of their lives.

And again I will say to my colleague, rule 11 has built-in procedural safeguards. And we had a very civil, constructive, I thought, conversation about this amendment in committee, and I commend our friend for that. And I commend him for bringing up frivolous and vexatious lawsuits. And I'm happy to work with him on how to get it done. This vehicle, while well intended, is not the vehicle to get it done.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BISHOP of New York. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. BOSWELL

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–291.

Mr. BOSWELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike "and".

Page 8, line 20, insert "(except those designated parties described in subparagraph (C))" after "parties".

Page 9, line 19, strike the second period and insert "; and" and after such line insert the following:

(3) by adding at the end of subsection (c)(1) the following:

"(C) The designated parties referred to in subparagraph (B) are employers that paid any executive bonus compensation in excess of 10,000 percent of the total annual compensation of the average employee during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing."

The Acting CHAIR. Pursuant to House Resolution 470, the gentleman from Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.



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

I rise to encourage my colleagues to support my amendment to the underlying legislation. I first want to thank my colleagues, Mr. MILLER and Mr. ANDREWS, for their work on this important issue.

I'm concerned that this legislation creates an opportunity for parties to abuse the preelection hearing process to engage in open-ended litigation. The majority would allow parties in a hearing to raise any "relevant and material" issues at any time before the close of the hearing. Yet they define "relevant and material" as "any other issues" that may possibly impact the election. Practically, this means that any workplace issue, however frivolous, could be raised and litigated before the hearing closes.

As we've seen, there are always some—though not all—that seek to enrich their CEOs while denying their workers a fairer and safer workplace. This amendment would only apply to companies that have given bonuses—now hear this—bonuses to their executives that amount to 10,000 percent more than the average yearly salary of their employees. Those employers would be required to state their issues and positions at the onset of a hearing and would be prohibited from engaging in open-ended litigation.

This is a simple principle: If your average employee makes \$50,000 and you can afford to pay the CEO a bonus of \$5 million, then you can also afford to be prepared for the hearing in 14 days and state your position up front.

□ 1600

I'm not sure why we're considering H.R. 3094 right now. It won't create one job, and it won't reduce our deficit by \$1. It won't add one job for unemployed construction workers to fix Iowa bridges that need to be repaired. It won't help one member of the Iowa National Guard that recently returned from Afghanistan and is still looking for a job.

All this bill does is help a small number of companies make it harder for their workers to organize. The very least we can do is make sure those companies aren't abusing their process while handing out executive bonuses that are 10,000 percent more than what their workers earn.

Support this amendment for fairness.  
I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

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

It's kind of ironic sometimes, but this Occupy Wall Street sort of inspired amendment is an effort to dismantle a successful union election process and deny workers an opportunity to make an informed decision. Under the guise of fighting greed on

Wall Street, this amendment will actually punish workers if their company executives receive bonuses deemed too big by officials in Washington.

Mr. Chairman, while most of the time, employer and unions can agree to the terms of the union elections, often a preelection hearing convened by an NLRB official is needed to address questions and concerns raised by both sides. The preelection hearing ensures all relevant and material preelection issues may be addressed before a worker is required to cast his or her ballot in the election, providing workers an opportunity to make an informed decision in the union election.

Forcing a vote before these issues can be addressed at the preelection hearing will severely undermine an employee's free choice. This is the workers, the employees we're talking about here. In fact, this amendment may lead to needless delay in the election process. The courts have overturned the results of elections because important issues were not properly addressed at the preelection hearing.

No worker should be denied a fair union election process because of the bonuses paid to company executives. Yet that is precisely what this amendment would do.

Congress should not be picking winners and losers here, determining that some workers deserve greater protections than other workers. They all deserve protection. The Workforce Democracy and Fairness Act reaffirms longstanding protections for all workers.

I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. BOSWELL. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

My friend from Minnesota, the chairman of our committee, says that Congress shouldn't be picking winners and losers. I think the Congress has already picked a lot of winners in the last number of months. They've picked the people who are the subject of Mr. BOSWELL's amendment, those whose bonuses are 10,000 percent more than the average salaries of their workers. They've picked them for the largest tax cut in American history.

They picked a winner by saying that if that person manipulates a hedge fund or financial institution, the regulators will look the other way as our 401(k)s become 201(k)s and our home values shrink.

Most decidedly, this Congress has picked a set of winners, and those winners are those at the very top of American society who have gotten 93 percent of the pay raises. Ninety-three percent of the pay raises given out in this country have gone to that top group.

So Mr. BOSWELL is trying to create a significant disincentive that says, you

know what? If you pay yourself 10,000 percent more than your average worker, maybe there should be a separate set of circumstances you have to abide by and live by. It's a novel idea around this Congress, very novel idea that those at the very top of American society should have to live by a set of rules that protects the rest of American society.

For that reason, I strongly support Mr. BOSWELL's amendment and would urge a "yes" vote.

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

I, like my colleagues on the other side of the aisle, and Americans across the country, can get pretty angry when some officials, corporate officials receive extraordinarily high salaries. I'm not here to defend that.

What I'm talking about here is, why would you punish the workers because the employers are paying themselves too much money? I don't think we should do that, and that's what this amendment does. It denies workers the opportunity to make an informed decision. We shouldn't be punishing those workers because executives have paid themselves too much money.

I reserve the balance of my time.

Mr. BOSWELL. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Iowa has 1½ minutes remaining.

Mr. BOSWELL. Thank you very much, and I appreciate the discussion.

Thank you, Mr. ANDREWS, for those very astute remarks that have applied to workers.

My friend from Minnesota, Congressman, I recall we both have led troops, and I'm proud of you for having done that. I'm proud that I had the opportunity.

I see these top CEOs as—who are their troops? Their troops are the workers. Thank heavens we have got those people that are willing to be entrepreneurs and get out there and invest and do those things, but they've got to have workers to get the job done just like you and I had to have troops to take the objective.

What's the difference? Our troops had to be well-fed, trained, equipped, morale had to be good, and then we could take our objective. Any sergeant, any lieutenant, any lieutenant colonel, any general, they can't take their objective without troops. And how do CEOs and people, entrepreneurs that we appreciate—we rely on them, but they've got to have those workers; they've got to treat them fairly, and they've got to realize that they too want to have the American Dream.

And I was concerned where is that American Dream going to be as I was surrounded by my grandchildren just a few days ago at Thanksgiving. Is it going to be there for them? Then we'd better be thinking about it.

We don't pull the ladder up, we leave it down. Let's let everybody have a part of the American Dream.

And 10,000 percent, and you're worried about that? Come on, give me a break.

I urge support of this amendment. I think it is fair and it's the right thing to do.

I yield back the balance of my time.

Mr. KLINE. May I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman from Minnesota has 2 minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman.

I, too, want to thank my friend and colleague from Iowa for his service. He, like me, made an early mistake and chose to fly and, even worse, to fly helicopters. He just perhaps was better at it than some of us.

But this amendment is going in the wrong direction. It's not the percentage. How many percent? 10,000, 100,000, 1,000 percent more money that an executive makes—I don't want to defend that either. And I don't want to defend the leader who eats before his troops. I don't want to defend the leader who thinks he can get it done without the troops.

But this amendment takes away the rights and the protections of the employees and the workers. We shouldn't punish the workers because we're mad at the executives. We shouldn't punish the troops because we're mad at the colonels. I agree with the gentleman on that.

Let's don't punish the workers. Let's defeat this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BOSWELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. WALZ OF MINNESOTA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-291.

Mr. WALZ of Minnesota. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, strike "and".

Page 8, line 20, insert "(except those designated parties described in subparagraph (C))" after "parties".

Page 9, line 19, strike the second period and insert "; and" and after such line insert the following:

(3) by adding at the end of subsection (c)(1) the following:

"(C) The designated parties referred to in subparagraph (B) are employers that have been found liable for any labor law violation against a veteran of the Armed Forces during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing."

The Acting CHAIR. Pursuant to House Resolution 470, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

First of all, I rise to offer an amendment that would reinforce our commitment to protecting the employment rights of our brave servicemembers.

We've all seen this show before, Mr. Chairman. Let's not insult the intelligence of the American public. When we had an Employee Free Choice Act the other side argued we only want to protect the secret ballot. Now it's no, we want to protect the ability to let you vote on a secret ballot, but only when we decide that time has come.

We've seen this song and dance in Ohio, we've seen it in Wisconsin. Let's just be honest that we have a fundamental difference about labor rights and the ability to collectively bargain. We probably are not going to agree on that, but let's find some bipartisan ground where we can agree. I think my amendment is the one that will do that.

□ 1610

It's very straightforward. It simply prevents this piece of legislation, H.R. 3094, from applying to businesses that have been cited for violations of labor laws against employees who are veterans in the previous year. It is very simple. These are not the vast majority of employers who are playing by the rules. These are those who have had egregious violations, specifically against veterans, and this will help us protect those.

I wholeheartedly agree we've got a lot of good, strong employers out there supporting our Guard and Reserve, but labor laws are still being violated. We need these laws—last year, 3,000 cases of employers who violated the Uniform Service Employment and Reemployment Rights Act, USERRA, the main Federal law that protects veterans. My amendment provides a means for Congress to enforce veteran-related labor laws by removing the ability for violators to present unnecessary barriers to a free and expeditious union election process.

Keep in mind, these are the very people who fought to protect the basic American right to organize collectively for a safe workplace; yet, when they come home, we're going to throw barriers in their way even by companies that have already violated veterans' employment rights at a time when we have high unemployment amongst veterans. This is one on which we can come together.

By the way, 2 million veterans are in labor unions of their choice now, so this isn't a small number. This is a large number. Why would Congress hinder the ability for a veteran to

choose whether or not they want representation? It's what they fought for.

While my colleagues and I can debate the role of government in collective bargaining, I don't believe there should be any difference in where we believe that this should not apply to violators of veterans' employment rights and allow them to make the choice.

I reserve the balance of my time.

Mr. KLINE. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

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

Of course I always hate to oppose something presented by my Minnesota delegation colleague, a veteran himself, but again I think we have a misguided amendment here.

In the last amendment, we were sort of taking an Occupy Wall Street moment to express our outrage at the salaries or bonuses or compensation for executives, and we were going to punish workers because of our outrage. Unfortunately, we're sort of doing the same thing here.

If you're a veteran and your employer has harmed any number of your rights under Federal labor law, they've broken the law and action ought to be taken against them. But now with this amendment, this would give this activist NLRB an excuse to undermine the free choice of your coworkers in a union election. I don't think we want to do that. We want to support the rights of all workers.

As the distinguished minority whip said, employers and employees ought to get a fair election. We want a fair election for employers and employees, for workers—whether they are veterans or not veterans. I, having spent some time in uniform myself, have a special place for veterans. I want to make sure they get everything, everything that's coming to them. We owe them so much. But this amendment, unfortunately, would end up punishing them and their coworkers in, I think, a misguided effort to help them. We shouldn't do that.

Let's support the underlying legislation and oppose this amendment.

I reserve the balance of my time.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

I respect the chairman and the gentleman's opinion on this, but I want to be very clear. The only people this applies to is violators of veterans' workplace employment. These are veterans returning home who choose to have union representation, who have fought for that right in uniform and are now being told this.

The NLRB said this is no problem being able to be put in. It's at no cost to the taxpayer to be able to do this. And the thing that I hear coming up in the discussion today was we need to have more time to explain it to them.

I have tremendous faith in the ability of our folks who served in split-second, life-and-death decisions overseas

servicing in combat to be able to, after a few days, make a decision with the information they're given whether they want representation or not, not being drug out in litigation for 2 years so they can protect their rights against employers previously cited in the 1 year. These are not the good actors. These are the bad actors.

I don't like the underlying bill. I'm trying to make it better. Why are we protecting the 1 percent of bad actors in this at the expense of a veteran who has the right to organize?

With that, I reserve the balance of my time.

Mr. KLINE. Again may I inquire as to how much time remains on either side.

The Acting CHAIR. The gentleman from Minnesota (Mr. KLINE) has 3 minutes remaining, and the gentleman from Minnesota (Mr. WALZ) has 1½ minutes remaining.

Mr. KLINE. Thank you, Mr. Chairman. I yield myself such time as I may consume.

I think there is some confusion here. The other gentleman from Minnesota says that these are talking about veterans who have chosen to have a union. The point is we don't know if they've chosen to have a union. We don't know that. That's what the election is for. And they deserve the time and the opportunity to ask questions, get answers, hear from all sides and make an informed decision.

What the underlying bill does, it says you get at least 35 days. And I would remind my colleagues that the current mean time, average time, is 31 days and the median time is 38 days. It's not out of line. But we think a month, 5 weeks, ought to be time for workers to be able to receive the information, ask the questions, challenge information from the employer and from the union organizer, and then make an informed decision.

While it's true, certainly, sometimes in combat that you have to make split-second decisions to save your life or the lives of colleagues or to achieve the mission, you shouldn't be required to do that here in making this decision for you and your families. You ought to have time to do it.

Because an employer has misbehaved, in the example of this amendment, the employer should be punished for that if he's a broken law, but the employees should not be deprived of the opportunity to make an informed decision, and that's what this amendment would do. So, again, reluctantly, I oppose this amendment and support the underlying bill.

I reserve the balance of my time.

Mr. WALZ of Minnesota. Mr. Chairman, I yield myself the balance of my time.

I express my disappointment with the gentleman. I do respect his service, and we have a fond attachment to our veterans in getting this right.

Let me do something that doesn't happen down here very much to show

you how small this is. I'll read you the entire amendment:

"The designated parties referred to in subparagraph (B) are employers that have been found liable for any labor law violation against a veteran of the Armed Forces during the 1-year period preceding the filing of a petition under this subsection. Such parties may not engage in the dilatory tactic of raising new issues or positions during a preelection hearing that were not raised prior to the commencement of the hearing."

No matter how you feel about the underlying bill, if we really want to make this better and try and reach across together, maybe this is one area we could do it.

I would urge my colleagues on both sides of the aisle: Do what's right. Pick off these bad employers so they can't engage in these tactics against veterans. Let's get our folks back to work and let's agree to disagree on the fundamental underlying bill on labor. On this one, we shouldn't.

I yield back the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Thank you, Mr. Chairman, and thank you for keeping track of the Minnesotans here as well.

I'm sorry, but again we just have a fundamental difference here. If an employer is liable, has made mistakes, has broken the law, they should be punished under the law, whichever law they have violated in violating the rights of employees, veterans or not.

But this amendment is an attempt to dismantle a successful union election process that is fair to veterans and nonveterans, to employees and to employers. This amendment, in an attempt to punish employers who have misbehaved, who ought to be punished under the law under another law, is simply going to deny the rights of workers to have the opportunity to make an informed decision.

I oppose this amendment and support the underlying legislation.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WALZ of Minnesota. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

□ 1620

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-291.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, beginning on line 4, strike "subparagraph (B)—" and all that follows through "(B) by inserting;" on line 8, and insert "subparagraph (B), by inserting".

Page 8, line 24, strike "last sentence—" and all that follows through page 9, line 9, and insert "last sentence, by inserting 'or consideration of a request for review of a regional director's decision and direction of election,' after 'record of such hearing'; and".

The Acting CHAIR. Pursuant to House Resolution 470, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

The question to my colleagues is whether workers come as Republicans or Democrats or if they come simply as Americans operating under a constitutional provision that we all celebrate, and that is the First Amendment.

The First Amendment clearly allows the American people to petition, to have freedom of expression and, in essence, freedom to assemble. We also recognize that, in the course of power, there is the worker and there is the employer. The employer, in many instances, intimidates, and the National Labor Relations Board recognized the unevenness of power. Whether they are returning troops and veterans or whether they are single mothers and working families who want to better their lives, they understand that there needs to be fairness in order for this little, small book, the Constitution, to actually operate.

My amendment is very simple. My amendment attempts to make an even playing field. It takes away the power of the underlying legislation, which is to limit how long the election may go on—in fact, delay the election, if you will. This amendment strikes the provision that deals with the timeframe in which the election can go on and in which the employer can interfere with that election. Delay gives unscrupulous employers more time to use the timeframe to delay the election.

It's a simple premise that you win or lose elections; but if you allow employers to use the hand of intimidation and to stop the election, you take away some of the privileges of being an American.

I, frankly, believe that in this time that we're on the floor we really should be debating the extension of the unemployment benefits, and I believe that we should be discussing the passage of the American Jobs Act. We're not doing that. We're here to limit the rights of Americans. So I'd ask my colleagues to support the amendment that stops employers from delaying the rights of Americans by participating in delaying litigation, raising their power while limiting the power of the worker. I hope my colleagues will join me in supporting my amendment.

Mr. Chair, I rise today in support of my amendments to H.R. 3094, "The Workforce Democracy and Fairness Act." My amendment eliminates the provisions in this bill that would allow employers to unnecessarily delay an election. The bill in its current form rolls back decades of earned collective rights for workers and prevents workers from simply voting in workplace elections.

This legislation is an assault on working Americans. H.R. 3094 is designed to delay and ultimately prevent union representation elections, rendering the National Labor Relations Board (NLRB) powerless and undoes decades' worth of improvements for worker's rights.

In order to prevent needless delays in conducting elections I propose my amendment which simply strikes the text which requires that an election must be delayed for at least 35 days from the date the petition was filed. This amendment would restore current law.

While my colleagues on the other side of the aisle seemed focused on the NLRB decision and their claim to minimum delays, there is no provision in H.R. 3904 to limit the time that an election can be delayed. This would ensure that an election would be conducted as soon as practicable following the pre-election hearing, consistent with the facts determined by the Regional Director.

By setting a floor that an election will always be held at least 35 days from the filing of a petition, H.R. 3094 imposes delay for delays sake, even if an election could practically be scheduled before 35 days from the filing of a petition. A witness testified before the Education and Workforce Committee's that: "This [35 day delay] would apply even where the union and employer are willing to stipulate to an earlier date. Other than facilitating an employer in ramping up an antiunion campaign, it does not appear to have any meaningful purpose."

The National Labor Relations Act provides workers with essential protections; protections that have resulted in a strong middle class. This law prevents companies from retaliating against workers who exercise their rights, such as the right to strike, petition for better pay, demand safer working conditions, and form a union.

H.R. 3094 would amend the National Labor Relations Act to define how the National Labor Relations Board should determine a unit for purposes of collective bargaining. In addition, it allows an election to occur sooner than 35 days after the filing of a petition. However, there is no limit on how long an election may be delayed. Delay would provide employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

This legislation would perpetuate undue delays in union elections, a blatant attempt to undermine American worker's right to organize to protect their rights. This bill is an attack on collective bargaining, and on the American workforce as a whole.

Delaying elections grants employers the necessary time to use legal and illegal means to discourage employees' interests in forming unions for the purpose of collective bargaining. The bill encourages legal but frivolous appeal litigation, further delaying elections for several months or years. The measure will severely cripple and undermine elections process. A procedure intended to empower workers.

Consequently union voters lose zeal for elections and unscrupulous employers are able to manipulate elections for their desired outcome, stalling the plight of workers' advancement.

Further, The bill misconstrues the procedure for deciding who is a bargaining unit. What effect will this have on the progress union workers have made over the last 75 years?

Employers will use this disruption to gerrymander elections, induce uncertainty regarding elections, thus being able to manipulate workers and flood the ballot boxes with voters not engage in the organizing drive.

For 75 years union workers have fought for basic rights to maintain improved and safer workplace environments. How does this measure effect these achievements?

After the bill's implementation will workers view their workplace favorably? Will their wages match the growth rate of the company and economy? And will workers feel like American employers, supported by government, provide meaningful safety for community survival?

This legislation undermines American workers by eliminating laws that prevent employers from gerrymander elections when employees consider whether or not to form a union. Employees have a right to unionize. They have the right to exercise their rights collectively bargain for competitive wages, benefits, and safe working environments. I am extremely disappointed that my Republican friends are willing to create an atmosphere that forces the voice of hard working Americans to be diluted by their employers. In many cases employees would have to settle for accepting the lowest wages, worst benefits, and harshest working conditions. This bill creates a race to the bottom that is simply not worthy of a great nation, and certainly not worthy of America.

Time after time, throughout the 20th century, the nation turned to the labor community to build infrastructure, supply the Armed Forces, and manufacture the materials that constructed our great American cities, and time after time, hard working Americans answered the call and made this country great.

It appears that my colleagues on the other side of the aisle have decided to repay the American workforce by forcing them to choose between their rights and their jobs. I will fight, as I have throughout my tenure in Congress, to protect the middle class by protecting their right to vote in any capacity.

My Republican friends have not passed a single bill to create jobs, and this bill is no exception. In fact, this reckless legislation threatens American jobs and undermines worker's rights while safeguarding special interest. I urge my colleagues to oppose this harmful legislation, and instead focus our efforts on a bipartisan jobs bill that will foster a new age of American ingenuity and prosperity.

I reserve the balance of my time.

Mr. GOWDY. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

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

This amendment would strike provisions of the Workforce Democracy and Fairness Act that ensure employers have at least 14 days to find legal counsel and prepare their cases for the

preelection hearings. Additionally, it would strike the provisions that ensure employers have 35 days to educate their workers and that employees have 35 days to determine whether they wish to join a union.

Information is power, and I, frankly, don't understand the antagonism towards information. I don't understand the antagonism towards employers. We give garden-variety, common-criminal shoplifters 180 days to find lawyers—180 days for a shoplifter to find a lawyer—but we can't give employers 2 weeks? Is 2 weeks really too much to ask to find a lawyer?

There have been unions, Mr. Chairman, that have already endorsed this President and his reelection bid. Already, 360-something days out, was the first one I noted. So they need 365 days to prepare for an election, but we can't give employers 35 days? You can check out a library book for longer than you want to give employers the ability to prepare for an election.

This is an important decision, not only in the lives of the employees but of the employers, many of whom are small business owners. They've got to negotiate the legal labyrinth that is our Federal labor law, and you're going to give them 35 days and 14 to get lawyers.

Mr. Chairman, this amendment will restrict employers' free speech and will undermine workers' free choice. Information is power. Sometimes that takes time. I don't think 35 days under anyone's calculus is too much time to prepare for an election. If we can give a shoplifter or a speeder or a drunk driver 180 days to hire a lawyer, surely to goodness we can give a small business job creator a couple of weeks.

With that, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I yield myself such time as I may consume.

Very briefly, in listening to my good friend from South Carolina, it's time to take out the white hanky and begin to cry for the employers against these deafening and deadly workers, some of them veterans and single parents.

Hear me very clearly: there are 35 days for the filing of a petition, but there is no limit to the amount of time the employer can delay the election through litigation. If that isn't an imbalance against the vulnerable worker—the worker who is behind a cashier, the worker who is manufacturing a made-in-America trinket of some kind, the textile worker, the returning soldier on the battlefield—then what is?

God bless the employers with their constitutional rights. I applaud them. But what this bill is doing and what this section is doing is taking a spear and going on and on and on with dilatory litigation tactics to disallow the organizing that is protected under the Constitution and the due process under the Fifth Amendment.

Go ahead, employers, get your lawyers. Move on.

But the question is, how long is too long?

I reserve the balance of my time.

The Acting CHAIR. The gentleman from South Carolina has 2½ minutes remaining.

Mr. GOWDY. Thank you, Mr. Chairman. I yield myself such time as I may consume.

My first job was delivering newspapers. My job after that was bagging groceries at a local grocery store. My job after that was working at a tobacco warehouse.

I don't recall ever being hired by an employee.

I don't understand the antagonism towards employers. I don't understand the antagonism towards people who are willing to invest their fortunes and have the unmitigated temerity to want to be successful and hire other people. I don't understand the antagonism towards job creators.

Mr. Chairman, I will say it again: We give 180 days to someone who shoplifts from a store to go find a lawyer, but we can't give 14 days to the small business owner who wants to defend against a suit—to negotiate the legal labyrinth that many of the lawyers in this body don't understand, present company included. There are experts in labor law; but unless you have corporate counsel hired, you're going to have to go find a lawyer and educate him on your issues.

Mr. KLINE gives them a whopping 2 weeks. Fourteen days is eminently reasonable, and 35 days for something as potentially transformative as an election is not too much to ask for, and there is nothing in the Constitution of the United States that says otherwise.

With that, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I yield myself such time as I may consume.

What I say to my good friend from South Carolina is that I have the greatest respect for employers. I'd like the gentleman to join me in passing the American Jobs Act to give them payroll tax relief and to give them tax credits for hiring new employees. But you have to ask the question:

After this bill's implementation, will workers view their workplaces more favorably? Will their wages match the growth rates of the companies and economy? Will workers feel like American employers, supported by government, provide meaningful safety for community survival?

This legislation, frankly, undermines the American workers. Can we all get along? Can we find a way to address the concerns of making sure that we are fair to the employer but not have delay after delay after delay to deny someone his constitutional right of organizing freedom of expression? I think we can.

□ 1630

The elimination of the provisions that I have spoken of is a dilatory upper hand of employers to get the better hand of our employees.

I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from Texas has 15 seconds remaining,

and the gentleman from South Carolina has 45 seconds remaining.

Mr. GOWDY. Thank you, Mr. Chairman.

I would invite my friends on the other side of the aisle to join us in addressing what I hear from every small business owner back in South Carolina, which is fix the regulatory apparatus, fix the tax structure, fix the litigation structure, quit spending money you don't have.

Mr. Chairman, the President, who was standing not 3 feet in front of you, said we should have no more regulation than is necessary for the health, safety, and security of the American people. That's not a Republican that said that; it's the President of the United States.

So I would ask the NLRB, what part of health, safety, and security are you trying to fix with quick elections, the placing of posters in the workplace, and other regulations that do nothing except punish job creators?

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

Ms. JACKSON LEE of Texas. In my hand I have H.R. 3094 and in this hand I have the Constitution. I don't know who you would stand with. Support my amendment, support the Constitution, provide workers the opportunity for freedom and the right to organize.

I ask my colleagues to join me in supporting the Jackson Lee amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

#### MOTION TO RISE

Ms. MOORE. Mr. Chairman, I have a preferential motion at the desk.

The Acting CHAIR. The Clerk will report the motion.

The Clerk read as follows:

Ms. Moore moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes in support of her motion.

Ms. MOORE. Thank you, Mr. Chair.

I rise to make this motion today because I am opposed to the underlying bill, the so-called Workforce Democracy and Fairness Act.

Mr. Chair, I hope that all of my colleagues have gotten their tickets for this show, because once again my Republican colleagues have turned these hallowed Halls of Congress into a place for political theater or, better yet, a circus, and the joke is on working class Americans.

Today's so-called Workforce Democracy and Fairness Act is another scene in this unfolding plot to undermine American workers.

It would be comedy if it weren't such a tragedy for the American people. Every day, the American people are forced to play the part of the clown Pagliacci. They watch Republicans put on this performance, claiming to want to protect American jobs and workers while behind the scenes they work to dismantle the rights of the American worker and, like Pagliacci, the American people must learn to laugh with tears in their eyes.

Today's installment of tragic theater stars a bill which has been more appropriately renamed by my Democratic colleagues as the Election Prevention Act.

This bill would permit employers to delay indefinitely a union election by mandating delays in the union election process and failing to place limits on how long an election can be delayed. These delays would allow more intimidation and harassment of employees, including hiring union-busting companies.

This bill perverts the notion of employee free choice in the face of the power of an employer to indefinitely postpone an election.

In Wisconsin, Mr. Chair, we have seen this song and dance before under the guise of deficit reduction. Governor Walker undermined the workers' rights, rammed through legislation that cut State employee benefits and stripped unions of their collective bargaining rights.

Ohio, too, has seen this horrific curtain call. Governor John Kasich and the Ohio Republican legislature's passage of S.B. 5. But what Governors Walker, Kasich and so many others are not prepared for is the second act of this drama.

When the curtain opened on November 8 in Ohio, voters flocked to the polls in record numbers with a resounding voice and repealed S.B. 5. The staging continues in my State of Wisconsin, where in just 2 weeks we have garnered 300,000 signatures poised to recall Governor Scott Walker.

Mr. Chair, the American people will not be upstaged by this anti-union, anti-worker, and anti-family play. Our Nation's middle class is demanding to bargain for more of the wealth that they created.

Mr. Chair, this clear attack on workers' rights departs from a long-preserved tradition of American democracy in the workplace. It's time for us to close the curtain, pull the hook out on this circus act, and bring up the lights on real legislation that creates real jobs.

Mr. Chair, I would now yield to my colleague, the gentlelady from Ohio, BETTY SUTTON.

Ms. SUTTON. I thank the gentlewoman for yielding and I thank her for the motion.

What's it going to take to get this body to focus on priority one, which is





Heck	McIntyre	Royce
Hensarling	McKinley	Runyan
Herger	McMorris	Ryan (WI)
Herrera Beutler	Rodgers	Scalise
Huelskamp	Meehan	Schilling
Huizenga (MI)	Mica	Schmidt
Hultgren	Miller (FL)	Schock
Hunter	Miller (MI)	Schweikert
Hurt	Miller, Gary	Scott (SC)
Issa	Mulvaney	Scott, Austin
Jenkins	Murphy (PA)	Sensenbrenner
Johnson (IL)	Myrick	Sessions
Johnson (OH)	Neugebauer	Shimkus
Johnson, Sam	Noem	Shuler
Jones	Nugent	Shuster
Jordan	Nunes	Simpson
Kelly	Nunnelee	Smith (NE)
King (IA)	Olson	Smith (NJ)
King (NY)	Palazzo	Smith (TX)
Kingston	Paulsen	Southerland
Kinzinger (IL)	Pearce	Stearns
Kline	Pence	Stivers
Labrador	Petri	Stutzman
Lamborn	Pitts	Sullivan
Lance	Platts	Terry
Landry	Poe (TX)	Thompson (PA)
Lankford	Pompeo	Thornberry
Latham	Posey	Tiberi
LaTourette	Price (GA)	Tipton
Latta	Quayle	Turner (NY)
Lewis (CA)	Reed	Turner (OH)
LoBiondo	Rehberg	Upton
Long	Reichert	Walberg
Lucas	Renacci	Walden
Luetkemeyer	Ribble	Walsh (IL)
Lummis	Rigell	Webster
Lungren, Daniel E.	Rivera	West
	Roby	Westmoreland
	Roe (TN)	Whitfield
	Rogers (AL)	Wilson (SC)
	Rogers (KY)	Wittman
	Rohrabacher	Wolf
	Rokita	Womack
	Rooney	Woodall
	Roskam	Yoder
	Roskamm	Young (AK)
	Ross (AR)	Young (IN)
	Ross (FL)	

The vote was taken by electronic device, and there were—ayes 187, noes 228, not voting 18, as follows:

[Roll No. 864]

AYES—187

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

Goodlatte	Lungren, Daniel E.	Rokita
Gosar		Rooney
Gowdy	Manzullo	Ros-Lehtinen
Granger	Marchant	Roskam
Graves (GA)	Marino	Ross (FL)
Graves (MO)	Matheson	Royce
Griffin (AR)	McCarthy (CA)	Ryan (WI)
Griffith (VA)	McCaul	Scalise
	McClintock	Schilling
	McCotter	Sensenbrenner
	McHenry	Schock
	McMorris	Schweikert
	Rodgers	Scott (SC)
	Meehan	Scott, Austin
	Mica	Sessions
	Miller (FL)	Shimkus
	Miller (MI)	Shuster
	Miller, Gary	Simpson
	Mulvaney	Smith (NE)
	Murphy (PA)	Smith (TX)
	Myrick	Southerland
	Neugebauer	Stearns
	Noem	Stivers
	Nugent	Stutzman
	Nunes	Sullivan
	Nunnelee	Terry
	Palazzo	Thompson (PA)
	Paulsen	Thornberry
	Pence	Tiberi
	Petri	Tipton
	Pitts	Turner (NY)
	Platts	Turner (OH)
	Poe (TX)	Upton
	Pompeo	Walberg
	Price (GA)	Walden
	Quayle	Walsh (IL)
	Reed	Webster
	Rehberg	West
	Reichert	Westmoreland
	Renacci	Whitfield
	Ribble	Wilson (SC)
	Rigell	Wittman
	Rivera	Wolf
	Roby	Womack
	Roe (TN)	Woodall
	Rogers (AL)	Yoder
	Rogers (KY)	Young (AK)
	Rohrabacher	Young (IN)

NOT VOTING—16

Bachmann	Gutierrez	Ruppersberger
Baldwin	Mack	Smith (WA)
Berman	McKeon	Wasserman
Dicks	Paul	Schultz
Dreier	Rogers (MI)	Young (FL)
Giffords	Ros-Lehtinen	

□ 1713

Mr. BARTLETT and Mrs. McMORRIS RODGERS changed their vote from “aye” to “no.”

Mr. DAVIS of Illinois changed his vote from “no” to “aye.”

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. ROS-LEHTINEN. Mr. Chair, on rollcall No. 863 I was unavoidably detained in a national security briefing. Had I been present, I would have voted “no.”

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

NOES—228

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

NOT VOTING—18

Bachmann	Harris	Ruppersberger
Baldwin	Mack	Smith (WA)
Berman	McKeon	Wasserman
Dicks	Paul	Schultz
Dreier	Pearce	Young (FL)
Giffords	Pelosi	
Gutierrez	Rogers (MI)	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1718

So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. BOSWELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. BOSWELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

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

[Roll No. 865]

AYES—181

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

NOES—239

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

Hensarling	McMorris	Runyan
Herger	Rodgers	Ryan (WI)
Herrera Beutler	Meehan	Scalise
Himes	Mica	Schilling
Hochul	Miller (FL)	Schmidt
Huelskamp	Miller (MI)	Schock
Huizenga (MI)	Miller, Gary	Schweikert
Hultgren	Mulvaney	Scott (SC)
Hunter	Murphy (PA)	Scott, Austin
Hurt	Myrick	Sensenbrenner
Issa	Neugebauer	Sessions
Jenkins	Noem	Shimkus
Johnson (IL)	Nugent	Shuler
Johnson (OH)	Nunes	Shuster
Johnson, Sam	Nunnelee	Simpson
Jones	Olson	Smith (NE)
Jordan	Owens	Smith (NJ)
Kelly	Palazzo	Smith (TX)
King (IA)	Paulsen	Southerland
King (NY)	Pence	Stearns
Kingston	Petri	Stivers
Kinzie	Pitts	Stutzman
Kinzie	Platts	Sullivan
Labrador	Kline	Terry
Lamborn	Polis	Thompson (PA)
Lance	Pompeo	Thornberry
Landry	Posey	Tiberi
Lankford	Price (GA)	Tipton
Latta	Quayle	Turner (NY)
Lewis (CA)	Reed	Turner (OH)
LoBiondo	Rehberg	Upton
Long	Reichert	Walberg
Lucas	Renacci	Walden
Luetkemeyer	Ribble	Walsh (IL)
Lummis	Rigell	Webster
Lungren, Daniel	Rivera	West
E.	Roby	Westmoreland
Manzullo	Roe (TN)	Whitfield
Marchant	Rogers (AL)	Wilson (SC)
Marino	Rogers (KY)	Wittman
Matheson	Rogers (MI)	Wolf
McCarthy (CA)	Rohrabacher	Womack
McCaul	Rokita	Woodall
McClintock	Rooney	Yoder
McCotter	Ros-Lehtinen	Young (AK)
McHenry	Roskam	Young (FL)
McKeon	Ross (FL)	Young (IN)
	Royce	

NOT VOTING—13

Bachmann	Giffords	Pearce
Baldwin	Gutierrez	Pelosi
Broun (GA)	LaTourette	Wasserman
Cantor	Mack	Schultz
Dreier	Paul	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1722

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. WALZ OF  
MINNESOTA

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Minnesota (Mr.  
WALTZ) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 200, noes 221,  
not voting 12, as follows:

[Roll No. 866]

AYES—200

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

NOES—221

Adams	Bucshon	Dold
Aderholt	Buerkle	Duffy
Akin	Burgess	Duncan (SC)
Alexander	Burton (IN)	Ellmers
Amash	Calvert	Emerson
Amodei	Camp	Farenthold
Austria	Campbell	Fincher
Bachus	Canseco	Flake
Barletta	Capito	Fleischmann
Barton (TX)	Carter	Fleming
Bass (NH)	Cassidy	Flores
Benishkek	Chabot	Forbes
Berg	Chaffetz	Fortenberry
Biggert	Coble	Fox
Billray	Cole	Franks (AZ)
Bilirakis	Conaway	Frelinghuysen
Bishop (UT)	Cooper	Gallely
Black	Cravaack	Gardner
Blackburn	Crawford	Garrett
Bonner	Crenshaw	Gerlach
Bono Mack	Culberson	Gibbs
Boustany	Davis (KY)	Gingrey (GA)
Brady (TX)	Denham	Gohmert
Brooks	Dent	Goodlatte
Broun (GA)	DesJarlais	Gosar
Buchanan	Diaz-Balart	Gowdy

Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
LaTourette  
Latta  
Lewis (CA)  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marchant

## NOT VOTING—12

Bachmann  
Baldwin  
Cantor  
Coffman (CO)  
Dreier

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1727

Mr. DUNCAN of Tennessee changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. COFFMAN of Colorado. Mr. Chair, on rollcall No. 866 I was unavoidably detained and I would have voted “no.”

## PERSONAL EXPLANATION

Mr. PEARCE. Mr. Chair, on rollcall Nos. 864, 865, and 866 I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 4 OFFERED BY MS. JACKSON  
LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.  
The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 236, not voting 9, as follows:

[Roll No. 867]

## AYES—188

Ackerman  
Altmire  
Andrews  
Baca  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Higgins  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebsock  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McKinley  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Olver

## NOES—236

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Austria  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner

Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry

## NOT VOTING—9

Bachmann  
Baldwin  
Cantor  
Dreier

□ 1732

So the amendment was rejected.  
The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. CHAFFETZ). The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. CHAFFETZ, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, and, pursuant to House Resolution 470, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

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

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. SUTTON. I am in its current form.

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

The Clerk read as follows:

Ms. Sutton moves to recommit the bill, H.R. 3094, to the Committee on Education and the Workforce with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, insert the following:

**SEC. 3. ADDITIONAL PROVISIONS TO ENSURE A LEVEL PLAYING FIELD FOR EMPLOYEES AND EQUAL ACCESS TO VOTERS AND TO DISCOURAGE OUTSOURCING.**

Section 9 of the National Labor Relations Act (29 U.S.C. 159) is further amended by inserting at the end of subsection (c)(1) the following new subparagraph:

“(C) LEVEL PLAYING FIELD FOR EMPLOYEES AND CORPORATE DIRECTORS.—Once an election by employees is directed by the Board, nothing in this subsection shall require a longer delay for employees to vote for a bargaining representative than is required for the board of directors to vote for a chief executive officer under the incorporation laws of the State where the employer is located.

“(D) FREE AND FAIR ELECTIONS AND EQUAL ACCESS TO VOTERS.—Upon the filing of a petition for an election, the Board shall ensure an equal opportunity for each party to access and inform voters prior to the election, including by prohibiting campaign meetings for which employee attendance is mandatory or employee time is paid unless both parties mutually agree to waive such prohibition.

“(E) PROHIBITION ON CORPORATIONS THAT OUTSOURCE JOBS.—Notwithstanding subparagraph (B), an employer that outsourced jobs to a foreign country or announced plans to outsource jobs to a foreign country during the 1-year period preceding the filing of a petition under this subsection may not engage in the dilatory tactic of raising new issues or positions during a pre-election hearing that were not raised prior to the commencement of the hearing.”.

Mr. KLINE. Mr. Speaker, I reserve all points of order against the motion.

The SPEAKER pro tempore. A point of order is reserved.

The gentlewoman from Ohio is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, I am opposed to this bill, but let me begin by saying that this final amendment, if adopted, will not kill the bill or send it back to committee. Instead, the bill, as amended, will immediately be voted upon for final passage. We may strongly disagree on the bill in question, but

surely no one in this Chamber can disagree that, in these hard times, working families in this country deserve a fair shake. Unfortunately, the underlying bill, as written, is fundamentally unfair.

Mr. Speaker, a few weeks ago, in my home State of Ohio, voters, in an exercise of direct democracy, voted to overwhelmingly repeal the infamous senate bill 5, which was a fundamentally unfair and extreme attack on workers. In a resounding victory for middle class Ohioans, many Democrats and Republicans alike went to the polls and soundly rejected the union-busting effort that would have unfairly silenced workers and stacked the deck against them. At a time when public officials across every level of government should be focused on getting Americans back to work, the underlying bill before us today, like Ohio's recently repealed senate bill 5, would unfairly stack the deck against our workers and American jobs.

But the good news, Mr. Speaker, is that it doesn't have to be that way. Right here, right now, Democrats and Republicans together, like so many voters in Ohio joined together, can stand up for fairness and the middle class, and can pass this amendment. Our amendment would improve the bill in three very important ways:

First, it would level the playing field between employees and corporate boards.

It's only fair.

When workers choose whether to organize a union, they're choosing who their representative will be in the workplace. When a board of directors takes a vote on whether to hire a CEO, it's choosing management's representative in the workplace. I doubt that proponents of this bill would ever think of leaving a corporation voiceless or would ever think of throwing obstacles in the way of a corporate board of directors' ability to choose its next CEO. Yet that's exactly what this bill before us does to workers.

It's not right. Workers shouldn't have to wait any longer than a corporate board of directors. So this amendment levels things out by saying that nothing in this bill will impose any longer of a waiting period for workers to vote for a union than any State law imposes on a board of directors voting on a CEO.

Second, this amendment will make sure that elections proceed legitimately and fairly.

Everyone can agree that workers deserve to be fully informed. So this amendment requires that, when a petition for an election is filed, the board must ensure an equal opportunity for workers to hear from all sides. Under current law, Mr. Speaker, only one party—the employer—can engage in what is called “captive audience meetings.” Only one party can force the voters to attend campaign speeches, rallies, and meetings or be fired. Under this motion, under this amendment,

the parties would agree to equal access to voters.

It's only fair. No more captive audience meetings unless the parties agree, unless there is fair and equal access to voters so that all sides may be heard and so that workers can judge for themselves and make fully informed choices when it comes time to vote.

Finally and importantly, this amendment discourages job outsourcing. With 9 percent unemployment in the country and with our economy barely growing, the last thing we want to do is reward companies that ship jobs overseas.

□ 1740

The underlying bill provides employers with a nasty weapon for tactical delay. It allows employers to drag out preelection hearings indefinitely, preventing an election from ever happening.

Employers can raise any issue at a time prior to the end of the hearing, even issues that have nothing to do with the conduct of the election or the question of whether there should be an election at all. Outsourcers should not have the benefit of a tactical delay to help ship jobs overseas. We should not allow it.

This amendment says if you have outsourced jobs or announced plans to outsource jobs in the past year, you don't get that privilege. You have to do what every party to a Federal case must do: state your claims at the beginning of the hearing. We shouldn't extend privileges to outsourcers.

I urge a “yes” vote on this final amendment to the bill.

Mr. KLINE. Mr. Speaker, I withdraw my reservation of the points of order.

The SPEAKER pro tempore. The gentleman's reservation is withdrawn.

Mr. KLINE. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE. Mr. Speaker, this motion to recommit is similar to amendments we have seen earlier today. We had an amendment sort of trying to capitalize on the Occupy Wall Street movement and limit workers' rights because of behavior of executives.

This motion attempts to rewrite existing rules regarding union access to employer property. Mr. Speaker, the point is the current system has been providing fair elections, as the distinguished minority whip said, for employers and employees. The NLRB's job is to see that employers and employees have fair union-organizing elections.

At a time when millions of Americans are searching for work, the Democrats have introduced yet another proposal that will make it more difficult for job creators, employers, to put Americans back to work. Rather than promoting a balanced election process, this motion to recommit will further tilt the playing field in favor of Big Labor bosses.

It's time for the Democrats here to stop standing in the way of the Nation's job creators and work on commonsense solutions that will allow job creators to put Americans back to work. Mr. Speaker, the underlying bill protects employers' free speech and employees' opportunity to make an informed decision.

This motion to recommit undoes that. We need to defeat this motion to recommit for what it is and support the underlying legislation. Let's vote "no" on this motion.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. SUTTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; ordering the previous question on House Resolution 477; and adoption of House Resolution 477, if ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 239, not voting 9, as follows:

[Roll No. 868]

AYES—185

Ackerman	Deutch	Kissell
Altmire	Dicks	Kucinich
Andrews	Dingell	Langewin
Baca	Doggett	Larsen (WA)
Barrow	Donnelly (IN)	Larson (CT)
Bass (CA)	Doyle	Lee (CA)
Becerra	Edwards	Levin
Berkley	Ellison	Lewis (GA)
Berman	Engel	Lipinski
Bishop (GA)	Eshoo	Loeb
Bishop (NY)	Farr	Loftis
Blumenauer	Fattah	Lowey
Boswell	Filner	Lujan
Brady (PA)	Frank (MA)	Lynch
Braley (IA)	Fudge	Maloney
Brown (FL)	Garamendi	Markey
Butterfield	Gonzalez	Matsui
Capps	Green, Al	McCarthy (NY)
Capuano	Green, Gene	McCormack
Cardoza	Grijalva	McDermott
Carnahan	Hahn	McGovern
Carney	Hanabusa	McIntyre
Carson (IN)	Hastings (FL)	McNerney
Castor (FL)	Heinrich	Meeks
Chandler	Higgins	Michaud
Chu	Himes	Miller (NC)
Ciilline	Hinche	Miller, George
Clarke (MI)	Hinojosa	Moore
Clarke (NY)	Hirono	Moran
Clay	Hochul	Murphy (CT)
Cleaver	Holden	Nadler
Clyburn	Holt	Napolitano
Cohen	Honda	Neal
Connolly (VA)	Hoyer	Oliver
Conyers	Inslee	Owens
Costa	Israel	Pallone
Costello	Jackson (IL)	Pascarell
Courtney	Jackson Lee	Pastor (AZ)
Critz	(TX)	Payne
Crowley	Johnson (GA)	Pelosi
Cummings	Johnson, E. B.	Perlmutter
Davis (CA)	Jones	Peters
Davis (IL)	Kaptur	Peterson
DeFazio	Keating	Pingree (ME)
DeGette	Kildee	Polis
DeLauro	Kind	Price (NC)

Quigley	Schiff	Tierney
Rahall	Schrader	Tonko
Rangel	Schwartz	Towns
Reyes	Scott (VA)	Tsongas
Richardson	Scott, David	Van Hollen
Richmond	Serrano	Velázquez
Ross (AR)	Sewell	Visclosky
Rothman (NJ)	Sherman	Walz (MN)
Roybal-Allard	Shuler	Waters
Ruppersberger	Sires	Watt
Rush	Slaughter	Waxman
Ryan (OH)	Smith (WA)	Welch
Sánchez, Linda	Speier	Wilson (FL)
T.	Stark	Woolsey
Sanchez, Loretta	Sutton	Yarmuth
Sarbanes	Thompson (CA)	
Schakowsky	Thompson (MS)	

NOES—239

Adams	Gibbs	Myrick
Aderholt	Gibson	Neugebauer
Akin	Gingrey (GA)	Noem
Alexander	Gohmert	Nugent
Amash	Goodlatte	Nunes
Amodei	Gosar	Olson
Austria	Gowdy	Palazzo
Bachus	Granger	Paulsen
Barletta	Graves (GA)	Pearce
Bartlett	Graves (MO)	Pence
Barton (TX)	Griffin (AR)	Petri
Bass (NH)	Griffith (VA)	Pitts
Benishek	Grimm	Platts
Berg	Guinta	Poe (TX)
Biggart	Guthrie	Pompeo
Bilbray	Hall	Posey
Bilirakis	Hanna	Price (GA)
Bishop (UT)	Harper	Quayle
Black	Harris	Reed
Blackburn	Hartzler	Rehberg
Bonner	Hastings (WA)	Reichert
Bono Mack	Hayworth	Renacci
Boren	Heck	Ribble
Boustany	Hensarling	Rigell
Brady (TX)	Herger	Rivera
Brooks	Herrera Beutler	Roby
Broun (GA)	Huelskamp	Roe (TN)
Buchanan	Huizenga (MI)	Rogers (AL)
Bucshon	Hultgren	Rogers (KY)
Buerkle	Hunter	Rogers (MI)
Burgess	Hurt	Rohrabacher
Burton (IN)	Issa	Rokita
Calvert	Jenkins	Rooney
Camp	Johnson (IL)	Ros-Lehtinen
Campbell	Johnson (OH)	Roskam
Canseco	Johnson, Sam	Ross (FL)
Cantor	Jordan	Royce
Capito	Kelly	Runyan
Carter	King (IA)	Ryan (WI)
Cassidy	King (NY)	Scalise
Chabot	Kingston	Schilling
Chaffetz	Kinzinger (IL)	Schmidt
Chobley	Kline	Schock
Coffman (CO)	Labrador	Schweikert
Cole	Lamborn	Scott (SC)
Conaway	Lance	Scott, Austin
Cooper	Landry	Sensenbrenner
Cravaack	Lankford	Sessions
Crawford	Latham	Shimkus
Crenshaw	LaTourrette	Shuster
Cuellar	Latta	Simpson
Culberson	Lewis (CA)	Smith (NE)
Davis (KY)	LoBiondo	Smith (NJ)
Denham	Long	Smith (TX)
Dent	Lucas	Southerland
DesJarlais	Luetkemeyer	Stearns
Diaz-Balart	Lummis	Stivers
Dold	Lungren, Daniel	Stutzman
Duffy	E.	Sullivan
Duncan (SC)	Manzullo	Terry
Duncan (TN)	Marchant	Thompson (PA)
Ellmers	Marino	Thornberry
Emerson	Matheson	Tiberi
Farenthold	McCarthy (CA)	Tipton
Fincher	McCaul	Turner (NY)
Fitzpatrick	McClintock	Turner (OH)
Flake	McCotter	Upton
Fleischmann	McHenry	Walberg
Fleming	McKeon	Walden
Flores	McKinley	Walsh (IL)
Forbes	McMorris	Webster
Fortenberry	Rodgers	West
Fox	Meehan	Westmoreland
Franks (AZ)	Mica	Whitfield
Frelinghuysen	Miller (FL)	Wilson (SC)
Gallely	Miller (MI)	Wittman
Gardner	Miller, Gary	Wolf
Garrett	Mulvaney	
Gerlach	Murphy (PA)	

Womack	Yoder	Young (FL)
Woodall	Young (AK)	Young (IN)

NOT VOTING—9

Bachmann	Gutierrez	Wasserman
Baldwin	Mack	Schultz
Dreier	Nunnelee	
Giffords	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1801

Ms. BERKLEY changed her vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 235, noes 188, not voting 10, as follows:

[Roll No. 869]

AYES—235

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

Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)

Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Southernland  
Stearns  
Stivers

Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (FL)  
Young (IN)

NOES—188

Ackerman  
Altmire  
Andrews  
Baca  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva

Grimm  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
King (NY)  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Olver  
Owens

Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (NJ)  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth  
Young (AK)

NOT VOTING—10

Bachmann  
Baldwin  
Braley (IA)  
Dreier

Giffords  
Gutiérrez  
Mack  
Paul

Ross (AR)  
Wasserman  
Schultz

□ 1808

Ms. JACKSON LEE of Texas and Mr. CARSON of Indiana changed their vote from “aye” to “no.”

Mr. SULLIVAN changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3463, TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION; PROVIDING FOR CONSIDERATION OF H.R. 527, REGULATORY FLEXIBILITY IMPROVEMENTS ACT OF 2011; AND PROVIDING FOR CONSIDERATION OF H.R. 3010, REGULATORY ACCOUNTABILITY ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 477) providing for consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 184, not voting 10, as follows:

[Roll No. 870]

YEAS—239

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Austria  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggett  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack

Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)

Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Cuellar  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Duffy  
Duncan (SC)  
Duncan (TN)  
Eilmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake

Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance

Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera

Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

NAYS—184

Ackerman  
Altmire  
Andrews  
Baca  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Grijalva  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello

Courtney  
Critz  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Lujan  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchev  
Hinojosa  
Hirono

Hochul  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre



McNerney Quigley Sherman  
Meeks Rahall Sires  
Michaud Rangel Slaughter  
Miller (NC) Reyes Smith (WA)  
Miller, George Richardson Speier  
Moore Richmond Stark  
Moran Ross (AR) Sutton  
Murphy (CT) Rothman (NJ) Thompson (CA)  
Nadler Roybal-Allard Thompson (MS)  
Napolitano Ruppertsberger Tierney  
Neal Rush Tonko  
Olver Ryan (OH) Towns  
Owens Sánchez, Linda Tsongas  
Pallone T. Van Hollen  
Pascrell Sanchez, Loretta Velázquez  
Pastor (AZ) Sarbanes Visclosky  
Payne Schakowsky Walz (MN)  
Pelosi Schiff Waters  
Perlmutter Schrader Watt  
Peters Schwartz Waxman  
Peterson Scott (VA) Welch  
Pingree (ME) Scott, David Wilson (FL)  
Polis Serrano Woolsey  
Price (NC) Sewell Yarmuth

NOT VOTING—10

Bachmann Gutierrez Walden  
Baldwin Mack Wasserman  
Dreier Paul Schultz  
Giffords Royce

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1815

So the previous question was ordered. The result of the vote was announced as above recorded. The SPEAKER pro tempore. The question is on the resolution. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote. The vote was taken by electronic device, and there were—ayes 239, noes 178, not voting 16, as follows:

[Roll No. 871]

AYES—239

Adams Cantor Gallegly  
Aderholt Capito Gardner  
Akin Cassidy Garrett  
Alexander Chabot Gerlach  
Amash Chaffetz Gibbs  
Amodei Coble Gibson  
Austria Coffman (CO) Gingrey (GA)  
Bachus Cole Gohmert  
Bartletta Conaway Goodlatte  
Bartlett Costa Gosar  
Barton (TX) Cravaack Gowdy  
Bass (NH) Crawford Granger  
Benishek Crenshaw Graves (GA)  
Berg Culberson Graves (MO)  
Berman Davis (KY) Griffin (AR)  
Biggert Denham Griffith (VA)  
Bilbray Dent Grimm  
Bilirakis Diaz-Balart Guinta  
Bishop (UT) Dold Guthrie  
Black Duffy Hall  
Bonner Duncan (SC) Hanna  
Bono Mack Duncan (TN) Harper  
Boren Ellmers Harris  
Boustany Emerson Hartzler  
Brady (TX) Farenthold Hastings (WA)  
Brooks Fincher Hayworth  
Broun (GA) Fitzpatrick Heck  
Buchanan Flake Hensarling  
Bucshon Fleischmann Hergert  
Buerkle Fleming Herrera Beutler  
Burgess Flores Huelskamp  
Burton (IN) Forbes Huizenga (MI)  
Calvert Fortenberry Hultgren  
Camp Foxx Hunter  
Campbell Franks (AZ) Hurt  
Canseco Frelinghuysen Issa

Jenkins Mulvaney Schmidt  
Johnson (IL) Murphy (PA) Schock  
Johnson (OH) Myrick Schweikert  
Johnson, Sam Neugebauer Scott (SC)  
Jones Noem Scott, Austin  
Jordan Nugent Sensenbrenner  
Kelly Nunes Sessions  
King (IA) Nunnelee Shimkus  
King (NY) Olson Shuler  
Kingston Palazzo Shuster  
Paulsen Pearce Simpson  
Kinzinger (IL) Pence Smith (NE)  
Kissell Petri Smith (NJ)  
Kline Lamborn Pitts Smith (TX)  
Lance Lance Platts Southerland  
Landry Landry Poe (TX)  
Lankford Latham Pompeo  
Latham LaTourette Posey  
LaTourette Latta Price (GA)  
Latta Lewis (CA) Quayle  
Lewis (CA) LoBiondo Reed  
Long Rehberg Reichert  
Lucas Lucas Renacci  
Luetkemeyer Lummis Ribble  
Lummis Lungren, Daniel Rigell  
E. Rivera  
Manzullo Roby  
Marino Roe (TN)  
Matheson Rogers (AL)  
McCarthy (CA) Rogers (KY)  
McCaul Rogers (MI)  
McClintock Rohrabacher  
McCotter Rokita  
McHenry Rooney  
McKeon Ros-Lehtinen  
McKinley Roskam  
McMorris Ross (AR)  
Rodgers Ross (FL)  
Meehan Royce  
Mica Runyan  
Miller (FL) Ryan (WI)  
Miller (MI) Scalise  
Miller, Gary Schilling

NOES—178

Ackerman Edwards Markey  
Altmire Engel Matsui  
Andrews Eshoo McCarthy (NY)  
Baca Farr McCollum  
Barrow Fattah McDermott  
Bass (CA) Filner McGovern  
Becerra Frank (MA)  
Berkley Fudge McIntyre  
Bishop (GA) Garamendi McNerney  
Bishop (NY) Gonzalez Meeks  
Blumenauer Green, Al Hirono Michaud  
Boswell Green, Gene Hochul Miller (NC)  
Brady (PA) Grijalva Holden Miller, George  
Braley (IA) Hahn Moran  
Brown (FL) Hanabusa Murphy (CT)  
Butterfield Hastings (FL) Nadler  
Capps Heinrich Napolitano  
Capuano Higgins Neal  
Cardoza Himes Olver  
Carnahan Hinchey Owens  
Carney Hinojosa Pallone  
Carson (IN) Hirono Pascrell  
Castor (FL) Hochul Pastor (AZ)  
Chandler Holden Payne  
Chu Holt Pelosi  
Cicilline Honda Perlmutter  
Clarke (MI) Hoyer Peters  
Clarke (NY) Inslee Pingree (ME)  
Clay Israel Polis  
Clever Jackson (IL) Price (NC)  
Clyburn Jackson Lee Quigley  
Cohen (TX) Johnson (GA) Rahall  
Connolly (VA) Johnson, E. B. Rangel  
Conyers Kaptur Reyes  
Cooper Kaptur Richardson  
Costello Keating Richmond  
Courtney Kildee Rothman (NJ)  
Critz Kind Roybal-Allard  
Crowley Kucinich Ruppertsberger  
Cuellar Langevin Rush  
Cummings Larsen (WA) Ryan (OH)  
Davis (CA) Larson (CT) Sánchez, Linda  
Davis (IL) Lee (CA) T.  
DeFazio Levin Sanchez, Loretta  
DeGette Lewis (GA) Sarbanes  
Lipinski Loeb sack Schakowsky  
Loeb sack Lofgren, Zoe Schiff  
Dicks Lowey Schwartz  
Dingell Lowey Scott (VA)  
Doggett Luján Scott, David  
Donnelly (IN) Lynch Serrano  
Doyle Maloney Sewell

Sherman Thompson (MS) Walz (MN)  
Sires Tierney Waters  
Slaughter Tonko Watt  
Smith (WA) Towns Waxman  
Speier Tsongas Welch  
Stark Van Hollen Wilson (FL)  
Sutton Velázquez Woolsey  
Thompson (CA) Visclosky Yarmuth

NOT VOTING—16

Bachmann Ellison Moore  
Baldwin Giffords Paul  
Blackburn Gutierrez Peterson  
Carter Labrador Wasserman  
DesJarlais Mack Schultz  
Dreier Marchant

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1822

So the resolution was agreed to. The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. VAN HOLLEN. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, would have voted “yea” on roll-call votes 863, 864, 865, 866, 867, and 868 and I would have voted “nay” on rollcall votes 869, 870, and 871.

CONGRATULATING THE BENET ACADEMY GIRLS VOLLEYBALL CHAMPIONSHIP TEAM

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

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the Benet Academy Girls Volleyball Team from Lisle, Illinois, on winning the Class 4A State Championship on November 12.

The terrific team, led by Coach Brad Baker, finished the season with a phenomenal record of 39 wins to 3 losses. This accomplishment by the Redwings marks the first state championship for an all-girls team at Benet Academy.

Each of these talented students should be commended for her hard work and discipline, especially Senior Meghan Haggerty, who led the team with 18 kills during the three-game match and 13 straight service points in the final game.

Her sister, Sophomore Maddie Haggerty, followed her lead with 16 kills. And Senior Jenna Jendryk, who previously was named MVP in the Benet Invitational and Wheaton Classic, rounded out the team with 10.

Mr. Speaker, our community is very proud of these accomplished young women, at least seven of whom already have made plans to play volleyball at Division I universities.

Once again, I'd like to congratulate the Benet Academy Redwings on their win and wish them continued success in all of their future endeavors.

### COMMEMORATING WORLD AIDS DAY

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

Ms. BASS of California. Mr. Speaker, every 9 minutes and 30 seconds someone is infected with HIV in the United States. Today, 34 million people worldwide live with HIV, and of those infected, 60 percent do not know they are positive. These staggering facts demand that we strengthen our efforts to prevent the spread of this life-threatening disease.

Tomorrow, December 1, we will recognize World AIDS Day. World AIDS Day is an opportunity to take action and invigorate the global movement to ultimately halt the spread of HIV. Emphasizing the importance of ending this three-decade fight, this year's World AIDS Day theme is "Getting to Zero." Zero new infections, zero discrimination, zero AIDS-related deaths.

In observance, starting at midnight, I will hold a 24-hour "tweet-blast" where every hour I will tweet facts about HIV/AIDS and ways everyone can get involved to help end this disease. I invite all of you to join me in this conversation on Twitter at Rep KAREN BASS.

### THE HIGH COST OF THE AMERICAN ENERGY POLICY

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

Mr. FLEMING. Mr. Speaker, as the price of crude oil again moves past \$100 a barrel, it is another reminder of the high cost of our energy policy that increases our dependence on foreign countries, kills jobs, and raises energy costs. Every time the Federal Government imposes a moratorium or new regulations, as it did on drilling in the gulf and now the Keystone pipeline, it hurts the American people.

Despite 60 years of a spotless safety record, excellent State regulation and monitoring, approval for safety by the EPA and creation of inexpensive energy sources, hydrofracking for oil and natural gas is under attack by the Department of the Interior.

What is the expected outcome?

Look at what the administration has done to coal, offshore drilling and the Keystone pipeline, not to mention the fact that we have not built a nuclear energy plant or a new refinery for decades due to over-regulation.

Hydrofracking of oil and natural gas will inevitably be pushed into red tape, higher cost of production and lower yield, again, hurting America through high energy costs and fewer jobs.

### PENN STATE PRIDE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the hardship of all those involved in the recent tragic developments at Penn State University is heavy on our hearts as this community moves forward and these individuals and their families continue to cope with the horrific adversity and pain.

Despite these tragic events, I rise today for a different reason, something my community, the Penn State community, can be most proud of. The Chronicle of Higher Education recently reported that Penn State leads the Nation in outgoing faculty Fulbright grants for the 2011–2012 academic year. Penn State has received a total of 16 grants, 14 of which were awarded at the University Park Campus in State College.

The Fulbright Program, a program of competitive, merit-based grants for students, teachers and other professionals, is the U.S. government's premier international educational exchange program. These individuals will go on to expand our Nation's educational endeavors by strengthening partnerships with other leading institutions around the world.

These success stories also serve as an encouraging example that every individual can achieve their potential through hard work and dedication. These talented individuals have much to be proud of. Congratulations to each recipient on this esteemed award.

### THIRD ANNUAL NATIONWIDE DRUG TAKE-BACK DAY

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

Mr. FITZPATRICK. Mr. Speaker, I rise today to commend the combined efforts of government at all levels, law enforcement personnel, nonprofit groups, local businesses, and community volunteers as part of the third nationwide Drug Take-Back Day on October 29.

My home of Bucks County has emerged as a regional leader in the prior Take-Back events, so it came as no surprise that despite the unusual fall storm, we led the Commonwealth of Pennsylvania in collecting nearly 2 tons of unwanted prescription drugs. Due to the efforts of all involved, these drugs have been removed from our community and no longer pose a threat to public safety or to the environment.

I applaud the successful cooperation of government and members of the community in keeping these drugs off our streets and out of the hands of those who may seek to abuse them, and encourage continued efforts.

### STANDING AGAINST VOTER OPPRESSION

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I'm delighted to join my colleague, Congressman CLAY. And before I do that, let me rise as well to express my support for the Gabe Zimmerman legislation that we will address today and pay tribute to his bravery and certainly his loss.

We come to the floor today as partners with many in this Congress against voter intimidation and to speak on behalf of the Congressional Black Caucus, to collaborate with our many friends across the caucuses and across the interests in the Democratic Caucus, and certainly we hope to include our friends on the other side of the aisle.

Since the 2010 election, over 40 States have implemented voter ID, voter suppression laws. Madam Speaker, we are not against knowing who is voting, but we are against turning back the clock of what the Voting Rights Act attempted to do some 40-plus years ago when before that time a poll tax was utilized, or asking those from the African American community how many jelly beans were in a jar.

Just recently, I sent a letter to the U.S. Attorney's Office regarding voter intimidation and voter oppression. We rise today to say that we will stand against such oppression and ask the Justice Department to not clear voter ID laws.

Mr. Speaker, I rise today to speak about the need to protect democracy, to protect the voice of the American people, and to ensure the right to vote continues to be treated as a right under the Constitution rather than being treated as privilege.

I am joined by my colleagues here today to call on all Americans of good faith to reject and denounce tactics that have absolutely no place in our democracy. We call on African-Americans, Hispanic and Latin Americans, and Asian-American voters to stand strong and learn their voting rights granted by law and the Constitution. We call on these citizens to stand against harassment and intimidation, to vote in the face of such adversity. The most effective way to curb tactics of intimidation and harassment is to vote. Is to stand together to fight against any measures that would have the effect of preventing every eligible citizen from being able to vote. Voting ensures active participation in democracy.

Instances of voter intimidation are not long ago and far away. Just last year I sent a letter to U.S. Attorney General Eric Holder to draw his attention to several disturbing instances of voter intimidation that had taken place in Houston. In a single week there were at least 15 reports of abuse of voter rights throughout the city of Houston.

As a Senior Member of the House Judiciary Committee, I called for an immediate investigation of these instances. Many of these incidents of voter intimidation were occurring in predominately minority neighborhoods and have been directed at African-Americans and Latinos. It is unconscionable to think that anyone would deliberately employ the use of such forceful and intimidating tactics to undermine the fundamental, Constitutional right to vote.

However, such conduct has regrettably occurred in Houston, and I urge you to take appropriate action to ensure that it does not recur.

I am here today in the name of freedom, patriotism, and democracy. I am here to demand that the long hard-fought right to vote continues to be protected.

A long, bitter, and bloody struggle was fought for the Voting Rights Act of 1965 so that all Americans could enjoy the right to vote, regardless of race, ethnicity, or national origin. Americans died in that fight so that others could achieve what they had been forcefully deprived of for centuries—the ability to walk freely and without fear into the polling place and cast a voting ballot.

Efforts to keep minorities from fully exercising that franchise, however, continue. Indeed, in the past thirty years, we have witnessed a pattern of efforts to intimidate and harass minority voters including efforts that were deemed “Ballot Security” programs that include the mailing of threatening notices to African-American voters, the carrying of video cameras to monitor polls, the systematic challenging of minority voters at the polls on unlawful grounds, and the hiring of guards and off-duty police officers to intimidate and frighten voters at the polls.

My colleagues on the other side of the aisle have a particularly poor track record when it comes to documented acts of voter intimidation. In 1982, a Federal Court in New Jersey provided a consent order that forbids the Republican National Committee from undertaking any ballot security activities in a polling place or election district where race or ethnic composition is a factor in the decision to conduct such activities and where a purpose or significant effect is to deter qualified voters from voting. These reprehensible practices continue to plague our Nation’s minority voters.

#### VOTING RIGHTS ACT HISTORY

August 6, 2011, marked the 46th anniversary of the Voting Rights Act.

Most Americans take the right to vote for granted. We assume that we can register and vote if we are over 18 and are citizens. Most of us learned in school that discrimination based on race, creed or national origin has been barred by the Constitution since the end of the Civil War.

Before the 1965 Voting Rights Act, however, the right to vote did not exist in practice for most African Americans. And, until 1975, most American citizens who were not proficient in English faced significant obstacles to voting, because they could not understand the ballot.

Even though the Indian Citizenship Act gave Native Americans the right to vote in 1924, state law determined who could actually vote, which effectively excluded many Native Americans from political participation for decades.

Asian Americans and Asian immigrants also have suffered systematic exclusion from the political process and it has taken a series of reforms, including repeal of the Chinese Exclusion Act in 1943, and passage of amendments strengthening the Voting Rights Act three decades later, to fully extend the franchise to Asian Americans. It was with this history in mind that the Voting Rights Act of 1965 was designed to make the right to vote a reality for all Americans.

And the Voting Rights Act has made giant strides toward that goal. Without exaggeration, it has been one of the most effective civil rights laws passed by Congress.

In 1964, there were only approximately 300 African-Americans in public office, including just three in Congress. Few, if any, black elected officials were elected anywhere in the South. Today there are more than 9,100 black elected officials, including 43 members of Congress, the largest number ever. The act has opened the political process for many of the approximately 6,000 Latino public officials that have been elected and appointed nationwide, including 263 at the state or federal level, 27 of whom serve in Congress. And Native Americans, Asians and others who have historically encountered harsh barriers to full political participation also have benefited greatly.

We must not forget the importance of protecting this hard earned right.

#### VOTER ID

An election with integrity is one that is open to every eligible voter. Restrictive voter ID requirements degrade the integrity of our elections by systematically excluding large numbers of eligible Americans.

I do not argue with the notion that we must prevent individuals from voting who are not allowed to vote. Yet a hidden argument in this bill is that immigrants may “infiltrate” our voting system. Legal immigrants who have successfully navigated the citizenship maze are unlikely to draw the attention of the authorities by attempting to register incorrectly. Similarly, undocumented immigrants are even less likely to risk deportation just to influence an election.

If for no other reason than after a major disaster be it earthquakes, fires, floods or hurricanes, we must all understand how vulnerable our system is. Families fleeing the hurricanes and fires suffered loss of property that included lost documents. Compounding this was the devastation of the region, which virtually shut down civil services in the area. For example, New Orleans residents after Hurricane Katrina were scattered across 44 states. These uprooted citizens had difficulty registering and voting both with absentee ballots and at satellite voting stations. As a result, those elections took place fully 8 months after the disaster, and it required the efforts of non-profits, such as the NAACP, to ensure that voters had the access they are constitutionally guaranteed.

We need to address the election fraud that we know occurring, such as voting machine integrity and poll volunteer training and competence. After every election that occurs in this country, we have solid documented evidence of voting inconsistencies and errors. In 2004, in New Mexico, malfunctioning machines mysteriously failed to properly register a presidential vote on more than 20,000 ballots. 1 million ballots nationwide were flawed by faulty voting equipment—roughly one for every 100 cast.

Those who face the most significant barriers are not only the poor, minorities, and rural populations. 1.5 million college students, whose addresses change often, and the elderly, will also have difficulty providing documentation.

In fact, newly married individuals face significant barriers to completing a change in surname. For instance, it can take 6–8 weeks to receive the marriage certificate in the mail, another two weeks (and a full day waiting in line) to get the new Social Security card, and finally three–four weeks to get the new driver’s license. There is a significant possibility that

this bill will also prohibit newlyweds from voting if they are married within three months of Election Day.

The right to vote is a critical and sacred constitutionally protected civil right. To challenge this is to erode our democracy, challenge justice, and mock our moral standing. I urge my colleagues to join me in dismissing this crippling legislation, and pursue effective solutions to the real problems of election fraud and error. We cannot let the rhetoric of an election year destroy a fundamental right upon which we have established liberty and freedom.

□ 1830

#### GOP FRESHMEN HOUR: THE IMPORTANCE OF SMALL BUSINESS IN AMERICA

The SPEAKER pro tempore (Mr. MARINO). Under the Speaker’s announced policy of January 5, 2011, the gentlewoman from North Carolina (Mrs. ELLMERS) is recognized for 60 minutes as the designee of the majority leader.

#### GENERAL LEAVE

Mrs. ELLMERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material on the topic of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Mrs. ELLMERS. Mr. Speaker, I am here tonight with my colleagues to discuss the importance of small business in America.

Small businesses are our job creators in America, and we here in Congress must do everything that we can to help them to be doing exactly that in creating jobs in our country.

We’re here to talk about these issues. We’re here to talk about the burdens that are on small business that remain intact that we can help with. We must do everything we can because right now our small business hands are tied. They are telling us over and over again that regulations and the threat of taxation uncertainty continue to hold them back from creating jobs, innovating, and investing in their own companies.

With that, I yield to my colleague from Washington.

Ms. HERRERA BEUTLER. I thank the gentlelady for allowing me the time to join her here today to talk about what this government can and should be doing to help the private sector grow jobs. That’s what we’re about. We want to help small businesses grow jobs.

This is a statistic most of us are familiar with. Close to two-thirds of all new jobs come from small businesses. They are truly the backbone of our economy. So what if this government started by saying, What can we do to help you, not hurt you or impede your success?

And that's what this Congress is going to be doing this week as we consider the Regulatory Flexibility Act, H.R. 527. It's a bill that strengthens existing law. It simply says a Federal rule is killing jobs if a Federal agency is then required to find a rule that's less burdensome. It's pretty cut and dried. It's something we should be doing already, but we actually have to pass a bill to require it.

When the Federal agencies here in Washington, DC, issue one rule after another, small businesses pay the price and our economy loses jobs.

For instance, take Somarakis Vacuum Pumps in my neck of the woods in southwest Washington, a business manufacturer. When I visit this business, I see a thriving facility with people at work. They're assembling products that help our economy grow. But Somarakis Vacuum Pumps doesn't have a huge team of lawyers and business accountants to handle the regulatory details. They actually need regulatory specialists to navigate the maze of Federal rules. They don't have the money; but, you know, they just might need it.

I actually brought the reason why I think they might need that. Mr. Speaker, this is pretty heavy. This is actually the list of Federal rules and regulations just for half of November. This doesn't even represent the entire month. These books I have right here represent about 2 weeks' worth of Federal regulations and rules that Somarakis Vacuum Pumps has to navigate.

Let me show you, if I may, just the rules from the last 3 days—Monday, Tuesday, and Wednesday—right here.

You know, part of the reason we're here today is to illustrate the need to make it simpler and easier for small businesses to navigate this Federal maze. I mean, this is ridiculous. This is Monday, this is Tuesday, and this is Wednesday. Three days' worth of rules that Somarakis Vacuum Pumps in southwest Washington is going to need help navigating.

It shouldn't be this way, Mr. Speaker, which is why this week we're working very hard, and we're going to pass a bill that says if these rules and burdens—it puts the proof and the burden back on the government. If these rules are too burdensome, the Federal Government needs to find a better way to put forward its regulations.

Another rule that's really important is working its way through the Environmental Protection Agency and the courts. It's called the Forest Roads Rule. It's also very impactful to southwest Washington. It's crippling in that it overturns 35 years of environmental policy and would require a Federal permit on every single forest road. In essence, you have to get the same Federal permit for a road through your privately owned forestland that you would have to get for factories and industrial sites. That's not necessary.

Let's consider the impacts on public land. According to the U.S. Forest

Service, it would require that agency alone 10 years to obtain the 400,000 permits necessary for the roads on public lands. What would that do to Rick Dunning, who owns a small tree farm in Clark County, Washington? He's not the U.S. Forest Service. He doesn't have unlimited lawyers and resources. He has to do this on his own.

That's what we're here tonight to do is to make it easier on these small business owners to operate in our regions and grow our economy.

With that, I thank the gentlelady for the time to talk about my support for the Regulatory Flexibility Act and for what we're doing to help grow jobs in small businesses.

Mrs. ELLMERS. I will just echo my colleague's remarks by saying that, according to the NFIB, compliance with environmental regulations costs small businesses four times more than larger firms. Larger firms do have the ability and employees in place to deal with these issues. Our small businesses simply cannot afford to do business that way.

With that, I yield to my colleague from California.

Mr. DENHAM. Thank you for your leadership on this area.

I rise in support of H.R. 527. We can't afford any more of the overregulation. Regulatory burdens from new rules just this year alone have cost American taxpayers \$93.2 billion. One study found that each \$1 million increase in the Federal regulatory budget costs 420 jobs. Overregulation costs us jobs around the Nation.

Let me just speak from my own perspective.

Twelve years ago, I started Denham Plastics, something that my wife and I borrowed an incredible amount of money to start a vision that we had supporting the agriculture industry with a plastics company. It has been a tough road to hoe as a small business owner. It certainly comes at great risk to our family, but it was a vision that we had, that we believed, that without any government intervention we can succeed in not only creating new customers but new jobs.

But one regulation would have put us out of business—the government-run health care. Just the 1099 provision alone, by having to report all of our customers, by having to report all of our suppliers, would have put our small business under.

From an agriculture perspective—I'm a farmer in the central valley. The EPA came down with new dust control regulations.

Now, we farm. We drive tractors. We till our land, and we're going to have dust. I mean, just by the sheer motion of a tractor driving through a field or plowing through the dirt—it's something that we've done through the history of our Nation—creates dust. But are you going to put us out of business because of it?

We grow almonds. You can't spray the trees full of water before you shake

the trees and harvest the almonds. You're going to have dust.

So I've been a coauthor of a bill that gets rid of this burdensome regulation, something that would shut down our agriculture industry, not only in the central valley of California but across the Nation. We're farmers. We are going to have dust.

Some of my fellow farmers and ranchers are also aware that EPA also wanted to expand its regulation of manure as a threat of greenhouse gas. I mean, some of these things are so ludicrous that they just cost us millions of jobs, and the threat alone causes farmers to say, Do we really want to be in this business? Do our kids really want to take over the family farm?

We've got to stop this overregulation because it does cost us jobs. We've got to stop eliminating jobs before we can actually go out and create more jobs. We have to have certainty in the marketplace. And whether you're a farmer or a small business owner, the regulations affect us in such a way that, as a small business owner, I couldn't go out there and hire a lobbyist to go through the 90,000 pages of new regulations this year alone.

□ 1840

We have to stop the regulations that are killing businesses throughout the Nation. H.R. 527 is one way to do that. We need flexibility. Most of all, we need certainty. We've got to be able to plan our businesses, not for a month, not for 2 months, not for 1 year. When you're in business, when you're out there borrowing capital, when you're putting your home into a second mortgage because you want to have the American Dream and create a business and want to go out and hire new people, you have to have some certainty. I can't go to my wife and say, Let's take a second out on our home, and maybe we might make it next year.

With regulations, we don't know what's going to happen. We need to be able to plan for 5 years, 10 years. We need to be able to plan on putting our kids through college. Before I go out and hire a new employee, I need to make a commitment to that employee that we're going to have ongoing employment, and I need to make a commitment to that employee's entire family, who depends on us for that new job.

So the regulations that are killing our businesses across the Nation have to end. We need flexibility. We need certainty as a business. We need it in order to create jobs in this great Nation.

Mrs. ELLMERS. I thank my colleague from California. Your perspective alone, as a small business owner and as a farmer, really gives us that strong idea of what we're really facing.

Many of us here in Washington now are and have been small business owners, and we understand the burdens that we are having to undertake and that the rest of America is dealing

with. In fact, Mr. Speaker, I'm going to just talk a little bit about some statistics and poll data.

According to a recent Gallup Poll, small business owners in the United States say complying with government regulations is the most important problem facing them today, followed by consumer confidence in the economy and a lack of consumer demand. Small business firms bear a regulatory cost of \$10,585 per employee just to deal with the regulations, which is 36 percent higher, there again, than larger businesses. Small business is what drives our economy, yet it is what is continuously targeted, and we must act on it with the bill that we will pass tomorrow, H.R. 527.

I spoke a little bit about the excessive costs of dealing with environmental regulations. According to the Small Business Administration, regulations cost the American economy \$1.7 trillion annually, which is an enormous cost. You can see by our unemployment rate why we continue in this. Until we are able to cut the excessive, overbearing regulations that are facing our businesses, we will not turn this economy around. That is why we must act now. That is why, of the many bills we have passed over to the Senate, we repeatedly ask for a vote so that we can get started. We could do this tomorrow if these bills were voted on.

One last bit of information before I introduce my next colleague.

Of the administration's new regulations—"new" regulations—200 are expected to cost over \$100 million each. Seven of those new regulations will cost the economy more than \$1 billion each. We cannot continue on this path.

With that, I yield to my colleague from Illinois.

Mr. SCHILLING. I thank the gentlewoman from North Carolina for inviting me to participate today.

The best thing about having the opportunity to represent the residents of Illinois' 17th District is the ability to just listen to their concerns and then taking those concerns back here to Washington, D.C.

As I travel throughout the area, I listen, and I am also asked what worries me. I worry about unemployment and about the uncertainty facing our families in our district. I am worried that more is not being done to create an environment of certainty that promotes long-term growth in our jobs sector.

Government does not create jobs. We need to be clear about that. Government creates an environment for job creation by the private sector. Folks simply will not be put back to work if government continues villainizing our job creators and enacting policies that keep workers on the unemployment lines and drive us deeper into debt. As a small business owner myself, I understand how this hinders the ability to create jobs.

Back in August, I invited local business owners throughout our area to participate in a business roundtable

where we discussed what government can do to empower the private sector, spur job creation, and grow our economy. These business owners are the people we are asking to lead us into economic recovery and to put Americans back to work.

I was pleased to see folks from all sorts of industries present eager and great ideas and thoughts on issues that basically are causing them to struggle in this economy. They shared with me that the high energy costs, rising taxes, mixed messages from Washington, D.C., and the uncertainty from the Illinois State government are stifling the creation of an environment of economic success.

Now, there are more than 27 million small businesses throughout the United States of America. They are the lifeblood of our Nation's economy. America's small businesses create 7 out of every 10 new jobs, and they employ over half the country's private-sector workforce. We ought to be making it easier for these folks to grow and hire new workers, not villainizing them or burdening them with a broken Tax Code, unnecessary mandates, high energy costs, and uncertainty. We need to tear down the roadblocks, get government out of the way and lay the groundwork for real private-sector job creation.

Phil Nelson, president of the Illinois Farm Bureau, recently testified before the Small Business Committee.

He said, "What really keeps me lying awake at night is the potential for more regulatory creep. It's as if we go to bed one night with one set of regulations and wake up the next morning facing a new set. Every moment that we spend fighting and then working to comply with needless, duplicative regulations takes us away from what we do best—producing food."

My colleagues and I in the House have been focused on jobs since day one—passing more than 20 jobs bills to give small businesses the certainty they need to grow, increasing the domestic production of oil and getting Americans back to work. Unfortunately, these bills remain stuck in the Senate, but we cannot do it alone. The President and the Senate Democrats must join us.

This week, we will be voting on H.R. 527, the Regulatory Flexibility Improvements Act. This is yet another pro-jobs bill, one that helps address the problem of burdensome, reckless regulations that burden businesses and stunt job growth. The Regulatory Flexibility Improvements Act provides urgently needed help to small businesses facing an onslaught of Federal regulations. When considering regulations, agencies frequently fail to consider alternative ways to achieve the regulatory goals without imposing unnecessary burdens on America's job creators. This bill increases the ability of small businesses to provide input to Federal agencies as they consider government regulations, and it gives the

Small Business Administration new authority to ensure agencies comply with a law that requires flexibility in taking regulatory action against small business.

It takes President Obama's regulatory review Executive order one step further, giving the Small Business Administration the ability to ensure new regulations are in compliance with the law while verifying that small businesses will be able to comply without hurting their ability to create jobs.

Business owners need the certainty that government will get out of the way so that they can do what they do best, which is to grow their businesses and create jobs, and the American people need real bipartisan solutions to our jobs crisis.

Let's put politics and partisanship aside and help the private sector create the jobs that Americans throughout the country so desperately need. The time has come to empower small businesses and to reduce government barriers by helping our small businesses, by fixing the Tax Code to help our job creators, by boosting competitiveness for American manufacturers, by encouraging entrepreneurship and growth, by maximizing American energy production, by paying down America's unsustainable debt burden, and by starting to live within our means.

Mrs. ELLMERS. I thank my colleague from Illinois for that very important information.

Again, as a small business owner, this information is vital to the solutions that we're coming up with here in Washington. We're not just Members of Congress who don't have the experience out there, and we aren't just listening to the usual Washington bureaucrats.

□ 1850

We are actually small business owners who deal with these real-life experiences and understand what works and what doesn't, and this simply is not working.

Mr. Speaker, in my district, where the unemployment rate hovers at about 10.3 percent, I am hearing numerous stories highlighting how small businesses are "hanging on by a thread," and I say that in quotes. "Hanging on by a thread" is what I hear. "Over-regulation is killing us," is another quote I hear over and over and over again.

They feel that they are being punished by Washington. They, years ago, felt that their competitors were the ones that they were working against and trying to compete with for a better product. Now they feel that they are working against the Federal Government and the Federal Government is working against them. The Federal Government has become their enemy.

One of the local small businesses in my district is Kivett's Incorporated in Clinton, North Carolina, owned and operated by Mr. Jerol and Telia Kivett. They are wonderful people, and I met them when I was actually running for

office. Why? Because I needed to go in. They called for a meeting with me because they were so concerned with where our country was going and what was happening to their business.

They were not people who had been politically active, they were not people who had ever sat down with a Member of Congress or a want-to-be Member of Congress, but they felt trapped and continue to feel trapped by the government regulations and all of the uncertainty, including the President's health care bill, which they know will harm them greatly.

Kivett's Incorporated, is the largest family-owned and operated church pew manufacturer and pew refinisher in the United States. In addition, they build and refurbish other church furniture and fixtures, such as steeples and stained glass windows and provide a full range of services from delivery to installation.

This is a jewel in my district. So many are sending these jobs over to China, and yet the Kivetts have maintained their business. Their business was started by Jerol's father, I believe, back in the fifties. They have spent their lives and dedicated their lives to their business, and they are feeling that it is being pulled out from underneath them.

Mr. Kivett's company had 160 employees in 2005, and they are now down to 52—from 160 to 52. Their volume of business is down 60 percent. Their business has not made a profit in the last 3 years. That is significant. They have not increased the prices on their products either since 2005.

This has been due to the fear of losing more business, even though their costs, their costs for products, have escalated; but they have tried to maintain their business by keeping their prices at the same level. At one point they were averaging one church, church furniture for one church every day, and are now down to approximately two per week.

Mr. Speaker, how are they going to be able to keep their doors open and keep those 52 remaining employees working? Churches depend on charitable giving, and they are having a hard time finding a way to meet their operating budget, which leaves any kind of future planning completely out of the realm of possibility.

I spoke a moment ago about the health care law, the uncertainty it's creating for small businesses. Owners make it harder for us to determine—and this is coming straight from Mr. Kivett—it is making it harder for us to determine what our costs are at a time when we are struggling to meet the most basic cost of running our business.

As Mr. Kivett puts it, we are just trying to maintain and praying for the government to stop attempting to regulate small businesses and "get out of the way." That is another quote I hear over and over and over again: "Get out of the way."

That's some of the gloom and doom that my business owners in my district are faced with. As you heard tonight from some of my colleagues, there is a light at the end of the tunnel. Mr. SCHILLING from Illinois showed you the card, the number of bills, again, that we have passed in the House with bipartisan support to create jobs.

We keep hearing how America wants jobs. We keep hearing about the 99. The 99 percent is sitting on the floor of the majority leader in the Senate, because if those bills were passed and sent to the President to be signed into law, we could have jobs created in this country. We need to decrease the unemployment rate.

We can talk about cutting spending all day long, and we are all about that, but until we get people back to work, we're not going to turn this economy around. Again, there is a light at the end of the tunnel, and you have heard us speak tonight about H.R. 527, which we will be voting on tomorrow.

We simply cannot continue the one-size-fits-all regulations produced by this administration which hinder our small businesses. This bill will help alleviate needless burdens. Economic recovery begins with our small businesses, but this will not happen unless we rein in the mass of regulations coming from right here in Washington.

The Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act, requires Federal agencies to assess the economic impact of their regulations on small business. Imagine that, imagine having to run an economic impact study to find out how much damage they will be doing to small businesses if these regulations are put in place.

If the impact is significant, they must consider alternatives that are less burdensome. However, the agencies have used loopholes to get around this statute, and that is why it is so important that we pass H.R. 527, the Regulatory Flexibility Improvements Act of 2011, which would remove the loopholes and strengthen the flexibility act by increasing the power of the office of the chief counsel for advocacy to enforce the RFA, ensuring complete analysis of potential impacts on small business and forcing agencies to perform better periodic review of rules.

Regulations often impose unnecessary burdens on small business. You've heard that over and over and over again tonight, that impede their ability to create jobs. Agencies frequently fail to consider appropriate alternatives that allow agencies to achieve their regulatory objectives without imposing burdens on America's job creators, our small business owners.

The Regulatory Flexibility Improvements Act, H.R. 527, provides urgently needed help to small businesses facing an onslaught of Federal regulations. It has been 15 years since Congress last updated the Regulatory Flexibility Act of 1980. During that time, we have seen that there are weaknesses in the regu-

latory process that Federal agencies have exploited to the detriment of small businesses and job creators.

This bill ensures Federal agencies can no longer ignore the RFA. Job creators are the key to economic recovery and the small businesses are America's job creators. Over-regulation requires the diversion of scarce capital from job creation to regulatory compliance.

I said earlier, Mr. Speaker, North Carolina's unemployment rate is now 10.4 percent. This is not a statistic; this is a catastrophe.

Mr. Speaker, thank you so much for this opportunity tonight.

Mr. KING of Iowa. Will the gentlelady yield?

Mrs. ELLMERS. I yield to my colleague from Iowa.

□ 1900

Mr. KING of Iowa. I thank the gentlelady from North Carolina for yielding, and I especially thank her for leading in this Special Order hour here tonight to discuss the burden of regulation on business in this country, primarily the burden on small businesses in America.

From my standpoint and my background, I started a business in 1975. I remember the fears I had at the time. I knew I could do the work and I knew I could line up the customers. I believed I could turn a cash flow, but I didn't know that I could comply with all government regulations. And little did I know how much I was actually stepping into.

When you begin to enter into a business, you are stepping into the unknown. That unknown turned out to be that I would find out about a government agent after a government agent, one after another. They would show up. They'd send me a little mailer. They would talk to someone else in my business. They would say: Did you meet this one? Did you meet that regulation? Do you have your MSD requirements there? What about the EPA side of this? Do you know you have to post a sign that says that you're an equal opportunity employer. And by the way, that has to be in multiple languages. And in case someone shows up that doesn't speak that language, you may have another regulation to provide that interpreter that's there.

On and on and on it went. More and more of my time went away from producing goods and services that had a marketable value, and instead it was invested in complying with primarily Federal but also State regulations.

So as the years went by, I got better at it. I found out more and more to comply with, and I got greater and greater frustration within me because of this burden of filing reports, meeting deadlines, and making sure that the government bureaucrats had all of their regulations and all of the paperwork that they wanted, all the while, "To what purpose?" was my question, because much of that paperwork that I was filling out was going off in some



storage dungeon somewhere never to be seen again unless there was some type of litigation or regulation enforcement against me, in which case then I was confident that they would go dig it up out of the dungeon and pull up that paperwork to see if I dotted the i's and crossed the t's. But what good did it do? What good did most of that regulation do if it simply was going to go off somewhere to go into storage so if, God forbid we had an accident on the job site and OSHA would come in, they would want to make sure that I had all of my regulations in place? But that wouldn't make us more safe, the paperwork would not.

I made a comment here in the Judiciary Committee a month or so ago that of all of these regulations that we have to comply with, if you look across America, there are some really good companies in this country. Of all of them, thousands and thousands of companies in America, hundreds of thousands—actually, millions of companies in America altogether. They advertise everything under the sun that you can imagine. They have banners on their Web site. They will tell you that they are the best or first at—you name anything it is you want. Put it in the Google search. You'll find an American company that will provide it for you, and they'll advertise their quality. They'll advertise their personnel. They'll advertise the efficiency and the cost. It will go on and on and on. But there isn't a single company in America, not one, Mr. Speaker, that has a little banner on their Web site that says, "We are in compliance with all Federal regulations." Not one single company takes that position, and I'll tell you why: because they know if they ever advertise that they are in compliance, there would be a Federal bureaucrat that represented an agency, or two or more, or up to 682, according to the Constitution Daily Web site, Federal agencies—and those are sub-departments and divisions, regulatory entities, 682 of them, and this count is about 5 years old, by the way—that can levy sanction actions against American businesses.

And so the number one fear I had was: Can I comply with all of these regulations? Can I identify them? Can I comply with them? And what do I do about the conflicting regulations where, if you meet one regulation, the other regulation contradicts it? You're bound to be in violation.

So today there isn't a single company in America that advertises that they are in compliance with all Federal regulations. And if they did, I think we should give them the Doo Dah of the Year Award for that because they would be surrounded by bureaucrats, Federal regulators that are in there to inspect, to make sure that they are completely in compliance.

And, by the way, they have to justify their job. So I would predict that any company that would announce that they are in compliance with all Federal

regulations probably wouldn't survive beyond about 18 months before they went into bankruptcy because they would be tied up in knots and tied down and they couldn't produce those goods and services that have a marketable value.

Now, there is a tradeoff on this always, and it doesn't mean that we should not have wise regulations. Yes, we should. But they need to keep in mind the regulatory burden of those rules and what it does to slow down production.

Now, I've said goods and services that have a marketable valuable both domestically and abroad. That means, if you run a company, you want to go to work every day, and you look around, what do we do? We produce a product. We manufacture and market a widget. And you want to do that as efficiently as possible. So if you put 100 people out there on the factory floor to manufacture widgets, and it doesn't take but one person to run payroll and answer mail, you're in pretty good shape. You've got one of those 100 people that's tied up doing administrative duties, that's pretty good efficiency. That's 99 percent producing that product, that number one, grade A widget that you're manufacturing and perhaps invented.

But as soon as a bureaucrat comes along and says, Wait a minute. You have to have somebody here that's documenting—let's say the water that's coming in, the electricity that's coming in, the sewage that's going out. You have to have safety inspectors and you have to have safety meetings, so that once a week you line everybody up and spend 15 to 30 minutes telling them what they need to do, which is safe. Not a bad idea, but when the government calls for that, they put more on your overhead and they've shut down the production of that entire plant for that period of time that they prescribe.

And the other regulations that come along in our construction businesses, the Federal Government saying, let's see, you have to pay the Federal Government scale for your equipment operators on construction projects, Davis-Bacon wage scale. That really means union-imposed scale on those projects. And it might change the wages. In the past, I've seen them double or be cut in half, depending which direction you're going. Just going across the highway, you go into a different division and it's a whole different wage scale. The guy running the shovel gets a different wage than the guy that's running the grease gun, different from the guy that's running the machine that's being greased or having the track scooped out on it. And I have to keep track of all of that and do what the government tells me, which means not just is it costly to keep track of it all, but it consumes the efficiency on the project. It makes it difficult, if not impossible.

Mrs. ELLMERS. I thank the gentleman from Iowa.

Mr. Speaker, I just want to take the opportunity to say in closing that, as a small business owner with my husband back in Dunn, North Carolina, with our surgical practice, that we have faced exactly what my colleague is talking about, these excessive regulations that have continued through the years.

We are at a point now where we are seeing our fellow colleagues back home with medical practices closing their doors, being bought out by hospitals because they just cannot and know they will not be able to adhere to the mandates coming forward with the health care bill and all of the uncertainty with the doc fix, SGR, all of those wonderful things.

Mr. Speaker, we must act now. We can turn this economy around by acting on these regulations, by passing these regulatory decreases for our businesses so that, there again, our job creators can do what they do best, reinvesting in this country and being the job creators that they are.

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

#### AMERICAN EXCEPTIONALISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate that recognition, and I appreciate the input that has come from the gentlelady from North Carolina. I came down here to change the subject, but I wanted to speak about regulation, and I'll just wrap up those thoughts that I had before the clock ticked down and take it over to this.

As I emerged into the construction business that I identified, I found myself doing seminars with other people of the same profession around the five-State area in the upper Midwest with our trade association, the Land Improvement Contractors of America. In that five-State area as I traveled around and held those seminars, I began to ask the questions of self-employed people. Most of them had started the business themselves, and they were employers doing this in the kind of way that we need to encourage more Americans to do rather than discourage them with regulation.

I began to ask them, How many agencies regulate your trade? As I asked that question, there might be 60 to 70 contractors in a room, and we would begin to write down the names of those agencies. And, yes, some of them were divisions within the agencies. You can start with the IRS and the EPA and you go on and on and on. OSHA, the mine regulators. It continues on. But we came to this number of our little narrow trade group, 43 different agencies that regulate us. And we needed to know the regulations from 43 different agencies. We needed to be able to anticipate how they would interpret those regulations and how they would

enforce them, and then you also had to calculate, when they contradicted one another, what the likelihood would be of one entity showing up, one agency to regulate you versus another.

□ 1910

If they had conflicting regulations, then you ran your operation to try to comply with the one that's most likely to show up to regulate in contradiction with the other. That goes on in America every single day. There are floors and floors of lawyers and administrative experts whose job it is to try to keep those companies from avoiding the conflict that comes from Federal regulations and, of course, our State regulations that are part of that as well.

It is a great frustration to enter into a business wanting just to provide that good or that service and do it with in a marketable, competitive way; to have a margin of profit and control your destiny and raise your family and do those things that are acting out the American Dream, and find out that a lot of your life is really just tied up in meeting with government regulations and serving this Congress and dealing with so many people that can control the destiny of some 300 million Americans, who have never signed the front of a paycheck, who have no idea what it's like to not maybe have any capital and go out and build a little bit with some sweat equity and take that little bit of capital and roll it and invest it, and after a while find enough margin out there and enough customers that you're compelled to hire a person to help you.

Now there's two people working there instead of one. And then you multiply that again and you take some more sweat and your little bit of equity and now you get to double up the equity and now you get to have another employee and another. While that's going on, you're building a capital base that bridges you through the hard times.

And the attitude, especially over on this side of the aisle, is an attitude that employers somehow are victimizers of the proletariat. Ladies and gentlemen, Mr. Speaker, I would say to you that those folks here in this Congress—and most of them are over on the liberal side of this aisle—believe that employers are victimizers and that employees have a certain virtue to them. I'll just say that we have good and evil in all of us. But the people who risk their capital and many times put everything they have on the line and help stand to lose it all if it doesn't work, they're not taking advantage of the employees. They're giving the employees a job.

Republicans over on this side, we say: jobs, jobs, jobs. Well, yes, we want those jobs. I don't believe that government creates the jobs. I think we should stop saying we need to create jobs. We don't. We need to get government out of the way so that investors

can see an opportunity for profit. And if they see that opportunity for profit, they won't just invest their capital or their sweat; they will produce the kind of jobs out there that will sustain people in a market economy.

That's what needs to happen because, first, there have to come profits. You can't pay payroll very long if you don't have profits, which means that you're not going to have jobs unless people make money. So what do we do in this Congress? You people over here, you want to punish those people that are making money. On this side of the aisle, we don't want to call those people that are punishing the people that are seeking a profit because we're saying we want jobs.

We should all say we want to see profit in these companies so that that profit gets reinvested and more people have an opportunity to go to work and receive a paycheck and perhaps a raise and a better benefits package. And maybe, if that profit gets so great in those companies, they'll spin off of there and the people that learn the business going to work for the boss end up in competition against the boss. That's another thing that is the American way.

These kinds of things need to happen organically over and over again in America millions of times. And if they don't happen, then this country devolves itself down into a European-style social democracy. It's hard for me to even say those words and think of America in that fashion. We've moved in that fashion dramatically.

Mr. Speaker, the President of the United States doesn't believe in these things that I have described that I think are good. He's advocated this Keynesian economy on steroids. He's advocated for spending trillions of dollars, borrowing it. About half of that money, by the way, is borrowed from the investors in America, who believe that U.S. Treasury bills are the safest place to put their money.

And actually it may be if you're going to talk about global currency, the other currency has gotten unstable, too. The euro is in a very unstable, unbalanced condition right now. They have spent money in the European Union—money that they didn't have. They have built a government bureaucracy much heavier than needed to be.

I've twice been to Greece this year, and they have their head in the sand, in my opinion. They believe that they are the first of a multiple dominos in the EU and that they're only 2 percent of the GDP of the European Union, and if they're not bailed out by the EU—and that means, yes, loan guarantees, but it gets down to debt forgiveness at a certain point—if they're not bailed out at a certain point, if they default, then they will move away from the euro, the currency, and pick up the drachma again and print their money back in Greece a second time, or again.

If that happens, they think the euro becomes less stable if the Greeks aren't

involved in it. They argue that they're a domino. So if they're not held up, propped up by the rest of Europe, then they'll fall as a domino. And if that happens, the euro will start to tumble. By the way, their domino will clip Italy, Portugal, Spain, Ireland, Belgium, name your country over there.

Well, it may or may not be true. It's hard to look at Greece and argue that they are a domino, and if they fall, that they'll necessarily hit one of those other unstable countries that will also fall into one and the other and the other. And it will start this cascading effect through the dominos of those unstable countries in Europe might not be true. It might be true that Greece could have a firewall built around it; and if they default, they default. And they'd have to rebuild their country from bottom up, inside out, back to production again.

I hope that this doesn't happen in Greece. I hope that there's a stable economic environment that grows out of Europe. We're tied to them financially with hundreds of billions of dollars invested over into the European banks. If they should fail, then it hurts us badly.

We're also highly leveraged in this country. The comparison of us to Greece is one that is considerably disturbing. There is a good side to a potential Greek default, and that would be that it would give this Congress a lesson for what America needs to do to avoid a similar calamity. I would like to see us steer our way out of this, but we're here having a debate in this Congress about minutiae in proportion to the scope of the problem that we are in.

We came into this new Congress with a new Speaker, JOHN BOEHNER. We have an opportunity with 87 new freshman Republicans that came here. Most of them pledged not to raise the debt ceiling. Most of them pledged to bring us back to fiscal responsibility and fiscal accountability. They all believe that to this day. I don't think they've lost their beliefs. But along the way there were a lot of big decisions that needed to be made without time to analyze. And so what happened?

I said the first thing we needed to do was repeal ObamaCare, repeal ObamaCare, repeal ObamaCare. I can't say it enough. We need to repeal ObamaCare if we're going to have a country that will function and operate economically again. It drives us so deeply into debt that just removing a couple of those components of ObamaCare, according to DENNY REHBERG, the chairman of the HHH Appropriations Committee—Health and Human Services Appropriations Committee—it would cut our spending over the next decade by \$1.379 trillion. It would solve the whole problem of the supercommittee, that \$1.379 trillion cut that comes just from ending the expansion into Medicaid. By the way, the CLASS Act was going to go anyway. The administration admitted that they couldn't sustain that component.

One other component in ObamaCare was the individual premium subsidy for those who were compelled to buy insurance under ObamaCare. Those components totaled \$1.379 trillion. So we strike those out, shut off any funding to that, and we've saved that \$1.379 trillion. That would more than handle the \$1.2 trillion that we're directed in the debt ceiling deal.

But, Mr. Speaker, this went this way. We had a chance coming into this new Congress, this 112th Congress, to draw bright lines and to ensure fiscal responsibility and actually fix the real scope of this problem. Step number one was repeal ObamaCare.

□ 1920

We passed that out of this House, H.R. 2, sent it over to HARRY REID in the Senate, Mr. Speaker, where he set it up for failure and they shot it down.

So every Republican in the House and every Republican in the Senate has voted to repeal ObamaCare. Congratulations, thank you all for doing that. We didn't get it done, but we got it voted on. And it's on the conscience of the people that voted "no" that that monstrosity of a regulation churns its way through, consuming \$105.5 billion in automatic appropriations that were written deceptively into ObamaCare in an unprecedented fashion. Oh, yes, the tactic had been used before, but the scope had never been used like that before.

And so that \$105.5 billion is in there. And it's around \$26 billion in the first 2 years of ObamaCare, this year, next year, \$26 billion being churned away. And if we had reached an impasse on our negotiations with the continuing resolution, the CR that hit at midnight on March 4, if that had resulted in a showdown that would have been the President causing a shutdown, that might have seen the lights go off in Federal offices all across the land, Mr. Speaker. But you could have driven around the Federal buildings here in this city and around the Federal buildings across America, and where the lights were on in that eventuality, they would be on because the money that funds ObamaCare goes on anyway; it's automatic, they call it mandatory spending. And we tried to shut that off as well. And we did send the amendment language out of this House of Representatives that shut off all of the funding to ObamaCare. And it went over to the Senate, but it was attached to the bill that went with the CR as an appendage so that they could separate it out and vote it down in the Senate—and that's what HARRY REID did in the Senate also, Mr. Speaker.

And so here we are with a Congress that began kind of on the right foot with an opportunity to force a showdown with the President of the United States and make him defend ObamaCare. We could have legitimately funded all of the functions of government—or we could have responsibly funded all of the legitimate func-

tions of government would be a better way to phrase that, Mr. Speaker—and shut off all funding to ObamaCare. The President of the United States then was predicted to veto a bill like that. Had he done that, he would have had to explain to the American people that his signature piece of legislation, ObamaCare, means more to him than all of the legitimate functions of government combined. That would have been the showdown. It should have been the showdown. I believe that we would have prevailed on that showdown. And I think the President would have had to accept the funds that we put on his desk in a CR appropriations bill, minus any funding that goes into ObamaCare, cutting off all the automatic funding that goes to ObamaCare—could have, would have, should have done that, Mr. Speaker.

We moved past that point. The CR was going to be \$100 billion in cuts; it didn't become that. That number went down low enough that I'll not utter it into this CONGRESSIONAL RECORD. It's just not something that people go back and revisit that even voted for it. And then we were going to do yeoman's work and cut trillions of spending with the budget bill that came to the floor of the House, known as the Republican budget resolution, that was championed by PAUL RYAN of Wisconsin, who has done great work here on fiscal responsibility. That budget didn't balance for 26 years, Mr. Speaker. That was all we could get out of this Congress. It's hard to craft a budget that comes that close. He did a lot of hard work on it and laid out some good parameters that we need to pick up and deal with.

But the budget resolution here on the floor of the House was a promise from ourselves to ourselves that we were going to hold this spending down. And this spending allocation was agreed to by this Congress—by the majority of the House of Representatives, excuse me. The Senate hasn't passed a budget in so long I don't remember when. And so Mr. Speaker, that budget was passed, balancing in 26 years, spending too much money, leaving us with \$23 trillion in national debt 10 years down the road. And it was a great step in the right direction—not as strong as I wanted it to be, not as strong as the RSC budget, which I voted for, but the one that could pass that could constrain our spending. I voted for them both. The RSC budget that balanced in about 9 years and the Ryan budget that balanced in 26 years left us with \$23 trillion in national debt 10 years down the road. That doesn't sound very appetizing to the American public, those facts, Mr. Speaker, but those facts didn't hold.

The promise from ourselves to ourselves went kind of out the window when the debt ceiling agreement was presented to the floor of this Congress and ultimately passed. And in that was a supercommittee, in that was a promise to vote on a balanced budget

amendment, and in that was the threat that if the supercommittee didn't produce a product that could pass the Congress and be signed by the President, then there would be the sequestration—which I don't know where the language of that came from, but the sequestration is the automatic cuts that we're looking at now.

I knew when the debt ceiling deal was finally put on paper that we had to go through a number of things. One of them was we had to have a debate about how we were going to define a balanced budget amendment. Well, we had that debate. And I think I won the debate and lost the decision, but nonetheless, the clean version of the balanced budget amendment was brought to the floor. I didn't call it a clean version. I think we needed to have the balanced budget amendment that passed the Judiciary Committee. We should have let the committee work its will. The Judiciary Committee marked up a balanced budget amendment that had a cap at 18 percent of GDP on spending and it had a supermajority in order to raise taxes. It was the right thing to do. It had exemptions there for a declared war or a case of a serious national emergency and other provisions. It was a good constitutional amendment that we could live with that would strengthen this country over the long term. We didn't have a vote on that. We had the one that said that thou shall have a balanced budget and allows for a tax increase to balance that budget. And of course you get to a certain point with tax increases and then you see a decline economically. And I think we are past that tipping point today, Mr. Speaker. That was another one of our struggles.

So now we're faced with a sequestration. I'm thankful that the supercommittee didn't send us a package that couldn't pass the Congress, the House and/or the Senate. I never believed that they could. They concluded they couldn't reach an agreement. There was completely an impasse. Republicans said we're not going to raise taxes and Democrats said we aren't going to do it if you don't raise taxes. They want to punish the people that are producing. They would increase the taxes—you guys over there, you would increase the taxes on the people that are paying the most taxes. You would increase the taxes on the people that are paying the highest percentage. You would argue that it's progressive.

And, you know, you're never going to be satisfied. I know you won't be satisfied. If I can tell you today—and tomorrow is the first day of December—that I have a magic wand, and I promise you all that we're going to give you what you want, and you've got all of the month of December to put your wish list together. And when the ball drops in Times Square in New York on New Year's Eve at midnight and the new year, 2012, begins, here would be the deal—here's the magic wand: Give me a list of all the things that you

want to do to take away the liberty and freedom of the American people, take away the wealth and the capital that has been so justly earned by people in this country and redistribute the wealth in the ideal of Karl Marx or any of the other leftists that you worship, grant all of the wishes that you have, reorder society according to all your dreams, and let you have 30 days to put the list together. And at midnight, when the ball drops at Times Square, stroke the magic wand, give you all your entire wish list.

If I had that power and if this happened in this fashion, I will tell you, you guys would work hard. Your lights are on at night; you're well funded and you're smart people—you're wrong on your philosophy, but you would put together a list, and it would be a long list. And it wouldn't be without some internal fights—and BARNEY FRANK will still be there after all, so there would still be some of those internal fights going on. And in the end, if I granted you your wish at midnight at the new year, but the deal would be that you had to then stop complaining the rest of your life, you would have to live under the rules that you had written that you spent 30 days—all your career wishing and dreaming and working and leveraging for in this Congress, we'd give you everything you asked for on the new year, but you'd have to be quiet then and live under those rules. And I can tell you what would happen. You would stay up all night long on New Year's night thinking, what did we forget? How did he cheat us? We really forgot to leave this in, we need to change the rules. And we're going to want more and more and more. Because, first of all, you don't want to admit to the American people what you really want to do. You're anti-capitalists, you're anti-American liberty, you're anti-free enterprise. There are a number of the pillars of American exceptionalism that you just plain oppose. And here we are, hardworking American people, why do we have all this capital? It never was a zero sum game. It never was. If you look back, where was it when the, let's say the caveman first went out there and brought a pelt back and turned it into a blanket.

□ 1930

There was a little bit of wealth that was created out of the labor that's there. When they were scavengers and foragers, they still made tools. And along the way, somebody else could make a tool a little better, a little more efficient, and someone else could raise a little garden and trade some vegetables for some arrowheads, whatever it might be. Someone else could tan a hide better than the person that hunted for the pelt, and so they traded labor.

And in the middle of all of that, they acquired things. They said, I'll tell you what. Let's do two pelts. You keep one, I'll keep the other. Fine. Now there's

two blankets where there had only been one before. And on and on they went, building and building and building capital because we had free enterprise capitalism. We let people invest their sweat, and they turned it into equity.

And eventually they invented the wheel, and along came the industrial revolution, where we built things and we put them on ships, and we traded around the world. And we found that there were resources that were developed in other countries more efficiently than we could here.

Adam Smith wrote in "Wealth of Nations" about how they had the wool industry going on up in England and Scotland and in Ireland, and so they should be the ones there that were shearing sheep and turning that into clothing, and put the wool products that they did so well on ships and sail them down to Portugal, where they were a lot better at raising grapes and turning that into wine. And bring back a load of wine and a ship full of wool, and that was the division of labor that he described. And both countries were better off.

Mr. Speaker, whenever there are two people that trade a dollar, and it's a business transaction, or it's two or more, maybe it's three, four, five or six people in this exchange, these business deals are set up because each party benefits. There doesn't need to be a loser in an economic transaction.

And when I hire somebody to go to work for me and I pay them a wage, they get something in return. They want the money; they want the benefits. They might want the challenge. I hope they do. And they want to contribute, and we reach this agreement. It is a contractual agreement between two consenting adults. And so capital is built; wealth is built. It's not a zero sum game.

Gold got mined out by the Incas and the Aztecs, and Adam Smith wrote about that. And he said the Spanish galleons went back across the ocean with having cut out the cost of labor—he didn't say by stealing the gold from the Incas and the Aztecs. He said they cut out the cost of labor. And once they removed a significant cost of the labor of producing the gold from them, they dumped it into the markets in Europe, and the price of gold went down.

Well, supply and demand, the cost of the capital and cost of the labor goes together to produce any product that we have there. And over the centuries we built ships and we built buildings and we built highways, we built bridges, and we created cash and currency to trade our labor back and forth with a commodity that would be willing to exchange. That's money.

And then the capital that's built in this world now is trillions and trillions. And, yes, class envy sets in and people think they get a case of the "poor me's" if government doesn't go hand them a job.

And I hear some of you that say, well, the people that want to work

should work. People who want to work should have a job. I would argue that the people that are able to, that the people that are able to work need to sustain themselves, and they need to contribute to the gross domestic product in this country. It is the patriotic thing to do.

America has created now this culture within us that somehow the Federal Government is going to guarantee a middle class standard of living to everybody that lives in this country, legal and illegal.

Mr. Speaker, I know you're going to be astonished at this, but there are 72 different means-tested Federal welfare programs functioning in the United States today; 72 of them. There isn't a single American that can name them from memory. If they can't name them from memory, neither can they describe them.

And if they can't describe them, neither can they understand how they function individually, let alone understand how 72 different welfare programs can interact with each other and function to provide an incentive for people to do the right thing, which is produce for themselves, maybe get an education, develop some job skills, go get a job.

William Bennett told us, when I came to this Congress, that he said he could solve 75 percent of the Nation's pathologies. Get married, stay married, get a job, keep a job. That's 75 percent. You know, if he's right on that, I'd say the other percent is substance abuse.

I'll bet we could get to about 99 percent if people would get married, stay married, get a job, keep a job and not abuse alcohol and reject illegal drugs. You'd solve a lot of the domestic squabbles that go on and this society would go on. We need to be a moral society.

But we are a Nation of doers and achievers, and our culture is being eroded by those who want to expand the dependency class in America.

And that's you folks over on that side of the aisle. You're in the business of expanding the dependency class in America. It goes on over and over and over again. And you do that because some of you believe, maybe even all of you believe, that it is somehow a humane thing to do to take from the sweat of one person's brow and hand it over to someone who won't sweat for their own. But you do it because it expands your political base, and then you pander to and cater to the people that you're promising somebody else's labor to.

And you think that America's going to be stronger? No, we're getting weaker. We've reached the point now where these 300 million Americans that we have, when you add up—we talk about how many on unemployment do we have. Oh, it was 15 million; now it's 14 million.

You look at the weekly numbers of the new sign-ups and that number ranges down there under 400,000 or so.

And we think, oh, it was a good week. We had less than 400,000 new sign-ups to unemployment. And people run off the other end and they expire and they're no longer eligible, and so that number went from around 15 million unemployed down to around 14 million unemployed or a little more.

That's not the number that we should be most concerned about. It is a number. We should add the 14 million that meet the definition for unemployment to the number of Americans that are of working age that are simply not in the work force, Mr. Speaker.

The Department of Labor has that on their Web site. Anyone can go there. I think it's [dol.gov](http://dol.gov), something like that. And on that Web site you'll see different age groups of those working age. It starts at age 16, 16 to 19. There are around 9 million Americans of that working age that are simply not in the workforce. Yes, they may be in school. A lot of us worked our way through school. And I started before that age of 16.

And then you go from 20 on up to 25 or so, there's another chunk. Work your way on up.

Americans of working age not in the workforce, when I came to this Congress not that long ago were 69 million. Then it became 80 million. And about 2½ months ago the number, for the first time in the history of this country, the number of Americans of working age not in the workforce now has exceeded 100 million Americans—100 million. Think what you could do with the labor of 100 million Americans.

And while that's going on, now we have, what is our number, 11, 12 or more million illegals in America? I actually think it's 20 million or more, but they keep tamping that number down. They keep coming across the border, and the number got lower instead of greater by some analysis.

But in any case, we know this: about seven out of every 12 illegals here in this country work. That's marginally a little greater than the number of Americans that are working. And that seven out of 12 that are there are part of around 8 million, 7 million to 8 million documented, I'll say study-analyzed consensus numbers, 7 to 8 million illegals in America that were working. Now, if they all woke up tomorrow in their home country, that conceivably creates 8 million new jobs.

Well, you know, if they weren't coming into this country illegally, you wouldn't need so many people to go guard the border either, and they could do something productive rather than something that's not contributing economically to this country in the fashion that produces goods and services.

So there's 8 million jobs there. But there are many other jobs out there for the people that will go out there and start a business, go ask for a job, compete in this marketplace. And every one of the 100 million Americans who are not working that puts in 1 hour's work even a week contributes to the

gross domestic product of the United States of America.

People who are not working, not producing, are not contributing, unless of course they've got investments that are returning, and then I'll give them some credit for that.

But 100 million. Think if you were on a boat or a ship, and let's say you had 300 people on that boat or ship, and you had to have some trimming the sails, some pulling the oars, some swabbing the decks, some down in the galley, some cooking, cleaning, housekeeping and somebody up there taking care of the captain.

And what if you had 100 out of those 300 people that said, I'm going to sit here in steerage. Bring me my food, clean up my mess. That's the scope of what America is faced with today.

I'd put the people on the oars. I'd put them up there trimming the sails and swabbing the decks, and we will sail a lot smoother, we'll be a lot stronger country, and we'll feel better about ourselves. This dignity of work is there for every man and woman that takes that job on.

And I challenge us all: let's step up, take the freedom we have left. Let's grasp for more of that liberty. Let's grasp more of that freedom, and let's put some of these 100 million people to work so they can contribute to their gross domestic product.

The rest of the world will respect us more. We'll be stronger economically. We'll have more prudent people that are contributing to the ideas in this Congress, and we will get to a balanced budget, and we will start to pay down this national debt, and we will enforce and respect the rule of law.

Mr. Speaker, I would go on for another half hour articulating some of the other pillars of American exceptionalism, but I recognize there is a limit to not your patience, but my time.

I appreciate your attention, and I would yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DREIER (at the request of Mr. CANTOR) for November 29 and November 30 on account of official travel.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 1, 2011, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4036. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account", for the period ending September 30, 2011; to the Committee on Armed Services.

4037. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General David P. Fridovich, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4038. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4039. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4040. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Investing in Innovation Fund [Docket ID: ED-2011-OI-0001] received November 4, 2011; to the Committee on Education and the Workforce.

4041. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Promise Neighborhoods Program [CFDA: 84.215P] (RIN: 1855-ZA07) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4042. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to the Air Pollution Control Rules [EPA-R08-OAR-2009-0556; FRL-9486-2] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4043. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Nitrogen Oxides Budget Trading Program [EPA-R03-OAR-2011-0773; FRL-9487-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4044. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Regulations for Control of Air Pollution by Permits for New Construction or Modification [EPA-R06-OAR-2011-0426; FRL-9485-3] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4045. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Joaquin Valley Unified Air Pollution Control District and Imperial County Air Pollution Control District [EPA-R09-OAR-2011-0356; FRL-9479-3] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4046. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California

State Implementation Plan, Placer County Air Pollution Control District and Sacramento Metro Air Quality Management District [EPA-R09-OAR-2011-0382; FRL-9477-4] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4047. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0601; FRL-9481-6] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4048. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0463; FRL-9481-1] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4049. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-49, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4050. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-47, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4051. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on Oversight Information Pertaining to the Global Fund to Fight AIDS, Tuberculosis and Malaria; to the Committee on Foreign Affairs.

4052. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the June 21- August 20, 2011 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

4053. A letter from the Administrator and Chief Executive Officer, Department of Energy, transmitting submission of Bonneville Power Administration's (BPA) 2011 Annual Report, pursuant to 16 U.S.C. 839(h)(12)(B) Public Law 96-501, section 4(h)(12)(A) (94 Stat. 2711); to the Committee on Oversight and Government Reform.

4054. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-234, "Cooperative Housing Association Economic Interest Recapture Tax Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4055. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-228, "Jubilee Housing Residential Rental Project Real Property Tax Exemption Clarification Temporary Act of 2011"; to the Committee on Oversight and Government Reform.

4056. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-235, "Real Property Tax Appeals Commission Establishment Clarification Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4057. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-236, "Criminal Penalty for Unregistered Motorist Repeal Temporary Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4058. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-237, "The Washington Ballet Equitable Real Property Tax Relief Act of 2011"; to the Committee on Oversight and Government Reform.

4059. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-238, "Vault Tax Clarification Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4060. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-239, "Arthur Capper/Carrollburg Public Improvements Revenue Bonds Amendment Act of 2011"; to the Committee on Oversight and Government Reform.

4061. A letter from the Secretary, Department of Transportation, transmitting the annual report under the Federal Managers' Financial Integrity Act for FY 2011; to the Committee on Oversight and Government Reform.

4062. A letter from the Director, Department of the Interior, transmitting the 2010 annual report on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Natural Resources.

4063. A letter from the Deputy Director, Department of the Interior, transmitting the 2009 Annual Report for the Office of Surface Mining Reclamation and Enforcement, pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Natural Resources.

4064. A letter from the Attorney General, Department of Justice, transmitting notification that the Department has decided not to seek further review of the decision of the United States Court of Appeals for the Ninth Circuit in the case *United States v. Luis Mario Barajas-Alvarado*, No. 10-50134 (9th Cir.); to the Committee on the Judiciary.

4065. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "National Coverage Determinations for Fiscal Year 2008"; jointly to the Committees on Energy and Commerce and Ways and Means.

4066. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) October 2011 Quarterly Report; jointly to the Committees on Foreign Affairs and Appropriations.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RYAN of Wisconsin (for himself and Mr. VAN HOLLEN):

H.R. 3521. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. KEATING, Ms. DELAURO, and Mr. NEAL):

H.R. 3522. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan (for himself, Mr. RUPPERSBERGER, Mr. KING of New York, Mr. UPTON, Mrs. MYRICK, Mr. LANGEVIN, Mr. CONAWAY, Mr. MILLER of Florida, Mr. BOREN, Mr. LOBIONDO, Mr. CHANDLER, Mr. NUNES, Mr. GUTIERREZ, Mr. WESTMORELAND, Mrs. BACHMANN, Mr. ROONEY, Mr. HECK, Mr. DICKS, Mr. MCCAUL, Mr. WALDEN, Mr. CALVERT, Mr. SHIMKUS, Mr. TERRY, Mr. BURGESS, Mr. GINGREY of Georgia, Mr. THOMPSON of California, Mr. KINZINGER of Illinois, Mr. AMODEI, and Mr. POMPEO):

H.R. 3523. A bill to provide for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BRALEY of Iowa:

H.R. 3524. A bill to amend title 38, United States Code, to provide certain rights for persons who receive treatment for illnesses, injuries, and disabilities incurred in or aggravated by service in the uniformed services, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SCHWARTZ (for herself, Mr. BURGESS, and Mr. BLUMENAUER):

H.R. 3525. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture.

By Mrs. CAPPS:

H.R. 3526. A bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HULTGREN (for himself, Mr. BOREN, Mrs. BIGGERT, Mr. DOLD, Mr. JOHNSON of Illinois, Mr. LANCE, Mr. KINZINGER of Illinois, Mr. MANZULLO, and Mr. SCHOCK):

H.R. 3527. A bill to amend the Commodity Exchange Act to clarify the definition of swap dealer; to the Committee on Agriculture.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. COHEN, and Ms. MOORE):

H.R. 3528. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 3529. A bill to provide for the reinstatement of certain NAFTA Customs fees exemption, and for other purposes; to the Committee on Ways and Means.

By Mr. PERLMUTTER (for himself and Mr. SCHWEIKERT):

H.R. 3530. A bill to require the exercise of clean-up call options under securities issued by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation and to prohibit any new mortgage-backed securities issued by such enterprises to contain provisions for a clean-up call option; to the Committee on Financial Services.

By Mr. PERLMUTTER:

H.R. 3531. A bill to authorize certain private rights of action under the Foreign Corrupt Practices Act of 1977 for violations by foreign concerns that damage domestic businesses; to the Committee on Energy and



Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself and Mr. BOREN):

H.R. 3532. A bill to empower federally recognized Indian tribes to accept restricted fee tribal lands, and for other purposes; to the Committee on Natural Resources.

By Mr. MICA:

H.J. Res. 91. A joint resolution to provide for the resolution of the outstanding issues in the current railway labor-management dispute; to the Committee on Transportation and Infrastructure.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RYAN of Wisconsin:

H.R. 3521.

Congress has the power to enact this legislation pursuant to the following:  
Article I, Section 9, Clause 7.

By Mr. LEWIS of Georgia:

H.R. 3522.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I of the United States Constitution and its subsequent amendments, and as further clarified and interpreted by the Supreme Court of the United States.

By Mr. ROGERS of Michigan:

H.R. 3523.

Congress has the power to enact this legislation pursuant to the following:

The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States.

Article I, section 8 of the Constitution of the United States provides, in pertinent part, that "Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States"; and "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. BRALEY of Iowa:

H.R. 3524.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. SCHWARTZ:

H.R. 3525.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

By Mrs. CAPPS:

H.R. 3526.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. HULTGREN:

H.R. 3527.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3528.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. OWENS:

H.R. 3529.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause: Article I, Section 8, Clause 3.

By Mr. PERLMUTTER:

H.R. 3530.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Article VI of the United States Constitution

By Mr. PERLMUTTER:

H.R. 3531.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 2; The Foreign Commerce Clause.

By Mr. YOUNG of Alaska:

H.R. 3532.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MICA:

H.J. Res. 91.

Congress has the power to enact this legislation pursuant to the following:

Article I section 8 "To regulate Commerce"

#### ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

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

H.R. 85: Mr. FALCOMA.

H.R. 100: Mr. GRAVES of Georgia, Mrs. EMERSON, Mr. MCCAUL, and Mr. ROE of Tennessee.

H.R. 132: Ms. SCHAKOWSKY.

H.R. 265: Mr. COHEN and Mr. CLAY.

H.R. 266: Mr. COHEN and Mr. CLAY.

H.R. 267: Mr. COHEN and Mr. CLAY.

H.R. 374: Mrs. BLACK.

H.R. 399: Mr. CARNEY.

H.R. 427: Mr. AMODEI.

H.R. 459: Ms. SPEIER.

H.R. 668: Mrs. HARTZLER.

H.R. 721: Ms. SLAUGHTER.

H.R. 733: Ms. MATSUI.

H.R. 735: Mr. LATTI and Mr. QUAYLE.

H.R. 831: Mr. DEFazio.

H.R. 835: Mr. GRIJALVA.

H.R. 876: Mr. ROTHMAN of New Jersey and Mr. MCGOVERN.

H.R. 1012: Ms. JENKINS.

H.R. 1048: Mr. BISHOP of New Jersey, Ms. HAHN, and Ms. LEE of California.

H.R. 1148: Mr. LATTI, Mr. AMODEI, Mr. ROONEY, Mr. FARR, Mr. FLORES, Mr. DEUTCH, Mr. CRITZ, Ms. SUTTON, Mr. YARMUTH, Mr. BILBRAY, Mr. MILLER of Florida, Mrs. MCCARTHY of New York, Mr. LEVIN, and Mr. CONNOLLY of Virginia.

H.R. 1164: Mr. WITTMAN.

H.R. 1193: Mr. POSEY.

H.R. 1294: Mr. COHEN.

H.R. 1300: Mr. FARR.

H.R. 1307: Mr. STEARNS.

H.R. 1370: Mr. TIPTON, Mr. SAM JOHNSON of Texas, and Mr. WITTMAN.

H.R. 1385: Mr. SHUSTER.

H.R. 1409: Mr. SOUTHERLAND.

H.R. 1426: Mr. GARY G. MILLER of California and Mr. COHEN.

H.R. 1433: Mr. POE of Texas.

H.R. 1474: Mr. KINZINGER of Illinois.

H.R. 1477: Ms. WILSON of Florida.

H.R. 1533: Mr. SCHOCK.

H.R. 1587: Ms. WILSON of Florida.

H.R. 1629: Mr. SARBANES.

H.R. 1633: Mr. AUSTRIA, Mr. SOUTHERLAND, and Mr. HARPER.

H.R. 1639: Mr. WHITFIELD.

H.R. 1672: Mr. CUMMINGS and Mr. TOWNS.

H.R. 1681: Ms. VELÁZQUEZ.

H.R. 1697: Ms. CHU, Mr. HULTGREN, Mr. TIP-TON, Mr. KLINE, and Mr. BOSWELL.

H.R. 1700: Mr. GIBSON.

H.R. 1815: Mr. REHBERG.

H.R. 1840: Mr. GIBSON.

H.R. 1848: Mr. WALBERG.

H.R. 1946: Mr. POSEY.

H.R. 1956: Mr. HARRIS.

H.R. 1966: Mr. CARNAHAN.

H.R. 1968: Mr. MCKINLEY.

H.R. 1981: Mr. ROSS of Florida and Mr. PENCE.

H.R. 1983: Ms. PINGREE of Maine.

H.R. 1988: Mr. NEAL.

H.R. 1995: Mr. MICHAUD.

H.R. 2016: Ms. MOORE, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. SEWELL, Mr. CLARKE of Michigan, Ms. NORTON, Mr. KISSELL, Mr. HOLT, Mr. HINOJOSA, Mr. YARMUTH, Mr. REYES, Mr. BACA, Ms. CHU, Mr. ENGEL, Mr. SERRANO, Mr. HONDA, Mr. LANGEVIN, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Mr. RANGEL, Mr. SMITH of Washington, Mr. BRADY of Pennsylvania, Mr. QUIGLEY, Mr. COHEN, Mr. FARR, and Mr. BLUMENAUER.

H.R. 2040: Mr. SMITH of Nebraska.

H.R. 2051: Mr. SOUTHERLAND and Mr. MCCOTTER.

H.R. 2059: Mr. YODER.

H.R. 2069: Ms. CLARKE of New York.

H.R. 2070: Mr. STEARNS.

H.R. 2104: Mr. LYNCH, Mr. THORNBERRY, and Mr. DEFazio.

H.R. 2137: Mr. DENT.

H.R. 2182: Mr. BROOKS.

H.R. 2268: Mr. HOLT.

H.R. 2299: Mr. UPTON.

H.R. 2306: Ms. PINGREE of Maine.

H.R. 2335: Mr. MARINO.

H.R. 2359: Mr. CLARKE of Michigan.

H.R. 2364: Ms. HAHN.

H.R. 2393: Mr. GARAMENDI.

H.R. 2394: Ms. LEE of California.

H.R. 2397: Mr. MATHESON and Mr. WITTMAN.

H.R. 2464: Mr. DAVIS of Illinois.

H.R. 2492: Mr. COSTELLO, Mr. SHERMAN, Mrs. DAVIS of California, Mr. KEATING, Mr. GRIJALVA, Mr. WALBERG, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2499: Mr. WALZ of Minnesota.

H.R. 2500: Mr. ALTMIRE.

H.R. 2505: Mr. REYES.

H.R. 2528: Mr. ROSS of Florida.

H.R. 2586: Mr. DOLD.

H.R. 2595: Mr. HIGGINS.

H.R. 2620: Mr. CLAY.

H.R. 2624: Ms. LEE of California.

H.R. 2629: Mr. MURPHY of Connecticut.

H.R. 2655: Mr. SCHOCK.

H.R. 2682: Mr. DOLD.

H.R. 2697: Mr. WALBERG and Mr. MILLER of Florida.

H.R. 2728: Mr. COHEN.

H.R. 2779: Mr. DOLD.

H.R. 2780: Mr. SCHOCK.

H.R. 2834: Mr. NUGENT.

H.R. 2857: Mr. FILNER, Ms. WATERS, and Ms. CLARKE of New York.

H.R. 2870: Mr. STIVERS.

H.R. 2874: Mr. MCCOTTER, Mr. LUETKEMEYER, and Mr. FORTENBERRY.

H.R. 2885: Mr. ALTMIRE.

H.R. 2962: Mr. WESTMORELAND and Mr. WITTMAN.

H.R. 2966: Ms. HAYWORTH and Mr. ROSKAM.

H.R. 2977: Mr. LOEBSACK and Mr. BOSWELL.

H.R. 2981: Ms. MOORE, Mr. CAPUANO, Mr. PAYNE, Mr. NADLER, and Mr. POLIS.

H.R. 2982: Mr. LUETKEMEYER, Mr. MARCHANT, Mr. GRIJALVA, and Mr. COHEN.

H.R. 3039: Mr. LUETKEMEYER.  
 H.R. 3040: Mr. HASTINGS of Florida.  
 H.R. 3042: Mr. OWENS, Mr. SHUSTER, and Mr. BARTLETT.  
 H.R. 3043: Mr. COLE.  
 H.R. 3100: Mr. DOGGETT.  
 H.R. 3118: Mr. POSEY.  
 H.R. 3122: Mr. JOHNSON of Illinois, Mr. CARNAHAN, Ms. NORTON, and Mrs. NAPOLITANO.  
 H.R. 3123: Mr. CARSON of Indiana and Ms. SLAUGHTER.  
 H.R. 3162: Mr. SOUTHERLAND and Ms. FOXX.  
 H.R. 3192: Mr. LANGEVIN.  
 H.R. 3193: Mr. FLORES, Mr. ROKITA, and Mr. HARRIS.  
 H.R. 3199: Mr. MCINTYRE.  
 H.R. 3208: Mr. CULBERSON and Mr. WALDEN.  
 H.R. 3209: Mr. CULBERSON and Mr. WALDEN.  
 H.R. 3235: Ms. NORTON.  
 H.R. 3236: Mr. HEINRICH.  
 H.R. 3243: Mr. ALEXANDER.  
 H.R. 3261: Ms. CHU, Mr. HOLDEN, and Mr. LARSON of Connecticut.  
 H.R. 3262: Mr. POSEY.  
 H.R. 3271: Mr. STARK and Ms. DELAURO.  
 H.R. 3300: Mr. CLAY.  
 H.R. 3308: Mr. GOWDY.  
 H.R. 3310: Mr. STEARNS.  
 H.R. 3316: Mr. STARK and Mr. HOLT.  
 H.R. 3317: Mr. STARK and Mr. HOLT.  
 H.R. 3323: Mr. CAMPBELL.  
 H.R. 3331: Mr. KLINE.  
 H.R. 3340: Mr. JONES.  
 H.R. 3366: Mr. PAULSEN.  
 H.R. 3379: Mr. SMITH of Nebraska, Mr. PEARCE, and Mr. MCCLINTOCK.  
 H.R. 3393: Ms. WILSON of Florida.  
 H.R. 3410: Mr. GIBSON, Mr. KLINE, and Mr. BURTON of Indiana.  
 H.R. 3415: Mr. RYAN of Ohio.  
 H.R. 3418: Mrs. MALONEY.  
 H.R. 3425: Mr. COHEN.  
 H.R. 3453: Mr. DUFFY.  
 H.R. 3455: Mr. JONES.  
 H.R. 3506: Mr. CARNEY and Mr. PASCRELL.  
 H.R. 3510: Mr. CRITZ, Ms. HAYWORTH, Mr. AUSTIN SCOTT of Georgia, Mr. GERLACH, and Mr. MICHAUD.  
 H.J. Res. 85: Mr. COLE, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. CHABOT, Mr. GOHMERT, Ms. GRANGER, Mrs. SCHMIDT, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. FORBES, Mrs. BLACKBURN, Mr. PITTS, Mr. YODER, Mr. HARRIS, and Mr. LANDRY.  
 H. Res. 20: Mr. BACA.  
 H. Res. 111: Mr. GRAVES of Missouri.  
 H. Res. 134: Mr. JACKSON of Illinois.  
 H. Res. 137: Mr. LEWIS of Georgia.  
 H. Res. 180: Mr. MCCOTTER.  
 H. Res. 220: Mr. FRANK of Massachusetts.  
 H. Res. 304: Ms. HAHN.  
 H. Res. 306: Ms. HAHN.  
 H. Res. 333: Mr. BERMAN and Mr. FARR.  
 H. Res. 376: Ms. ROS-LEHTINEN.  
 H. Res. 407: Mr. FITZPATRICK.  
 H. Res. 450: Mr. GRIJALVA.  
 H. Res. 474: Mr. FARR.  
 H. Res. 475: Mr. HUIZENGA of Michigan, Mr. BROOKS, Mrs. LUMMIS, Mr. STUTZMAN, Mr. GRAVES of Georgia, Mr. WILSON of South Carolina, Mr. POSEY, Mr. FORBES, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. FLEMING, Mr. PITTS, Mr. LANKFORD, Mrs. SCHMIDT, Mr. HUELSKAMP, Mr. GARRETT, Mr. COLE, Mr. HULTGREN, Mr. NEUGEBAUER, Mr. MULVANEY, Mr. FRANKS of Arizona, Mr. DESJARLAIS, Mr. FLEISCHMANN, and Mr. FINCHER.



United States  
of America

# Congressional Record

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

Vol. 157

WASHINGTON, WEDNESDAY, NOVEMBER 30, 2011

No. 182

## Senate

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

### PRAYER

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

Let us pray.

Holy, holy, holy, Lord God of Hosts, Heaven and Earth are filled with Your glory. Lord, You have given us the hope that Your kingdom shall come on Earth. Help us to see the signs of its dawning as we labor for liberty.

May the work and deliberations of our lawmakers so reflect the nature of Your coming kingdom that people will be filled with faith.

Increase our hunger and thirst for righteousness, and feed us with the bread of Heaven. Lord, empower us all to work for that perfect day when Your will shall be done on Earth as it is in Heaven.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U. S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 30, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of S. 1867. The filing deadline for second-degree amendments to the Defense bill is 10:30 a.m. today. At about 11 o'clock, there will be a cloture vote on S. 1867.

It is my understanding the vote will be at 11 o'clock. Is that right, Madam President? It is not about 11, it will be at 11.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. We will continue working through the pending amendments. Senators LEVIN and McCAIN are managers of this bill, and Senators will be notified when votes are scheduled. There was a little void here from 10:30 until the vote. That will be debate time on the motion to invoke cloture on the Defense bill.

### PAYROLL TAX CUTS

Mr. REID. Madam President, Republicans love to talk about taxes. They like them low, we like them high—or so they would have you believe. By that logic, Republicans ought to be lining up to support our payroll tax legislation. Democrats propose we cut taxes

for 160 million Americans and every single business in our country. The average American family would save about \$1,500. Yet Republicans appeared out of the woodwork to oppose our plan. They do not like these particular tax cuts because they are paid for with a small, 3.25-percent surtax on people making more than \$1 million a year. But we have learned that Republicans only care about keeping taxes low for a very small group of people. This small group is the richest of the rich.

Here is the contrast. One side has Democrats fighting to cut taxes for 160 million Americans who make an average of less than \$30,000 a year. On the other side, we have Republicans fighting to keep taxes low for fewer than 350,000 people who take home more than \$3 million every year. The contrast: 160 million Americans who make an average of less than \$30,000 a year; on the other side, Republicans are fighting to keep taxes low for the richest of the rich—350,000 people who make more than \$3 million a year.

What is worse, if Republicans get their way, if they are able to give the richest of the rich a pay increase, in effect, taxes will actually increase by about \$1,000 a year for 120 million American families. Every American family will have \$1,000 less to spend on food, clothing, and diapers next year—except those 350,000 people.

Republicans can continue to try to protect people who earn an average of \$3 million apiece. We are not going to do that, not in today's economy. In other words, Republicans are increasing taxes on nearly every American family to protect people who make an average of \$37,500 a week—far more than most Americans make in a year. You can take Nevada, you can take Kentucky—take Kentucky, the home of my friend the Republican leader. There, 2.1 million middle-class workers will be hit with a tax increase if the Republicans block our proposal. In Nevada, we have fewer people than Kentucky, but the same basically applies

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



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in Nevada. But in Kentucky specifically, 1,345 Kentuckians earn an average of \$3.5 million each, each year, and that will be protected thanks to the efforts of Senate Republicans.

Why would Republicans throw 92 percent of American families under the bus, whacking them with a tax increase beginning January 1, to protect the richest of the rich? Why would they do that? It certainly sounds like political suicide, not to mention shockingly callous policy. One might assume there is a compelling reason for Republicans to stake out this seemingly indefensible ground, to take the side of the top two-tenths of 1 percent of American earners while raising taxes on 160 million others.

Here is their reason. They say they want to protect job creators. Of course that claim is laughable on its face. Our bill would cut taxes for literally every business in America, and for 98 percent of these companies, these firms, including virtually every small business, it would cut payroll taxes in half, from 6.2 percent to 3.1 percent.

I could quote virtually every member of the Republican caucus, all 47 of them, singing the praises of small businesses that create jobs because they have come at various times during this year and previous years to talk about small businesses, what good they do for America. And I agree with that. You will not get disagreement from Democrats. That is why our bill cuts taxes for every small business in America, including 50,000 firms in Nevada. Yet legislation that will cut taxes for 92 percent of American families and every single business in the Nation without adding a penny to the deficit may not get a single Republican vote because it would cost a few incredibly prosperous, rich Americans about 2 weeks of pay.

To top it all off, Republicans know the tax increase they are foisting on middle-class families would be devastating for our economy. The Economic Policy Institute has stated that this Republican tax hike will reduce GDP by \$128 billion and cost almost 1 million jobs—972,000 to be exact. That would send our economy back into a tailspin, and it is impossible to tell how long would be our recovery.

Republicans often say we cannot afford to raise taxes on the top two-tenths of 1 percent of American taxpayers, so I ask, how can we afford a tax increase on 92 percent of American families?

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#### RECOGNITION OF THE MINORITY LEADER

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

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#### PAYROLL TAX CUTS

Mr. MCCONNELL. Madam President, I know my good friend the majority leader may have been a little busy during the last 24 hours. Maybe he missed the news. Reuters said:

U.S. Senate Republicans Back Payroll Tax Cut Extension.

The Wall Street Journal says:

GOP Set to Back Payroll Tax Cut.

IBD says:

GOP Open to Payroll Tax Cut.

U.S. News:

Mitch McConnell Says Congress Will Likely Extend Tax Cut One More Year.

CBS says:

GOP working on alternative proposal for payroll tax cut extension.

Washington Post:

“Majority” of Republicans likely to back payroll tax cut extension.

And Fox News:

Republicans Back Payroll Tax Cut Extension.

Madam President, this is not an argument about whether we ought to extend the payroll tax cut that was enacted last year for 1 year. The issue is how do you pay for that, and we have differences of opinion about that.

This week, as we all know, the Senate is debating the extension of a temporary payroll tax cut that the two parties agreed to last year to help those struggling in a bad economy. But before getting into any detail about the various proposals that are being considered for extending this temporary tax cut, I think it is important to establish a couple of things right here at the outset.

First, the debate we are having this week is not about whether to extend this temporary relief for millions of working Americans out there who are struggling as a result of the ongoing jobs crisis; it is about whether we should help those who are struggling in a bad economy by punishing the private sector businesses the American people are counting on to help turn this economy around.

The President and Democrats here in Congress are saying we ought to recoup the revenue we will not get from one group of taxpayers by socking it to another group, a significant number of whom happen to be employers. What this really means is that one way or another they want the money coming back to Washington so that the President and his allies in Congress can divvy it up how they want, protecting and aiding the politically favored few. This really sums up the whole story of this President and the economic policies he has promoted over the past few years—send your money to Washington so the President and his allies in Congress can spend it their way, on things such as turtle tunnels or bailing out politically connected investors of failing solar companies.

The Democrats can say they just want some people to pay a little bit more to cover this or that dubious proposal, but what they do not tell you is that 80 percent of the people they want to tax are business owners—in other words, the very people we are counting on to create the jobs we need in this country. Think about that. The Demo-

crats' response to the jobs crisis we are in right now is to raise taxes on those who create the jobs. This is not just counterproductive, it is absolutely absurd.

That brings me to my second point, which is this: The only reason we are talking about extending a temporary cut in the payroll tax right now, the only reason we are even talking about extending unemployment insurance right now is because President Obama's economic policies have failed working Americans.

Democrats and liberal pundits are fond of saying that Republicans are rooting against the economy, but it is easy to refute that one. If Republicans wanted the economy to stall, we would just stand on the side lines and wave through everything the President and his Democratic allies in Congress propose. That is what the Democrats did for the first 2 years of the President's term, and now we are living with the results. Unemployment is still stuck at around 9 percent, 14 million Americans are looking for work and can't find it, millions more are underemployed or have given up on finding a job altogether, and here we are, 3 years into this Presidency, still talking about temporary stimulus measures.

Republicans will put aside their misgivings and support this extension not because we believe, as the President does, that another short-term stimulus will turn this economy around but because we know it will give some relief to struggling workers out there who continue to need it nearly 3 years into this Presidency. Americans should not have to suffer any more than they already are for the Democrats' failed economic policies.

Republicans reject the idea that the way to help people is for the government to write them a check every once in a while or adjust their pay stub at a time of our choosing. We think it is time to get past the idea that government should be the sole arbiter of people's futures and livelihoods. We need to get government out of the business of picking winners and losers, and that is why Republicans think the real answer is broad-based tax reform that clears out the deductions and the loopholes and the special carve-outs for those who are rich enough or politically connected enough to benefit from it.

If one is a small business owner, we don't think they should have to have an army of tax lawyers on staff to figure out how to keep their business profitable and their employees on the payroll. If one is an individual, they should not have to hire an accountant to keep from getting ripped off by the IRS. We think Americans are ready for tax reform that makes the system fair for everybody, that levels the playing field so people in small businesses can compete without having to beg for favors or beg for loopholes. We are going to keep pressing for it, and part of that is looking beyond these temporary stimulus measures.

Let's be very clear about this. The Democrats' quick-fix approach has failed. Nearly 3 years have passed since Democrats passed the mother of all stimulus bills, and we have 1.3 million fewer jobs in this country than we had when the President signed it into law. Yet they are still at it. Republicans in the House have passed an avalanche of legislation aimed at liberating the private sector and getting the economy growing again. It all dies at the Senate door. Democrats are not interested. With Democrats in control of two-thirds of the government in Washington, all we get is more temporary stimulus and calls to raise taxes on the very people we are counting on to jolt this economy back to life. That is why we are standing here 3 years into this administration still talking about temporary stimulus measures paid for by permanent tax hikes—temporary stimulus measures paid for by permanent tax hikes.

Democrats don't seem interested in doing anything that will lead to economic growth. They are stuck on stimulus. They are stuck on government. They are stuck on economic policies that have already failed. So we are not arguing against extending the payroll tax cut. We just think it should not be punishing job creators to pay for it. We think that if this kind of temporary relief engineered at some lawmakers' whim is the sum and substance of Democrats' plan for getting this economy going again, we are in trouble.

The American people don't want a temporary allowance from Democrats in Washington. They want us to get out of the way, to lift the burdens to growth so they can get this economy going. That is why Republicans are proposing a very different approach to paying for this extension. We can maintain this tax relief without raising taxes on job creators. If past experience shows us anything, it is that Washington will only spend every dime it gets and then some anyway, when we need to find a solution that doesn't give more power to Washington. We will never get this economy going or help people create the wealth and jobs America needs if we continue to allow Washington to dictate all the rules of the game when it comes to our economy. At the end of the day, the real question in this debate isn't whether lawmakers in Washington should or should not extend some temporary stimulus but whether the American people should continue to allow Washington to have so much power over their lives. That is what this debate is about.

Mr. REID. Will the Chair announce the business for the day.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees.

#### CREATING JOBS BY PROVIDING PAYROLL TAX RELIEF FOR MIDDLE CLASS FAMILIES AND BUSINESSES—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 238, S. 1917.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to S. 1917, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

#### CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 238, S. 1917, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes:

Harry Reid, Robert P. Casey, Jr., Jack Reed, Richard J. Durbin, Dianne Feinstein, Carl Levin, Jeff Bingaman, Patty Murray, Patrick J. Leahy, Kent Conrad, Sheldon Whitehouse, Benjamin L. Cardin, Barbara Boxer, Al Franken, Max Baucus, Robert Menendez, Joseph I. Lieberman.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. REID. I now withdraw my motion to proceed.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

Mr. REID. Madam President, on one of the Sunday shows, the assistant leader, the Republican whip, my friend, the junior Senator from Arizona, indicated that Republicans would not support the withholding tax proposal we had made. On Monday, that was what the Senate leadership said. So I am very happy there has been a conversion and now they agree to support it but be careful. Remember, they are very clever and unclear on how they want this paid for. One Republican Senator said he didn't want it paid for, and that, in fact, has been the standard mantra of the Republicans: Tax cuts should not have to be paid for. The Bush tax cuts, amounting to trillions of dollars, were

not paid for. That is, of course, one reason we have this huge problem with the deficit.

I think we also have to recognize that one thing our country lacks is confidence. There are a lot of reasons, but one reason the country lacks confidence is people out here are talking about how bad the economy is doing. It is doing very poorly, and I recognize that. But we have had growth over the last many months. Is it as significant and as robust as we want? Of course not, but we have a growing economy; that is to say about my friend, the prior President, President Bush, we had no growth there. That was downhill. When he came into office, there was a surplus of trillions of dollars. That was taken away with not paying for all these tax cuts, the unpaid war in Iraq, the unpaid war in Afghanistan, and at least 8 million jobs were lost. We are trying to work our way out of that, and we have worked very hard.

My friend talks about the stimulus bill, the Economic Recovery Act. Let's just talk about something I know a lot about, the State of Nevada. But for that bill, in the State of Nevada, which is very hard hit with the economic recovery, a State that for two decades had been the No. 1 place in America to come to start a business, to get a job, to buy property, that is no longer the case. That is no longer the case. But the stimulus bill has kept the schools open, has allowed people on Medicaid to continue getting some help, and we have had—because of that bill—thousands and thousands of jobs created with solar projects, geothermal projects all over the State of Nevada. Is it enough? Of course not. But let's start building some confidence and allowing people with these companies that have trillions of dollars, let's have them start spending some of it and creating jobs.

We are for tax reform. I agree with my friend the Republican leader, we should have tax reform. It is important because the Tax Code is not working. It is helping the wrong people, and we look forward to doing what we can to work that out. I was hoping in the supercommittee that one of the things they would have given was instructions to the Ways and Means Committee and the Finance Committee to come up with some tax reform that would be meaningful and build the economy even more than we could have ever dreamed, and a lot of that can be done with tax reform. So I acknowledge that.

We look forward to working with my friends on the other side of the aisle. They say they are in favor of now extending withholding and we know that has created lots of jobs and we are glad they are going to do that. But, I repeat, let's be very careful of how it is paid for. The American people believe we should pay for it the way we have suggested. The only people in the world who don't think it should be paid for in the way we suggested are the Republicans in the Senate. All the polls show

#### RESERVATION OF LEADER TIME

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

the vast majority of Americans believe the richest of the rich should contribute a little bit to bringing this country out of the economic problems we have.

So I would hope we can move forward. We are going to have a cloture vote on this matter soon. We have to get through this very important Defense bill, which is to take care of our troops. One of the managers of that, of course, is someone we look to for guidance with military matters. That is JOHN MCCAIN, who, as we know, is a certified war hero. When that is finished, we will work this out on the payroll tax.

I hope that prior to the cloture vote having taken place and being necessary, we will have some agreement on how to move forward because there are a lot of other things to do before the end of this year. There are other tax issues that are extremely important that traditionally have been completed before the end of a year such as we are in right now.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. The last time my good friend the majority leader and I had a discussion on the floor, he reminded everyone he would get the last word. Of course, since he has prior recognition to me, he can get the last word if he chooses. So I will just remind him of that at the outset. He will get the last word if he chooses to. I will not fight for the last word, but I will make this point with regard to the observation from my good friend.

We have just heard essentially the argument going into next year's election. Argument No. 1 is it could have been worse. That is an inspiring message to take to the American people. It could have been worse.

We also heard argument No. 2. The second argument goes essentially like this: After being in the administration in power for 3 years, No. 1, it is George Bush's fault. Among other causes of our current dilemma that have been cited by the President and others, in addition to the previous administration, it was a tsunami in Japan, it is the European debt crisis, of course it is the Republicans in Congress, it is those millionaires, it is those people in Wall Street. In short, it is everybody's fault but ours. That is the argument they are left with when they are going into an election year facing the American people and they have nothing else to say.

People don't think the stimulus worked. People don't like ObamaCare. They don't like Dodd-Frank. There is absolutely nothing, in terms of positive accomplishment, our good friends can cite; thus the argument: It is anybody's fault but mine.

It will be an interesting discussion going into next year, but it strikes me that our job in the Senate is not to frame campaign arguments on a weekly basis but actually try to get something done. As my friend indicated,

there are things that need to be done before the end of this year: The Defense authorization bill that we will finish this week, the appropriations bills in one way or another—either a combination of them or a continuing resolution, each of them, through the end of the next fiscal year.

We have tax extenders. We have the doc fix. We have the completion, in spite of the exercise we will engage in tomorrow, with two approaches to continuing the payroll tax extension. I have already indicated the overwhelming majority of Republicans think it should be extended, and so we will have to figure out how to package that and actually accomplish something, not just come out on the floor and score political points but actually accomplish something for the American people on things such as unemployment insurance, extension of the payroll tax reduction enacted a year ago, and the doc fix. These are the kinds of things that actually have to be done. The more time we spend on the floor with these political messaging votes, the less time we actually have to do what the American people sent us to do.

So I will be working with my friend, the majority leader. I mean, we work together every day. When we get past the political speeches and the show votes, there are things that need to be done, and we will be working together to get those things accomplished before Christmas.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I agree with virtually everything the Republican leader said. I do think the Presidential election will be based on what took place in the Bush administration and how we have tried to recover from that, and how things have been exacerbated because of the tsunami and because of the European debt crisis.

I also agree wholeheartedly with my friend that we need to work together the rest of this Congress. It is difficult to do, but we need to set aside Presidential politics and work in our sphere as legislative leaders to try to move this country along. So I look forward to that, and I appreciate the constructive remarks of my friend.

Madam President, I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1867, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1867) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Merkley amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Feinstein amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.

Feinstein amendment No. 1126, to limit the authority of Armed Forces to detain citizens of the United States under section 1031.

Franken amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.

Cardin/Mikulski amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, MD.

Begich amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

Begich amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska.

Shaheen amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.

Collins amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Collins amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship Program for pursuit of advanced degrees in physical therapy and occupational therapy.

Collins amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Collins/Shahen amendment No. 1180, relating to man-portable air-defense systems originating from Libya.

Inhofe amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities.

Inhofe amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling.

Inhofe amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for traumatic brain injury and posttraumatic stress disorder.

Inhofe amendment No. 1097, to eliminate gaps and redundancies between the over 200



programs within the Department of Defense that address psychological health and traumatic brain injury.

Inhofe amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base.

Inhofe amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces.

Inhofe amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan.

Inhofe amendment No. 1101, to strike section 156, relating to a transfer of Air Force C-12 aircraft to the Army.

Inhofe amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.

Inhofe amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long term.

Casey amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices.

Casey amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies.

McCain (for Cornyn) amendment No. 1200, to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

McCain (for Ayotte) amendment No. 1066, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014.

McCain (for Ayotte) modified amendment No. 1067, to require notification of Congress with respect to the initial custody and further disposition of members of al-Qaida and affiliated entities.

McCain (for Ayotte) amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations.

McCain (for Brown (MA)/Boozman) amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation.

McCain (for Brown (MA)) amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active-duty and full-time National Guard duty without a break in active service.

McCain (for Brown (MA)) amendment No. 1089, to require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense.

McCain (for Wicker) amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of marriages.

McCain (for Wicker) amendment No. 1116, to improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector.

Udall (NM) amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930.

Udall (NM) amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure.

Udall (NM)/Schumer amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense.

McCain (for Corker) amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies.

McCain (for Corker) amendment No. 1172, to require a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

McCain (for Corker) amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization.

Levin (for Bingaman) amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss.

Levin (for Gillibrand/Portman) amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce.

Levin (for Gillibrand/Blunt) amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families.

Merkley amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty.

Merkley amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1257, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone Program.

Leahy amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act.

Leahy/Grassley amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund.

Wyden/Merkley amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, OR.

Wyden amendment No. 1253, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life.

Ayotte (for Graham) amendment No. 1179, to specify the number of judge advocates of

the Air Force in the regular grade of brigadier general.

Ayotte (for McCain) further modified amendment No. 1230, to modify the annual adjustment in enrollment fees for TRICARE Prime.

Ayotte (for Heller/Kirk) amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the United States Embassy in Israel.

Ayotte (for Heller) amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

Ayotte (for McCain) amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met.

Ayotte (for McCain) amendment No. 1246, to establish a commission to study the United States Force Posture in East Asia and the Pacific region.

Ayotte (for McCain) amendment No. 1229, to provide for greater cybersecurity collaboration between the Department of Defense and the Department of Homeland Security.

Ayotte (for McCain/Ayotte) amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

Ayotte (for McCain) amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts.

Ayotte (for McCain/Ayotte) amendment No. 1132, to require a plan to ensure audit readiness of statements of budgetary resources.

Ayotte (for McCain) amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands.

Ayotte (for McCain) amendment No. 1250, to require the Secretary of Defense to submit a report on the probationary period in the development of the short take-off, vertical landing variant of the Joint Strike Fighter.

Ayotte (for McCain) amendment No. 1118, to modify the availability of surcharges collected by commissary stores.

Sessions amendment No. 1182, to prohibit the permanent stationing of more than two Army brigade combat teams within the geographic boundaries of the United States European Command.

Sessions amendment No. 1183, to require the maintenance of a triad of strategic nuclear delivery systems.

Sessions amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels.

Sessions amendment No. 1185, to require a report on a missile defense site on the east coast of the United States.

Sessions amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force.

Levin (for Reed) amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category.

Levin (for Reed) amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component.

Levin (for Reed) amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians.

Levin (for Reed) amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

Levin (for Reed) amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents.

Levin amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy.

Levin (for Boxer) amendment No. 1206, to implement commonsense controls on the taxpayer-funded salaries of defense contractors.

Chambliss amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command.

Levin (for Brown (OH)) amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities.

Levin (for Brown (OH)) amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act.

Levin (for Brown (OH)) amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, OH.

Levin (for Leahy) amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees.

Levin (for Wyden) amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts.

Levin (for Pryor) amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training.

Levin (for Pryor) amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law.

Levin (for Nelson (FL)) amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

Levin (for Nelson (FL)) amendment No. 1210, to require an assessment of the advisability of stationing additional DDG-51 class destroyers at Naval Station Mayport, FL.

Levin (for Nelson (FL)) amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Materiel Command.

Levin (for Nelson (FL)) amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad.

Ayotte (for McCain) modified amendment No. 1281, to require a plan for normalizing defense cooperation with the Republic of Georgia.

Ayotte (for Blunt/Gillibrand) amendment No. 1133, to provide for employment and re-employment rights for certain individuals ordered to full-time National Guard duty.

Ayotte (for Blunt) amendment No. 1134, to require a report on the policies and practices of the Navy for naming vessels of the Navy.

Ayotte (for Murkowski) amendment No. 1286, to require a Department of Defense inspector general report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE Program.

Ayotte (for Murkowski) amendment No. 1287, to provide limitations on the retirement of C-23 aircraft.

Ayotte (for Rubio) amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody.

Ayotte (for Rubio) amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Levin (for Menendez/Kirk) amendment No. 1414, to require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided and controlled between the Senator from Michigan, Mr. LEVIN, and the Senator from Arizona, Mr. MCCAIN, or their designees.

Mr. MCCAIN. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Madam President, I would like to say to my colleagues, we have been waiting approval of a managers' package of amendments that have been cleared by both sides. It is not a managers' package. It is simply a group of amendments that have been proposed by Members on both sides of the aisle, approved—no one has objected—and yet there are objections to moving forward with these amendments in a package. There are important amendments by Members on both sides.

I would urge my colleagues who would object to moving forward with this package of amendments which have been agreed to by both sides—and there has been no objection voiced to them individually—that I would like to move to adopt those shortly before the vote on cloture at 11 o'clock. If someone objects to that, then I would insist that they come over to the floor and object. That is the procedure we will follow that I would like to inform my colleagues.

In other words, we have a group of amendments. They have been cleared by both sides; no one objects. And yet there seems to be an objection to moving forward with a group of amendments that has already been agreed to. So according to parliamentary rules, I will insist that the Member be here present to object when I move forward with the package shortly before the hour of 11. Anyone watching in the offices, please inform your Senator of that decision.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, just to reinforce something the Senator from Arizona said, these are amendments there is no objection to on the substance. We have worked very hard, working with all the Senators, to clear amendments. That process will con-

tinue after the cloture vote as well. But we now have this group we have worked very hard on. We know of no objection. If there were an objection, they would not be in a cleared package. So we know of no objection. None have been forthcoming. They have been here for a day or two now, and the Senate needs to work its will.

This is the way we should be operating, if there is no objection to an amendment, if people have had a chance to look at it. They have been cleared on both sides. Any committee on jurisdiction that has an interest has been talked to, and that has been taken care of. This is, it seems to me, the right way to proceed.

I commend Senator MCCAIN for what he just said and join with him in that sentiment.

The bill we have before us that we will be voting cloture on at about 11 o'clock would authorize \$662 billion for national defense programs. This is \$27 billion less than the President's budget request. It is \$43 billion less than the amount appropriated for fiscal year 2011. We have been able to find savings without reducing our strong commitment to the men and women of our Armed Forces and their families, without undermining their ability to accomplish the mission we have assigned to them that they handle so remarkably bravely and consistently. So we have identified and scrubbed this budget to find those savings, and the bill we will be voting cloture on—and, hopefully, adopting cloture—reflects those savings.

Because of our action last night on the counterfeit parts amendment, the bill now contains important new provisions to help fight the tide of counterfeit electronic parts, primarily from China, that is flooding the defense supply chain. I went through the provisions last night, and I will not repeat them here other than to say we are taking strong action to make sure the parts that are provided to our weapons systems are new parts as required and are not counterfeit parts.

There are a number of steps in this bill. They are effective and strong steps. We require, for instance, that parts that are being supplied come from the original manufacturer of those parts or an authorized distributor of those parts or, if that is not possible because the parts are no longer being manufactured or there is no authorized distributor, that whoever is supplying those parts be certified by the Department of Defense, the way they currently are, by one part of the Department of Defense, the Missile Defense Agency, as being a reliable supplier.

We have had too many cases of missiles and airplanes that have defective parts, and the lives of our people in uniform depend upon these as being quality parts. We are not going to accept the status quo anymore in terms of counterfeiting, mainly from China, and we are taking this strong action in

this bill now, following last night's action, to make sure this status quo is reversed.

We have over 96,000 U.S. soldiers, sailors, airmen, and marines on the ground in Afghanistan. We have 13,000, as we speak, remaining in Iraq. There are many issues upon which we disagree. But every one of us knows we must provide our troops with the support they need and deserve as long as they are in harm's way. Senate action on the Defense bill will improve the quality of life for our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world, and it will also send a critically important message that we as a nation stand behind our troops and their families and we appreciate their service.

So I hope we can adopt the cloture motion which is before us so we can proceed to the postcloture period, where we can then resolve the remaining amendments that can be resolved, and then pass this bill, hopefully, tomorrow. But we have a lot of work to do today and tomorrow. We have many dozens of amendments yet to be voted on, disposed of, and hopefully cleared in many cases.

With that, I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Madam President, the following amendments have been cleared by myself and the ranking member. We have cleared a number of amendments on both sides. We are working with many Members. There will be an additional package after this one. We are going to continue to try to clear amendments. We expect that we will. We know of no objection to any of the following amendments despite their being available for review.

They are amendments numbered: 1056 on behalf of Senator WICKER, 1066 on behalf of Senator AYOTTE, 1102 on behalf of Senator INHOFE, 1116 on behalf of Senator WICKER, 1122 on behalf of Senator SHAHEEN, 1129 on behalf of Senator REID, 1130 on behalf of Senator REID, 1132 on behalf of Senator MCCAIN, 1134 on behalf of Senator BLUNT, 1143 on behalf of Senators HAGAN and PORTMAN, 1149, as modified by changes at the desk, on behalf of Senator BEGICH, 1162 on behalf of Senator WARNER, 1164 on behalf of Senator WARNER, 1165 on behalf of Senator WARNER, 1166, on behalf of Senator WARNER, 1167, as modified by changes at the desk, on behalf of Senator WARNER, 1178, as modified by changes at the desk, on behalf of Senator MURRAY, 1180, as modified by changes at the desk, on behalf of Senator COLLINS, 1183, as modified by

changes at the desk, on behalf of Senator SESSIONS, 1207 on behalf of Senator COBURN, 1210 on behalf of Senator NELSON (FL), 1227 on behalf of Senators MCCAIN and PORTMAN, 1215, as modified by changes at the desk, on behalf of Senator CASEY, 1228 on behalf of Senators MCCAIN and PORTMAN, 1237 on behalf of Senator SHAHEEN, 1240 on behalf of Senator WARNER, 1245 on behalf of Senator MCCAIN, 1250 on behalf of Senator MCCAIN, 1266 on behalf of Senator WARNER, 1276 on behalf of Senator BAUCUS, 1280 on behalf of Senator MCCAIN, 1281, as modified, on behalf of Senator MCCAIN, 1298 on behalf of Senators WEBB and GRAHAM, 1301 on behalf of Senator LEVIN, 1303 on behalf of Senators LEVIN and MCCAIN, 1315 on behalf of Senator HATCH, 1317 on behalf of Senator PORTMAN, 1324 on behalf of Senator COCHRAN, 1326 on behalf of Senator RISCH, and 1332 on behalf of Senators LIEBERMAN and CORNYN.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. They have been cleared on this side.

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate consider these amendments en bloc, that the modifications at the desk be adopted, the amendments be agreed to, and the motion to reconsider be laid upon the table.

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

The amendments (Nos. 1056, 1066, 1102, 1116, 1132, 1134, 1210, and 1250) were agreed to.

The amendments (Nos. 1180, 1183, 1215, and 1281), as modified, were agreed to, as follows:

AMENDMENT NO. 1180, AS MODIFIED

At the end of subtitle C of title XII, add the following:

**SEC. 1243. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.**

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb-6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence shall submit to the appropriate committees of Congress an assessment by the intelligence community that accounts

for the disposition of, and the threat to United States citizens and citizens of allies of the United States posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) ELEMENTS.—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector and since the end of Operation Unified Protector.

(D) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) and (C), and the current disposition and locations of such man-portable air-defense systems.

(E) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(F) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(G) An assessment of the threat posed to United States citizens and citizens of allies of the United States from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(H) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) NOTICE REGARDING DELAY IN SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to the appropriate committees of Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(c) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection

(b) is submitted to the appropriate committees of Congress, the President shall submit to the appropriate committees of Congress a report setting forth the strategy required by paragraph (1).

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) An assessment of the effectiveness of efforts undertaken to date by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the President) to reduce the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(ii) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(iii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iv) A description of technologies currently available to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(v) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States from man-portable air-defense systems that were in Libya as of March 19, 2011.

(vi) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

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

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

#### AMENDMENT NO. 1183, AS MODIFIED

At the end of subtitle G of title X, add the following:

### SEC. 1080. REPORTS TO CONGRESS ON THE MODIFICATION OF THE FORCE STRUCTURE FOR THE STRATEGIC NUCLEAR WEAPONS DELIVERY SYSTEMS OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the early 1960s, the United States has developed and maintained a triad of strategic nuclear weapons delivery systems.

(2) The triad includes sea-based, land-based, and air-based strategic nuclear weapons delivery systems.

(b) REPORT ON MODIFICATION.—Whenever after the date of the enactment of this Act the President proposes a modification of the force structure for the strategic nuclear

weapons delivery systems of the United States, the President shall submit to Congress a report on the modification. The report shall include a description of the manner in which such modification will maintain for the United States a range of strategic nuclear weapons delivery systems appropriate for the current and anticipated threats faced by the United States when compared with the current force structure of strategic nuclear weapons delivery systems.

#### AMENDMENT NO. 1215, AS MODIFIED

At the end of subtitle B of title XII, add the following:

### SEC. 1230. CERTIFICATION REQUIREMENT REGARDING EFFORTS BY GOVERNMENT OF PAKISTAN TO IMPLEMENT A STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—None of the amounts authorized to be appropriated under this Act for the Pakistan Counterinsurgency Fund or transferred to the Pakistan Counterinsurgency Fund from the Pakistan Counterinsurgency Capability Fund should be made available for the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs).

(2) SIGNIFICANT IMPLEMENTATION EFFORTS.—For purposes of this subsection, significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

#### AMENDMENT NO. 1281

(Purpose: To require a plan for normalizing defense cooperation with the Republic of Georgia)

At the end of subtitle C of title XII, add the following:

### SEC. 1243. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.

(a) PLAN FOR NORMALIZATION.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for the normalization of United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) OBJECTIVES.—The plan required under subsection (a) shall address the following objectives:

(1) To establish a normalized defense cooperation relationship between the United States and the Republic of Georgia, taking into consideration the progress of the Government of the Republic of Georgia on democratic and economic reforms and the capacity of the Georgian armed forces.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic

of Georgia to its nonuse-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To provide for the sale by the United States of defense articles and services in support of the efforts of the Government of the Republic of Georgia to provide for its own self-defense consistent with paragraphs (1) and (2).

(4) To continue to enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(5) To encourage NATO member and candidate countries to restore and enhance their sales of defensive articles and services to the Republic of Georgia as part of a broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) INCLUDED INFORMATION.—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the Department of Defense.

(2) A description of each of the requests by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) FORM.—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

The amendments (Nos. 1122, 1129, 1130, 1143; 1149, as modified; 1162, 1164, 1165, 1166; 1167, as modified; 1178, as modified; 1207, 1227, 1228, 1237, 1240, 1245, 1266, 1276, 1280, 1298, 1301, 1303, 1315, 1317, 1324, 1326, and 1332) were agreed to, as follows:

#### AMENDMENT NO. 1122

(Purpose: To authorize the acquisition of real property and associated real property interests in the vicinity of Hanover, New Hampshire, as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory)

At the end of subtitle E of title II, add the following:

### SEC. 2. LABORATORY FACILITIES, HANOVER, NEW HAMPSHIRE.

(a) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary of the Army (referred to in this section as the “Secretary”) may acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire, described in paragraph (2) as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.

(2) DESCRIPTION OF REAL PROPERTY.—The real property described in this paragraph is the real property to be acquired under paragraph (1)—

(A) consisting of approximately 18.5 acres, identified as Tracts 101-1 and 101-2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire; and

(B) generally bounded—

(i) to the east by state route 10-Lyme Road;

(ii) to the north by the vacant property of the Trustees of Dartmouth College;

(iii) to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College; and

(iv) to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary.

(3) AMOUNT PAID FOR PROPERTY.—The Secretary shall pay not more than fair market value for any real property and associated real property interest acquired under this subsection.

(b) REVOLVING FUND.—The Secretary—

(1) through the Plant Replacement and Improvement Program of the Secretary, may use amounts in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) to acquire the real property and associated real property interests described in subsection (a); and

(2) shall ensure that the revolving fund is appropriately reimbursed from the benefiting appropriations.

(c) RIGHT OF FIRST REFUSAL.—

(1) IN GENERAL.—The Secretary may provide the seller of any real property and associated property interests identified in subsection (a) a right of first refusal—

(A) a right of first refusal to acquire the property, or any portion of the property, in the event the property or portion is no longer needed by the Department of the Army; and

(B) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81-360-L, in the event the property, or any portion of the property, is no longer needed by the Department of the Army.

(2) NATURE OF RIGHT.—A right of first refusal provided to a seller under this subsection shall not inure to the benefit of any successor or assign of the seller.

(d) CONSIDERATION; FAIR MARKET VALUE.—The purchase of any property by a seller exercising a right of first refusal provided under subsection (c) shall be for—

(1) consideration acceptable to the Secretary; and

(2) not less than fair market value at the time at which the property becomes available for purchase.

(e) DISPOSAL.—The Secretary may dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal under this section.

(f) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

AMENDMENT NO. 1129

(Purpose: To redesignate the Mike O'Callaghan Federal Hospital in Nevada as the Mike O'Callaghan Federal Medical Center)

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2833. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL HOSPITAL IN NEVADA AS MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.**

(a) REDESIGNATION.—Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division

A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-118)), is further amended by striking “Mike O'Callaghan Federal Hospital” each place it appears and inserting “Mike O'Callaghan Federal Medical Center”.

(b) CONFORMING AMENDMENT.—The heading of such section 2867 is amended to read as follows:

**“SEC. 2867. MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.”**

AMENDMENT NO. 1130

(Purpose: To clarify certain provisions of the Clean Air Act relating to fire suppression agents)

At the end of subtitle H of title X, add the following:

**SEC. 1088. FIRE SUPPRESSION AGENTS.**

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).”.

AMENDMENT NO. 1143

(Purpose: To require the Comptroller General to review medical research and development sponsored by the Department of Defense relating to improved combat casualty care and saving lives on the battlefield)

At the end of subtitle G of title X, add the following:

**SEC. 1080. COMPTROLLER GENERAL REVIEW OF MEDICAL RESEARCH AND DEVELOPMENT RELATING TO IMPROVED COMBAT CASUALTY CARE.**

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, medical research and development in support of improved combat casualty care designed to save lives on the battlefield.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the review conducted under subsection (a), including the following elements:

(1) A description of current medical combat casualty care research and development programs throughout the Department of Defense, including basic and applied medical research, technology development, and clinical research.

(2) An identification of organizational elements within the Department that have responsibility for planning and oversight of combat casualty care research and development.

(3) A description of the means by which the Department applies combat casualty care research findings, including development of new medical devices, to improve battlefield care.

(4) An assessment of the adequacy of the coordination by the Department of planning for combat casualty care medical research and development and whether or not the Department has a coordinated combat casualty care research and development strategy.

(5) An assessment of the adequacy of resources provided for combat casualty care research and development across the Department.

(6) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department in optimizing investments in combat casualty care medical research and development in order to save lives on the battlefield.

(7) The extent to which the Department utilizes expertise from experts and entities

outside the Department with expertise in combat casualty care medical research and development.

(8) An assessment of the challenges faced in rapidly applying research findings and technology developments to improved battlefield care.

(9) Recommendations regarding—

(A) the need for a coordinated combat casualty care medical research and development strategy;

(B) organizational obstacles or realignments to improve effectiveness of combat casualty care medical research and development; and

(C) adequacy of resource support.

AMENDMENT NO. 1149, AS MODIFIED

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2823. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.**

(a) CONVEYANCES AUTHORIZED.—

(1) MUNICIPALITY OF ANCHORAGE.—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality of Anchorage (in this section referred to as the “Municipality”) all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this subparagraph.

(2) EKLUTNA, INC.—The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as “Eklutna”), convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER's current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(3) RIGHT TO WITHHOLD TRANSFER.—The Secretary may withhold transfer of any portion of the real property described in paragraphs (1) and (2) based on public interest or military mission requirements.

(b) CONSIDERATION.—

(1) MUNICIPALITY PROPERTY.—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force shall receive in-kind solid waste management services at the Anchorage Regional Landfill or such other consideration as determined satisfactory by the Secretary equal to at least fair market value of the property conveyed.

(2) EKLUTNA PROPERTY.—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary

equal to at least fair market value of the property conveyed.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Municipality and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary.

(f) OTHER OR ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1162

(Purpose: To provide for the consideration of energy security and reliability in the development and implementation of energy performance goals)

At the end of subtitle B of title III, add the following:

**SEC. 316. CONSIDERATION OF ENERGY SECURITY AND RELIABILITY IN DEVELOPMENT AND IMPLEMENTATION OF ENERGY PERFORMANCE GOALS.**

Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(12) Opportunities to enhance energy security and reliability of defense facilities and missions, including through the ability to operate for extended periods off-grid.”

AMENDMENT NO. 1164

(Purpose: To promote increased acquisition and procurement exchanges between officials in the Department of Defense and defense officials in India)

At the end of subtitle H of title X, add the following:

**SEC. 1088. ACQUISITION AND PROCUREMENT EXCHANGES BETWEEN THE UNITED STATES AND INDIA.**

The Secretary of Defense should seek to establish exchanges between acquisition and procurement officials of the Department of Defense and defense officials of the Government of India to increase mutual understanding regarding best practices in defense acquisition.

AMENDMENT NO. 1165

(Purpose: To express the sense of Congress on the use of modeling and simulation in Department of Defense activities)

At the end of subtitle A of title IX, add the following:

**SEC. 907. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.**

It is the sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation (M&S) across the spectrum of defense activities, including acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

AMENDMENT NO. 1166

(Purpose: To express the sense of Congress on ties between the Joint Warfighting and Coalition Center and the Allied Command Transformation of NATO)

At the end of subtitle A of title IX, add the following:

**SEC. 907. SENSE OF CONGRESS ON TIES BETWEEN JOINT WARFIGHTING AND COALITION CENTER AND ALLIED COMMAND TRANSFORMATION OF NATO.**

It is the sense of Congress that the successor organization to the United States Joint Forces Command (USJFCOM), the Joint Warfighting and Coalition Center, should establish close ties with the Allied Command Transformation (ACT) command of the North Atlantic Treaty Organization (NATO).

AMENDMENT NO. 1167, AS MODIFIED

At the end of subtitle A of title IX, add the following:

**SEC. 907. REPORT ON EFFECTS OF PLANNED REDUCTIONS OF PERSONNEL AT THE JOINT WARFARE ANALYSIS CENTER ON PERSONNEL SKILLS.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel skills to be available at the Center after the reductions. The report shall be in unclassified form, but may contain a classified annex.

AMENDMENT NO. 1178, AS MODIFIED

At the end of subtitle C of title VIII, add the following:

**SEC. 848. REPORT ON AUTHORITIES AVAILABLE TO THE DEPARTMENT OF DEFENSE FOR MULTIYEAR CONTRACTS FOR THE PURCHASE OF ADVANCED BIOFUELS.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the authorities currently available to the Department of Defense for multiyear contracts for the purchase of advanced biofuels (as defined by section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B))). The report shall include a description of such additional authorities, if any, as the Secretary considers appropriate to authorize the Department to enter into contracts for the purchase of advanced biofuels of sufficient length to reduce the impact to the Department of future price or supply shocks in the petroleum market, to benefit taxpayers, and to reduce United States dependence on foreign oil.

AMENDMENT NO. 1207

(Purpose: To require Comptroller General of the United States reports on the major automated information system programs of the Department of Defense)

At the end of subtitle G of title X, add the following:

**SEC. 1080. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON THE MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) ASSESSMENT REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 30 of each year from 2013 through 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth an assessment of the performance of the major automated information system programs of the Department of Defense.

(2) ELEMENTS.—Each report under subsection (a) shall include the following:

(A) An assessment by the Comptroller General of the cost, schedule, and performance of a representative variety of major automated information system programs selected by the Comptroller General for purposes of such report.

(B) An assessment by the Comptroller General of the level of risk associated with the programs selected under subparagraph (A) for purposes of such report, and a description of the actions taken by the Department to manage or reduce such risk.

(C) An assessment by the Comptroller General of the extent to which the programs selected under subparagraph (A) for purposes of such report employ best practices for the acquisition of information technology systems, as identified by the Comptroller General, the Defense Science Board, and the Department.

(b) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than September 30, 2012, the Comptroller General shall submit to the appropriate committees of Congress a report setting forth the following:

(A) The metrics to be used by the Comptroller General for the reports submitted under subsection (a).

(B) A preliminary assessment on the matters set forth under subsection (a)(2).

(2) BRIEFINGS.—In developing metrics for purposes of the report required by paragraph (1)(A), the Comptroller General shall provide the appropriate committees of Congress with periodic briefings on the development of such metrics.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “major automated information system program” has the meaning given that term in section 2445a of title 10, United States Code.

AMENDMENT NO. 1227

(Purpose: To require a Comptroller General report on redundancies, inefficiencies, and gaps in DOD 6.1-6.3 Science and Technology (S&T) programs)

At the end of subtitle G of title X, add the following:

**SEC. 1080. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study on unnecessary redundancies, inefficiencies, and gaps in Department of Defense 6.1-6.3 Science and Technology (S&T) programs. The study shall—

(1) focus on S&T programs within the Army, Navy, and Air Force, as well as programs run by the Office of the Secretary of Defense;

(2) describe options for consolidation and cost-savings, if any;

(3) assess how the military departments and the Office of the Secretary of Defense are aligning their programs with the seven S&T strategic investment priorities identified by the Assistant Secretary of Defense



for Research and Engineering: Data to Decisions, Engineered Resilient Systems, Cyber Science and Technology, Electronic Warfare/Electronic Protection, Counter Weapons of Mass Destruction, Autonomy, and Human Systems; and

(4) assess how the military departments and the Office of the Secretary of Defense are coordinating efforts with respect to duplicative programs, if any.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

AMENDMENT NO. 1228

(Purpose: To require a Comptroller General report on Science, Technology, Engineering, and Math (STEM) initiatives)

At the end of subtitle G of title X, add the following:

**SEC. 1080. COMPTROLLER GENERAL REPORT ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) INITIATIVES.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study assessing Science, Technology, Engineering, and Math (STEM) initiatives of the Department of Defense. The study shall—

(1) determine which programs are ineffective, and which are unnecessarily redundant within the Department of Defense;

(2) describe options for consolidation and elimination of programs identified under paragraph (1); and

(3) describe options for how the Department and other Federal departments and agencies can work together on similar initiatives without unnecessary duplication of funding.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

AMENDMENT NO. 1237

(Purpose: To require a Department of Defense assessment of the industrial base for night vision image intensification sensors)

At the end of subtitle E of title VIII, add the following:

**SEC. 889. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR NIGHT VISION IMAGE INTENSIFICATION SENSORS.**

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake an assessment of the current and long-term availability within the United States and international industrial base of critical equipment, components, subcomponents, and materials (including, but not limited to, lenses, tubes, and electronics) needed to support current and future United States military requirements for night vision image intensification sensors. In carrying out the assessment, the Secretary shall—

(1) identify items in connection with night vision image intensification sensors that the Secretary determines are critical to military readiness, including key components, subcomponents, and materials;

(2) describe and perform a risk assessment of the supply chain for items identified under paragraph (1) and evaluate the extent to which—

(A) the supply chain for such items could be disrupted by a loss of industrial capability in the United States; and

(B) the industrial base obtains such items from foreign sources; and

(3) describe and assess current and future investment, gaps, and vulnerabilities in the ability of the Department to respond to the potential loss of domestic or international

sources that provide items identified under paragraph (1); and

(4) identify and assess current strategies to leverage innovative night vision image intensification technologies being pursued in both Department of Defense laboratories and the private sector for the next generation of night vision capabilities, including an assessment of the competitiveness and technological advantages of the United States night vision image intensification industrial base.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the assessment required under subsection (a).

AMENDMENT NO. 1240

(Purpose: To provide for installation energy metering requirements)

At the end of subtitle B of title III, add the following:

**SEC. 316. INSTALLATION ENERGY METERING REQUIREMENTS.**

The Secretary of Defense shall, to the maximum extent practicable, require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

AMENDMENT NO. 1245

(Purpose: To provide for increased efficiency and a reduction of Federal spending required for data servers and centers)

Beginning on page 573, strike line 10 and all that follows through page 575, line 16, and insert the following:

(iv) A reduction in the investment for capital infrastructure or equipment required to support data centers as measured in cost per megawatt of data storage.

(v) A reduction in the number of commercial and government developed applications running on data servers and within data centers.

(vi) A reduction in the number of government and vendor provided full-time equivalent personnel, and in the cost of labor, associated with the operation of data servers and data centers.

(B) SPECIFICATION OF REQUIRED ELEMENTS.—The Chief Information Officer of the Department shall specify the particular performance standards and measures and implementation elements to be included in the plans submitted under this paragraph, including specific goals and schedules for achieving the matters specified in subparagraph (A).

(2) DEFENSE-WIDE PLAN.—

(A) IN GENERAL.—Not later than April 1, 2012, the Chief Information Officer of the Department shall submit to the congressional defense committees a performance plan for a reduction in the resources required for data centers and information systems technologies Department-wide. The plan shall be based upon and incorporate appropriate elements of the plans submitted under paragraph (1).

(B) ELEMENTS.—The performance plan required under this paragraph shall include the following:

(i) A Department-wide performance plan for achieving the matters specified in paragraph (1)(A), including performance standards and measures for data centers and information systems technologies, goals and schedules for achieving such matters, and an estimate of cost savings anticipated through implementation of the plan.

(ii) A Department-wide strategy for each of the following:

(I) Desktop, laptop, and mobile device virtualization.

(II) Transitioning to cloud computing.

(III) Migration of Defense data and government-provided services from Department-owned and operated data centers to cloud computing services generally available within the private sector that provide a better capability at a lower cost with the same or greater degree of security.

(IV) Utilization of private sector-managed security services for data centers and cloud computing services.

(V) A finite set of metrics to accurately and transparently report on data center infrastructure (space, power and cooling): age, cost, capacity, usage, energy efficiency and utilization, accompanied with the aggregate data for each data center site in use by the Department in excess of 100 kilowatts of information technology power demand.

(VI) Transitioning to just-in-time delivery of Department-owned data center infrastructure (space, power and cooling) through use of modular data center technology and integrated data center infrastructure management software.

AMENDMENT NO. 1266

(Purpose: To establish a training policy for Department of Defense energy managers)

At the end of subtitle B of title III, add the following:

**SEC. 316. TRAINING POLICY FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.**

(a) ESTABLISHMENT OF TRAINING POLICY.—The Secretary of Defense shall establish a training policy for Department of Defense energy managers designated for military installations in order to—

(1) improve the knowledge, skills, and abilities of energy managers by ensuring understanding of existing energy laws, regulations, mandates, contracting options, local renewable portfolio standards, current renewable energy technology options, energy auditing, and options to reduce energy consumption;

(2) improve consistency among energy managers throughout the Department in the performance of their responsibilities;

(3) create opportunities and forums for energy managers to exchange ideas and lessons learned within each military department, as well as across the Department of Defense; and

(4) collaborate with the Department of Energy regarding energy manager training.

(b) ISSUANCE OF POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue the training policy for Department of Defense energy managers.

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager policy.

AMENDMENT NO. 1276

(Purpose: To require a pilot program on the receipt by members of the Armed Forces of civilian credentialing for skills required of military occupational specialties)

At the end of subtitle D of title V, add the following:

**SEC. 547. PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR SKILLS REQUIRED FOR MILITARY OCCUPATIONAL SPECIALTIES.**

(a) PILOT PROGRAM REQUIRED.—Commencing not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting enlisted members of the Armed Forces to obtain civilian credentialing or licensing for skills required

for military occupational specialties (MOS) or qualification for duty specialty codes.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) designate not less than three or more than five military occupational specialties or duty specialty codes for coverage under the pilot program; and

(2) permit enlisted members of the Armed Forces to obtain the credentials or licenses required for the specialties or codes so designated through civilian credentialing or licensing entities, institutions, or bodies selected by the Secretary for purposes of the pilot program, whether concurrently with military training, at the completion of military training, or both.

(c) REPORT.—Not later than one year after commencement of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall set forth the following:

(1) The number of enlisted members who participated in the pilot program.

(2) A description of the costs incurred by the Department of Defense in connection with the receipt by members of credentialing or licensing under the pilot program.

(3) A comparison the cost associated with receipt by members of credentialing or licensing under the pilot program with the cost of receipt of similar credentialing or licensing by recently-discharged veterans of the Armed Forces under programs currently operated by the Department of Veterans Affairs and the Department of Labor.

(4) The recommendation of the Secretary as to the feasibility and advisability of expanding the pilot program to additional military occupational specialties or duty specialty codes, and, if such expansion is considered feasible and advisable, a list of the military occupational specialties and duty specialty codes recommended for inclusion the expansion.

AMENDMENT NO. 1280

(Purpose: To require the Secretary of Defense to submit, with the budget justification materials supporting the Department of Defense budget request for fiscal year 2013, information on the implementation of recommendations made by the Government Accountability Office with respect to the acquisition of launch services through the Evolved Expendable Launch Vehicle program)

At the end of subtitle E of title VIII, add the following:

**SEC. 889. IMPLEMENTATION OF ACQUISITION STRATEGY FOR EVOLVED EXPENDABLE LAUNCH VEHICLE.**

(a) IN GENERAL.—The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the following information:

(1) A description of how the strategy of the Department to acquire space launch capability under the Evolved Expendable Launch Vehicle program implements each of the recommendations included in the Report of the Government Accountability Office on the Evolved Expendable Launch Vehicle, dated September 15, 2011 (GAO-11-641).

(2) With respect to any such recommendation that the Department does not implement, an explanation of how the Department is otherwise addressing the deficiencies identified in that report.

(b) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after the submission of the information required by subsection (a), the Comptroller General of the United States shall submit to

the congressional defense committees an assessment of that information and any additional findings or recommendations the Comptroller General considers appropriate.

AMENDMENT NO. 1298

(Purpose: To extend the time limit for submittal of claims under TRICARE for care provided outside the United States)

At the end of subtitle A of title VII, add the following:

**SEC. 705. EXTENSION OF TIME LIMIT FOR SUBMITTAL OF CLAIMS UNDER THE TRICARE PROGRAM FOR CARE PROVIDED OUTSIDE THE UNITED STATES.**

Section 1106(b) of title 10, United States Code, is amended by striking “not later than” and all that follows and inserting the following: “as follows:

“(1) In the case of services provided outside the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, by not later than three years after the services are provided.

“(2) In the case of any other services, by not later than one year after the services are provided.”.

AMENDMENT NO. 1301

(Purpose: To authorize the award of the Distinguished Service Cross for Captain Fredrick L. Spaulding for acts of valor during the Vietnam War)

At the end of subtitle I of title V, add the following:

**SEC. 586. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS FOR CAPTAIN FREDRICK L. SPAULDING FOR ACTS OF VALOR DURING THE VIETNAM WAR.**

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the United States Armed Forces, the Secretary of the Army is authorized to award the Distinguished Service Cross under section 3742 of such title to Captain Fredrick L. Spaulding for acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Fredrick L. Spaulding, on July 23, 1970, as a member of the United States Army serving in the grade of Captain in the Republic of Vietnam while assigned with Headquarters and Headquarters Company, 3d Brigade, 101st Airborne Division.

AMENDMENT NO. 1303

(Purpose: To authorize the exchange with the United Kingdom of certain F-35 Lightning II Joint Strike Fighter aircraft)

At the end of subtitle D of title I, add the following:

**SEC. 158. AUTHORITY FOR EXCHANGE WITH UNITED KINGDOM OF SPECIFIED F-35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.**

(a) AUTHORITY.—

(1) EXCHANGE AUTHORITY.—In accordance with subsection (c), the Secretary of Defense may transfer to the United Kingdom of Great Britain and Northern Ireland (in this section referred to as the “United Kingdom”) all right, title, and interest of the United States in and to an aircraft described in paragraph (2) in exchange for the transfer by the United Kingdom to the United States of all right, title, and interest of the United Kingdom in and to an aircraft described in paragraph (3). The Secretary may execute the exchange under this section on behalf of the United States only with the concurrence of the Secretary of State.

(2) AIRCRAFT TO BE EXCHANGED BY UNITED STATES.—The aircraft authorized to be trans-

ferred by the United States under this subsection is an F-35 Lightning II aircraft in the Carrier Variant configuration acquired by the United States for the Marine Corps under a future Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 6 contract.

(3) AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.—The aircraft for which the exchange under paragraph (1) may be made is an F-35 Lightning II aircraft in the Short-Take Off and Vertical Landing configuration that, as of November 19, 2010, is being acquired on behalf of the United Kingdom under an existing Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 4 contract.

(b) FUNDING FOR PRODUCTION OF AIRCRAFT.—

(1) FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED STATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds for production of the aircraft to be transferred by the United States (including the propulsion system, long lead-time materials, the production build, and deficiency corrections) may be derived from appropriations for Aircraft Procurement, Navy, for the aircraft under the contract referred to in subsection (a)(2).

(B) EXCEPTION.—Costs for flight test instrumentation of the aircraft to be transferred by the United States and any other non-recurring and recurring costs for that aircraft associated with unique requirements of the United Kingdom may not be borne by the United States.

(2) FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.—Costs for upgrades and modifications of the aircraft to be transferred to the United States that are necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a)(2) may not be borne by the United States.

(c) IMPLEMENTATION.—The exchange under this section shall be implemented pursuant to the memorandum of understanding titled “Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding”, which entered into effect among nine nations including the United States and the United Kingdom on December 31, 2006, consistent with section 27 of the Arms Export Control Act (22 U.S.C. 2767), and as supplemented as necessary by the United States and the United Kingdom.

AMENDMENT NO. 1315

(Purpose: To require the Secretary of Defense to submit to Congress a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors)

At the end of subtitle H of title X, add the following:

**SEC. 1088. LONG-TERM PLAN FOR MAINTENANCE OF INTERCONTINENTAL BALLISTIC MISSILE SOLID ROCKET MOTOR PRODUCTION CAPACITY.**

The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors.

AMENDMENT NO. 1317

(Purpose: To require a report on the analytic capabilities of the Department of Defense regarding foreign ballistic missile threats)

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON DEFENSE DEPARTMENT ANALYTIC CAPABILITIES REGARDING FOREIGN BALLISTIC MISSILE THREATS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current capabilities of the Department of Defense to analyze threats from foreign ballistic missiles of all ranges, including the degree of coordination among the relevant analytic elements of the Department.

(2) A description of any current or foreseeable gaps in the analytic capabilities of the Department regarding threats from foreign ballistic missiles of all ranges.

(3) A plan to address any gaps identified pursuant to paragraph (2) during the 5-year period beginning on the date of the report.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 1324

(Purpose: To extend the authorization for a military construction project for the Air National Guard to relocate a munitions storage complex at Gulfport-Biloxi International Airport, Mississippi)

On page 554, insert after the table relating to Air National Guard the following:

Air National Guard: Extension of 2009 Project Authorization

Table with 4 columns: State, Installation or Location, Project, Amount. Row 1: Mississippi, Gulfport-Biloxi International Airport, Relocate munitions storage complex, \$3,400,000

AMENDMENT NO. 1326

(Purpose: To require exploration of opportunities to increase foreign military training with allies at test and training ranges in the continental United States)

In section 331(b)(2), strike subparagraphs (K) and (L) and insert the following:

(K) identify parcels with no value to future military operations;

(L) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States.

AMENDMENT NO. 1332

(Purpose: To require a report on the approval and implementation of the Air Sea Battle Concept)

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The approved Air Sea Battle Concept.
(2) An identification and assessment of risks related to gaps between Air Sea Battle Concept requirements and the current force structure and capabilities of the Department of Defense.

(3) The plan and assessment of the Department on the risks to implementation of the approved concept within the current force structure and capabilities.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record meet or fail to meet current and future requirements for implementation of the Air Sea Battle Concept.

(5) An identification, in order of priority, of the five most critical force structure or capabilities requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs for force structure and capabilities required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities,

and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A description and assessment of the estimated incremental increases in costs and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(8) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(9) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in both unclassified and classified form.

Mr. LEVIN. I thank Senator MCCAIN and our staffs. We are going to continue to work to clear additional amendments following the cloture vote. We are now voting on cloture. We all as leaders and managers, of course, hope that this will pass.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank my colleagues for allowing this package of these amendments to go through. We will be working on additional amendments that we can agree to.

We are about to vote on cloture, and if cloture is invoked, I want to inform my colleagues, those amendments that are pending and filed will be eligible for votes, and we will be using the chronology of when they were filed. We will be notifying every Member who has an amendment that is filed and pending and germane. We will try to arrange time agreements for those who want votes. We will be looking to also see areas where we could agree and adopt an additional package. It is my understanding that if cloture is invoked, we will have 30 hours, and during that period we wish to get these amendments resolved.

I remind my colleagues that if the 30 hours expires and there are still pending germane filed amendments, there will have to be additional votes taken at some time after the 30 hours. So I would urge my colleagues who have

filed, pending, germane amendments that we sit down during the cloture vote or just afterward and try and arrange a schedule of votes that is most convenient for them in keeping with their schedule.

Again, I thank my colleagues for allowing that package to go through. Those are very important amendments which have been agreed to by both sides. I realize we have a long way to go, but this is a significant step forward.

I yield the floor.
The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the only additional suggestion I would have is that Members who come here who have amendments that are both pending and germane, assuming we get cloture, if they could check with us, either side here, to see where they are on the chronology, they will get a feel as to where they are, because we are going to attempt to move down the chronology as amendments were made pending.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1867, the National Defense Authorization Act for Fiscal Year 2012.

Harry Reid, Carl Levin, Kent Conrad, Richard Blumenthal, Claire McCaskill, Kay R. Hagan, Joe Manchin III, Kirsten E. Gillibrand, Mary L. Landrieu, Ben Nelson, Joseph I. Lieberman, Bill Nelson, Jim Webb, Jack Reed, Christopher A. Coons, Mark Begich, Jeanne Shaheen.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, is it the sense of the Senate that debate on S. 1867, the National Defense Authorization Act for fiscal year 2012 shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 88, nays 12, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—88

Akaka	Graham	Moran
Alexander	Hagan	Murkowski
Ayotte	Harkin	Murray
Barraso	Hatch	Nelson (NE)
Baucus	Heller	Nelson (FL)
Begich	Hoeven	Portman
Bennet	Hutchison	Pryor
Bingaman	Inhofe	Reed
Blumenthal	Inouye	Reid
Blunt	Isakson	Roberts
Boozman	Johanns	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown (MA)	Johnson (WI)	Schumer
Brown (OH)	Kerry	Sessions
Cantwell	Kirk	Shaheen
Cardin	Klobuchar	Shelby
Carper	Kohl	Snowe
Casey	Kyl	Stabenow
Chambliss	Landrieu	Tester
Coats	Lautenberg	Thune
Cochran	Leahy	Toomey
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lugar	Vitter
Corker	Manchin	Warner
Durbin	McCain	Webb
Enzi	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Franken	Menendez	
Gillibrand	Mikulski	

NAYS—12

Burr	DeMint	Paul
Coburn	Grassley	Risch
Cornyn	Lee	Rubio
Crapo	Merkley	Wyden

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 88, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I want to begin my comments today on this year's National Defense Authorization Act by thanking all the members of the Strategic Forces Subcommittee. I would especially like to thank the subcommittee's ranking member, Senator SESSIONS, for the close working relationship we have shared. It is always a pleasure to work with my friend from Alabama.

The annual National Defense Authorization Act is one of the most important pieces of legislation Congress passes every year, and this year marks what I hope will be the passing of the Defense Authorization Act for the 50th year in a row. I would like to give my colleagues a brief overview of the provisions in the National Defense Authorization Act we are considering today as they relate to the Strategic Forces Subcommittee.

The jurisdiction of the subcommittee includes missile defense, strategic forces, space programs, intelligence programs, cybersecurity, the defense-funded portions of the Department of Energy, and the Defense Nuclear Facilities Safety Board.

In preparing the provisions in the bill that relate to areas of our jurisdiction, the subcommittee held six hearings on defense programs at the Department of Energy, strategic nuclear forces, mis-

sile defense, and space programs at the Department of Defense, and implementation of the New START treaty. The subcommittee's provisions were adopted in a bipartisan manner. I again want to thank Senator SESSIONS, our ranking member, and his staff and the professional staff on the Armed Services Committee for the close work we have enjoyed with them working on the hearings and preparing this bill.

Our committee oversees the nuclear strategic forces. As many know, the U.S. Strategic Command—in my home State of Nebraska—is charged with our Nation's nuclear deterrence.

It is important to note that this bill strengthens and improves our Nation's nuclear command and control and all the missions that fall under USSTRATCOM by providing the full authorization of the new command and control complex. Reliable and assured command, control, and communication from the President to the nuclear forces is fundamental to our strategic deterrent, and the new command and control complex at Offutt Air Force Base in Nebraska will provide this mission surety.

In the area of missile defense, we have funded the program at \$10.1 billion, including the full \$1.2 billion requested for the Ground-Based Mid-course Defense System. We have also included a provision that would set forth the sense of this Congress that it is essential for the Ground-Based Mid-course Defense System to achieve the levels of reliability, availability, sustainability, and operational performance necessary to ensure that the United States remains protected.

The bill also supports the development and deployment of the European Phased Adaptive Approach, EPAA, to missile defense. This is the U.S. Missile Defense Program to defend our military forces and NATO allies in Europe from Iranian missile threats. The Defense Department has nearly completed phase 1 of the EPAA with an Aegis Ballistic Missile Defense, BMD, ship now patrolling the Mediterranean and a missile defense radar now located in Turkey. The United States also successfully negotiated the agreements with Poland and Romania to deploy land-based Aegis BMD Systems in their countries in future phases of the EPAA.

The committee also made a few funding adjustments in the new bill to reflect the fact-of-life changes since the Armed Services Committee's markup of its earlier bill, S. 1253.

For example, the recent flight test failure of the Aegis Ballistic Missile Defense System, with the Standard Missile-3 Block IB interceptor, means the program will have a substantial delay before it can begin procurement. The program will also need additional research and development funds to fix the flight test problems. So the bill adjusts the funding to permit such fixes.

In addition, the Terminal High Altitude Area Defense, or THAAD, System

has experienced slower production than expected and will not be able to use all the funds planned and requested in the budget. Consequently, the bill adjusts the funding accordingly.

In mid-2009, Secretary Gates directed U.S. Strategic Command to stand up U.S. Cyber Command as a subunified command. The command reached full operational capability a year ago.

Since that time, the Chairman of the Joint Chiefs of Staff characterized cyber warfare as one of the two "existential threats" to America, and a former Director of National Intelligence publicly proclaimed his belief that adversaries could take down the Nation's power grid or devastate the country's financial system. Very damaging intrusions into government, military, and industrial networks are almost a daily occurrence, resulting in the loss of precious and expensive advanced technology—the technology that fuels economic growth and sustains our security.

Over the last 2 years, the Strategic Forces Subcommittee has supported legislation to accelerate the arduous process of developing policies and doctrine to guide our responses to cyber attacks and to govern the use of cyber weapons by our own military forces. The subcommittee has also sponsored legislation to begin to close the gap in cyber defenses by developing new technological approaches in partnership with America's cutting-edge information technology sector.

Moving on to space programs, the bill would provide the Air Force the authority to purchase in a block buy, using a fixed price contract, the next two Advanced Extremely High Frequency satellites—an important part of the nuclear command and control system. This will result in a 20-percent savings.

We have authorized the President's level of funding for the nuclear modernization program at the DOE's National Nuclear Security Administration, but we are fully aware that the Budget Control Act that was passed last summer has reduced the levels that can be appropriated by some \$400 million. I would note that even with this reduction, it is still a 5-percent increase over last year's levels. I will be working with my colleagues to carefully evaluate the President's request for fiscal year 2013 in light of the commitments both the Congress and the administration made under the New START treaty for modern nuclearization.

This Congress made commitments for modernization, and moving forward we must honor those commitments. Most importantly, we need to continue to ensure that our stockpile is safe, reliable, and works as intended by the military so that we maintain our strategic deterrent well into the 21st century.

We understand the budget climate that we are in, and it is likely that realistic adjustments must be made as a

result of the mandated reductions to defense spending in the Budget Control Act. But we will work with the Department of Defense and U.S. Strategic Command to ensure that pressing priorities are met and our strategic deterrence are not undercut.

Let me again thank my colleague, Senator SESSIONS, and our staff for the productive and bipartisan relationship we have had on this subcommittee and also all members of the subcommittee. I look forward to working with our colleagues to pass this important legislation.

Madam President, I yield the floor.

Mr. MCCAIN. Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### CUBAN OIL DRILLING

Mr. NELSON of Florida. I want to speak while we are in this pause on the Defense bill about a looming problem that the entire eastern seaboard of the United States has; that is, the Spanish drilling company Repsol is bringing a rig in that has been constructed over in Asia, and sometime early next year they are going to drill in deep water off the north coast of Cuba.

The Spanish drilling company is a very competent company. As a matter of fact, they adhere to safety standards that are required by the United States because they drill in the Gulf of Mexico in American waters. So if there is a responsible party in drilling, then we have one. However, there are other leases the Cuban Government is granting to other countries for drilling that may not adhere to the safe standards that are set that Repsol will agree to abide by, the same safety standards that they use drilling in American waters and have agreed in principle that they will follow a plan of action with the U.S. Secretary of the Interior in the case that there should be a spill.

All of that is well and good, but there are other companies coming down the line drilling in other leases that may not adhere to their standards.

If there were a spill off the north coast of Cuba, guess who is going to be affected because that is where the Gulf Stream comes along, and then flows northeast, parallels the Florida Keys and all those delicate coral reefs, comes in and hugs the east coast of Florida from Miami all the way to Palm Beach, goes off the coast a few miles, hugs the coast all the way up to the middle of the peninsula at Fort Pierce, FL, and then parallels the eastern seaboard all the way up past Georgia, South Carolina, North Carolina, and then leaves, paralleling the eastern seaboard at Cape Hatteras, and goes off

across the Atlantic and ends up in the northern part of Europe. Now, if there were a major spill—it doesn't have to be to the magnitude of the Deepwater Horizon spill off of Louisiana. If there were a major spill and all that oil is carried in the Gulf Stream and it comes into the coast at Miami, Fort Lauderdale, and Palm Beach—you know what happened to the tourism industry all along the gulf coast when, in fact, on some of those coasts there was not much oil at all, but people didn't come as tourists because they thought the beaches were covered.

Can you imagine the economic calamity that would occur as a result of a spill? Therefore, my colleague, MARCO RUBIO, and I and other Senators—in particular, Senator MENENDEZ of New Jersey—have filed legislation that will require financial responsibility from a foreign source. If they spill in foreign waters, there would be a cause of action against them if damage is done to the interest of the United States, be it the governments of the United States, be it private individuals, or be it private companies.

If we do not have a cause of action where there is liability as a result of a spill, by whomever, in foreign waters, and if it comes in the scenario that I have laid out, which is real spilling oil off the north coast of Cuba in a major oil disaster that is carried by the Gulf Stream up the eastern seaboard of the United States—if we do not have financial responsibility, then there is no incentive for those foreign oil companies drilling to adhere to safety standards and, if there is a spill, to quickly adhere to a spill cleanup plan.

Talking about the economic disaster that occurred as a result of the gulf oil-spill in the Deepwater Horizon, it would pale in comparison to the economic disaster that would occur in such a spill that would be carried by the Gulf Stream. It would not only affect Florida, it would affect Georgia, South Carolina, and North Carolina. If there were any eddy current that would carry it back in, it would take it right on into the Chesapeake on up into Cape May in New Jersey, and you see the particular consequences.

As a matter of fact, the gulf stream goes by Bermuda. It could have devastating effects on that country.

I hope our Senators, coming to this new reality, will realize that we have to remember the terrible consequences as a result of a major oil spill. Remember, this was a company off of Louisiana that was not adhering to the highest safety standards, and look at the disaster that occurred from that. Remember how they tried to hide the amount of oil that was being spilled because it was 5,000 feet below the surface of the water? It was not until we got the streaming video that the scientists could calculate that it wasn't 1,000 barrels a day it was dumping into the gulf, it was 50,000 barrels a day. As a result, before they got that well capped, it ended up being almost 5 million barrels of oil in the Gulf of Mexico.

We don't even know the future consequences because there is a lot of oil out there sloshing around, and there is a lot of it down there deep. We don't know what is happening down there. We don't know what is happening to the critters. We know what is happening to some of the critters in the marshes where the oil has now mixed up into the sediment and the critters are down there digging around, and we are seeing the effect of that when we check the gills of these fish that are being hatched, living off the sediment. The consequences are not good.

It is the responsible thing to do, to make foreign oil companies drilling in foreign waters understand there is going to be an economic consequence if they damage the economic interests of the United States. That is the bill Senator MENENDEZ, Senator MARCO RUBIO, and I have filed. I commend it to the consideration of the Senate.

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

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

The legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 1211

Mrs. GILLIBRAND. Mr. President, one of the reasons I came to Congress was to be a voice for our troops and our military families. They answer a call higher than any other, fighting to protect our country, our way of life, our values—all that we hold dear. Our men and women in uniform fight, put their lives on the line every day for us, and our job is to fight for them and ensure that when they come home, they have an opportunity to go to college, find a good-paying job, afford a new home, start a family, have access to quality health care.

After a decade of two wars in Iraq and Afghanistan, we have asked more of our military than ever before, including our National Guard and Reserves. Our Reserve components are deployed in record numbers, including serving in combat zones. While they serve alongside our Active-Duty military, our Guard and Reserve members do not have access to all of the assistance, services, and benefits that the troops they fight shoulder to shoulder with have. Currently, our Guard and National Reserve members are left largely on their own to find and obtain services that they need to recover from combat, rejoin their families, and adjust back to normal civilian life. This needs to change.

I am offering amendment No. 1211, together with my colleague, Senator BLUNT of Missouri, to give our National Guard and Reserve members the services they not only deserve but desperately need. This amendment would expand access to health care, family and financial counseling, and other

services to which the Guard and Reserve members currently do not have full access. My amendment extends nationwide a highly successful program that is existing right now in Vermont. It would set up a system of support of fellow veterans across the country serving as outreach specialists, people our Guard and Reserve members can talk and relate to, and help them get access to the services they need. It would give the Defense Department the additional resources it needs to provide counseling and reintegration services for National Guard and Reserve members.

This amendment has the strong support of the National Guard Association, which said this amendment would help ensure that 448,000 National Guard men and women who have served in Iraq and Afghanistan since 9/11 are provided with the necessary services upon their return from war.

Members of the National Guard and Reserve are the citizen soldiers who step up and accomplish extraordinary acts of valor and bravery for our country. They are veterans. They deserve these services when they return because of the sacrifices they made and continue to make for our great country.

AMENDMENT NO. 1189

I would also like to speak in support of the amendment of Senator MURRAY, amendment No. 1189.

Mental health disorders, substance abuse, and traumatic brain injuries affect nearly 20 percent of all servicemembers who have been deployed to Iraq and Afghanistan—that is one in five. But, unlike Active-Duty servicemembers, Guard and Reserve members do not have direct access to the counseling services they need, putting enormous strain on these veterans and the families who stand by them and who have stood by them.

The amendment of Senator MURRAY would embed mental health professionals in armories and Reserve centers, bringing mental health support within reach for Guard and Reserve members where and when they need it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor, as I have over the past year and a half, as a physician who has practiced medicine in Wyoming for a quarter of a century. I go home every weekend and visit with my

former patients, my former colleagues. As I talk to people around the State of Wyoming about the newly passed health care law, their concerns are those we have heard from around the country and certainly those on the Senate floor. That is why I keep coming back to the Senate floor with a doctor's second opinion about the health care law.

What we know patients would like in terms of health care is that the care they get is the care they need from the doctor they want, at a cost they can afford. For many people across this country, a cost they can afford is a major issue, which is why I think so many people were happy to hear the President say, in his initial talk about what he was proposing for health care in this country, we need to get the cost of health care down. He said: If his bill were to pass and become law, the cost of care would drop about \$2,500 per family across the United States. That is what people were looking forward to.

In so many ways, the President overpromised and underdelivered because what people have seen is the cost of their health care has continued to go up as a result of the President's health care law.

The States around the country are now looking at ways to deal with this health care law. Many States have set up committees to deal with it based on their State legislatures, and we have done the same thing in my home State of Wyoming. In Wyoming, we have asked for a study to be done to take a look at what the impacts of the President's health care law would be on health care and the cost of care in our State. A report was authored by a Massachusetts group called Gorman Actuarial. The report examined how the health care reform law passed last year by Congress is going to affect the State of Wyoming specifically. This information is being used in Wyoming by our Health Benefits Exchange Steering Committee. That is the committee which is reviewing various options for a State-run health exchange, and that is what people are looking at: What is the best thing to do for our State.

As they have come upon this work effort, what they are telling us is about the individual market for insurance—people who end up buying insurance individually because they don't get it necessarily through work; purchasing insurance in different ways, but they have to buy their insurance on the individual market. This report says that in Wyoming, as a result of the health care law, the current individual market enrollees will see average premiums increase by 30 to 40 percent based on the components of the law. Some supporters of the law say: Well, they are going to get more insurance than they would otherwise, and that is true because they are going to get a government-mandated amount of insurance which may be a lot more insurance than they want or need. That is one of the fundamental problems of

this health care law, government-mandated levels of insurance. Many people in Wyoming feel they don't want that level of care, which is why I believe individuals should be able to opt out of this provision of the health care law. States ought to be able to opt out. States and individuals ought to be able to receive a waiver. But right now, that is not happening. So what we are seeing in Wyoming is a significant increase in the cost—not the decrease the President promised but an increase in the cost of health insurance beyond what it would have gone up had there not been a health care law at all.

I talk to young people around the State—and I met with a number of young people from my State just the other evening—and they ask about this and how it is going to affect the young. What we see is their rates are going to go up quite a bit. A lot has to do with the fact that there is—that the lowest amount they can end up charging someone who is young and then compare that to someone who is older, the ratio is 3 to 1. So for someone who is not very healthy and older, they will only be paying three times what a younger person will be paying based on what passed this House and this Senate. That means that for those younger people, they are going to pay a lot more than they necessarily would based on their own good health, exercise habits, fitness, diet, and in terms of what their real costs ought to be to be insured.

I guess it is not a surprise when we saw the election results coming out of the State of Ohio Tuesday a few weeks ago about the specific individual mandate that said everyone has to buy insurance. On that day, on election day in Ohio, 66 percent of the voters said they didn't want this government mandate, a mandate that people must buy government-approved insurance. They don't want that to apply to them. Two-thirds of the people in Ohio on election day voted against the mandate, which is not unusual to see because we have seen that across the country. We have seen that in Missouri last year on balloting day. We saw it in the new national polls.

This health care law is less popular now than it was the day it was signed. People continue to want to be able to get out from underneath the health care law. That is why I continue to come to the Senate floor week after week with a doctor's second opinion as more information becomes available, just as this study in Wyoming became available. The President's promise, "If you like what you have you can keep it," we are finding out is not true, and the fact that the President promised health care premiums would drop for families by \$2,500 per family is not true.

That is why I continue to believe this health care law is bad for patients, it is bad for providers—the nurses and the doctors who take care of those patients—and it is bad for the taxpayers



of this great country. That is why it is time to repeal and replace this broken health care law.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1125 AND 1126

Mr. UDALL of Colorado. Mr. President, I rise today in support of amendments Nos. 1125 and 1126, which have been offered by the Intelligence Committee chairwoman, Senator FEINSTEIN.

While the Senate did not adopt my amendment that would have instructed the Senate to consider these detainee matters separately from the Defense authorization bill, I believe Senator FEINSTEIN's amendments make important changes and improvements to the bill—improvements that may yet avoid a problem with a Presidential veto.

I thank the Presiding Officer for his comments yesterday on the detainee provisions that are in this proposed legislation. I urge my colleagues to support these amendments. I want to be clear. I intend to support them.

I have serious concerns going forward about the unintended consequences of enacting the detainee provisions in subtitle D of the Defense Authorization Act. These amendments help to alleviate some of my concerns.

I wish to, in the context of the debate we are having, note that in addition to the Secretary of Defense, Leon Panetta; the Director of National Intelligence, General Clapper; and FBI Director Mueller—who all oppose the detainee provisions—CIA Director Petraeus's senior staff has indicated they, too, oppose the detention provisions. The CIA believes it is important to preserve the current U.S. Government's prosecution flexibility that has allowed both the Bush and the Obama administrations to effectively combat those who seek to do us harm.

After the vote yesterday, I had a chance to talk with a number of Members on the other side of the aisle and, frankly, on the other side of the debate, because this had bipartisan support on both sides of the debate. But the folks I talked to told me they did not support my amendment, but they were still interested in making some more targeted changes to the detention provisions. I hope those colleagues will take a close look at what Senator FEINSTEIN is offering here today.

Let me speak to specifically what she would help resolve with her amendments. There are two important shortcomings that still exist in the current bill. One of her amendments would preserve the flexibility of the military, law enforcement, and intelligence agencies to collaborate, without undue

limitation, in any investigation, interrogation, and prosecution of suspected terrorists. The other amendment would make it clear that American citizens cannot be held indefinitely in military detention without a trial. Again, I know the Presiding Officer spoke powerfully to that very legitimate and important concern yesterday.

The current language in the bill—which is why I took to the floor yesterday and I know on other occasions to make this point—I believe will disrupt the investigation, interrogation, and prosecution of terror suspects by forcing the military to interrupt FBI, CIA, or other counterterrorism agency operations—against each of these organizations' recommendations, including the military's.

In sum, we are going to create an unworkable bureaucratic process that would take away the intelligence community's and the counterterrorism community's capabilities to make critical and, in some cases, split-second decisions about how best to save Americans' lives.

Further—I cannot emphasize this enough—although my friends on the other side of this debate argue otherwise, the detainee provisions do allow for the indefinite military detention of American citizens who are accused of planning or participating in terror attacks. Simply accused—that cuts directly against values we hold dear: innocent until proven guilty, presumption of innocence. That is why this is such an important debate.

Let me be clear. There are American citizens who have collaborated with our enemies. There are American citizens who have participated in attacks against our soldiers and civilians. Those Americans are traitors. They should be dealt with, and we already have a system for ensuring they are brought to justice and made to pay a very heavy price for their crimes. That system is working. However, even in the darkest hours, we must ensure that our Constitution prevails. We do ourselves a grave disservice by allowing for any citizen to be locked up indefinitely without trial—no matter how serious the charges may be against them. Doing so may be politically expedient, but we risk losing our principles of justice and liberty that have kept our Republic strong, and it does nothing to make us safer. Our national security leadership has even said if we implement these provisions, it could make us less safe.

If I might reflect a bit on what we have learned. At least in three different wars—three wars we all learn about in our history classes: the Civil War, World War I, and World War II—as we look back at those three wars, we made the decision and we drew the conclusion as Americans that we overreached, that we constricted civil liberties. President Lincoln limited habeas corpus in the Civil War. I know the Presiding Officer is familiar with the Palmer Raids during World War I

and the aftermath of World War I. Of course, we know all too well the history of the interment of Japanese Americans.

I am not suggesting these provisions, as they are now included in this bill, would result in historians drawing those similar kinds of conclusions 10 or 20 or 30 years from now. But why not be safe? Why not take the time to ensure that we keep faith with those core values that make America what it is? That is all I am asking. I think that is all Senator FEINSTEIN is asking for us to do. That is what the 38 Senators who joined us yesterday to vote for my commonsense approach were saying as well.

In sum, Senator FEINSTEIN has offered some small changes. It would help alleviate some of the justifiable concerns with these provisions. As I have said, I continue to worry that there will be unintended consequences to enacting the detainee provisions altogether. However, we can make some of these small improvements to avoid harming our counterterrorism activities and preventing the loss of rights and freedoms granted to all Americans by our Constitution.

In closing, I urge all of our colleagues to support Senator FEINSTEIN's amendments.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, briefly, while my friend from Colorado is on the floor, he said: Take the time. We have been taking time, I tell the Senator from Colorado, since September 11, 2001, when the United States of America was attacked. We passed the Detainee Treatment Act. We passed other pieces of legislation—the PATRIOT Act, and others. Take the time?

I say, in all due respect, we have taken a lot of time—in fact, hundreds and hundreds of hours of debate, discussion—as to how to address this threat to the United States of America.

If the Senator from Colorado supports the Feinstein amendment, I agree with that. I cannot agree that we have not taken the time. I personally have taken—I cannot tell you—untold hours addressing this issue of how we treat detainees. We may have a fundamental disagreement, but I do reject the argument that we have not taken the time. I yield the floor.

Mr. UDALL of Colorado. Would the Senator respond to a question?

Mr. MCCAIN. Go ahead.

Mr. UDALL of Colorado. As the Senator from Arizona knows, I have the utmost respect for the time the Senator has spent in this very important area. I think what I have been trying to say is that in regard to this particular set of detainee provisions, I want to ensure that all of the questions the FBI Director, General Clapper, Secretary Panetta, and others have raised about how these provisions would actually be applied—I have no question that the intent is spot on—I just am aware that there have been some concerns raised about how these new provisions would actually be applied. I

think Senator FEINSTEIN's amendments—and I do not know where the Senator from Arizona stands at this point—may provide some greater clarification. I know there have been some conversations on the floor as to how we will deal with these amendments. So I appreciate the Senator's comments.

Mr. MCCAIN. I thank the Senator from Colorado for his clarification, and I think I understand more clearly his rationale for his support of the amendment.

I yield the floor.

Mr. UDALL of Colorado. I yield the floor as well and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NORTH AMERICAN ENERGY SECURITY ACT OF 2011

Mr. HOEVEN. Mr. President, I rise to speak on behalf of the North American Energy Security Act of 2011. This is legislation I am sponsoring, along with Senator LUGAR, Senator VITTER, Senator JOHANNIS, and 37 other cosponsors—we already have 37 cosponsors on this legislation. This is a solutions-oriented bill that addresses concerns along the route of the Keystone Pipeline. The Keystone Pipeline is designed to carry 700,000 barrels a day of oil from Alberta, Canada, from the oil sands area in Canada, to refineries in the United States along the gulf coast, both in Texas and in Louisiana.

This is a \$7 billion high-tech pipeline that will make a huge difference for our country, both in terms of energy security and also job creation. This is a project, Keystone Pipeline, that I have been working on for quite some time, formerly as Governor of the State of North Dakota and now as part of this body, the Senate. There already exists a pipeline called the Keystone Pipeline, which was built by TransCanada, that goes from Alberta, Canada, all the way down to our refineries. This pipeline runs through the eastern part of North Dakota and on down to Paducah, IL, and other locations as well, bringing approximately 600,000 barrels a day of Canadian crude into the United States.

The Keystone XL project would also be constructed by TransCanada, and it would come down from the Alberta area in Canada down just along North Dakota's western border in eastern Montana and go on down to Cushing and, as I said, to the refineries along the gulf coast.

In addition to bringing Canadian crude into the United States, it would also pick up crude along the way, crude produced in North Dakota. For example, in my home State of North Dakota, we will add 100,000 barrels a day of light sweet crude produced in the Williston Bay, centered in North Dakota and Montana, into that pipeline.

It is also designed to move our domestic crude to refineries as well. This is an important project that has been in the permitting process for 3 years. It has been going through the NEPA process, seeking an environmental impact statement and approval not only of EPA but of our State Department for 3 years.

We need to get it going because it is not only about reducing our dependence on oil from the Middle East, Venezuela, and other places in the world that are not friendly to the United States, but it is also a huge job creator. This project is a big-time job creator. We are talking about a \$7 billion investment to build the pipeline. We are talking about 20,000 construction jobs right away. We are talking about 250,000 jobs over time. We are talking about \$600 million in tax revenue to States and other localities.

This is a huge project, and we need to get it going. We particularly need to get it going at a time when we have 9 percent unemployment in our economy and more than 14 million people looking for work. So we need it to get that economic activity going. We need it to get people back to work. We need it for energy security. We need this project to reduce our dependence on oil from the Mideast.

Where is the project right now? The latest issue that has been raised as far as not getting approval for the project from the Department of State was that the State of Nebraska had environmental concerns that the pipeline, this 1,700-mile pipeline running from the oil sands in Canada all the way down to our refineries, that in its route through the State of Nebraska, it was going through an area that was environmentally sensitive and that would create a problem.

It is the High Plains area, the Sand Hills area of Nebraska. The concern was that with the Ogallala aquifer underlying that area and the irrigation for that farming and ranching region, that pipeline was a problem. In fact, there was opposition in the State of Nebraska to the project for that reason.

However, working with the company, TransCanada, and with the State of Nebraska, we have addressed that issue. Recently, the State of Nebraska had a special session. Gov. Dave Heineman called a special session in Nebraska. They held the session, and they came up with a plan, through their Department of Environmental Quality, working with the EPA, to reroute the project in the State of Nebraska.

On the basis of that rerouting and going through the approval process they developed between the State and Federal Government, on that basis, they have now addressed that concern in Nebraska. What this legislation does, it essentially is a solutions-based piece of legislation that says: OK, we are addressing these issues that have been raised. Now we need to move forward to capture the tremendous bene-

fits for our country that this project provides: big-time job creation and reducing our dependence on Middle Eastern oil.

How does the bill work? Specifically, what it provides is that 60 days after its passage, the pipeline is approved so work can commence on the Keystone XL pipeline. That means 20,000 jobs. That means \$7 billion in investment starts right away.

Then, as to the Wyoming piece, the State of Wyoming, together with EPA and the Federal Government, works through to reroute in Nebraska, so that a portion of the pipeline is then approved once they have gone through their process and decided on the route that meets the concerns in Nebraska.

In essence, this legislation, again, it is about addressing the concerns, solving the problem, and moving forward. This incorporates the special legislation and the solution that has been put forward by the State of Nebraska. It incorporates it right into the bill and enables us to move forward.

I have referenced the tremendous benefits in terms of energy security, in terms of job creation, in terms of working with our best friend and ally, Canada, in reducing our dependence on oil from places such as the Middle East and Venezuela.

But let me address one other point. Another point that has been brought up in opposition to the pipeline project is that the production of oil in Canada, in the oil sand region, produces CO<sub>2</sub>. So that if this pipeline is built, some argue then there will be more CO<sub>2</sub> released because of production in Canada in the oil sands and that product coming into the United States.

But, in fact, without this pipeline, we will produce more CO<sub>2</sub>. The point, let me underscore, is that this pipeline project will actually produce less CO<sub>2</sub> than we would otherwise produce without the creation of the pipeline.

Why is that? Let me go through it. If we do not have the pipeline, then instead of bringing that product into the United States, that product will still be produced. The production will still occur in Canada. But the pipeline, instead of coming into the United States, will be rerouted to the western border of Canada, and it will be sent to China.

That means large oil tankers will be hauling the product to refineries in China. The refineries in China produce higher emissions than our refineries. Plus, we have those ships that produce CO<sub>2</sub> as they haul all this product to the Far East. Furthermore, since that supply is not coming to the United States, we have to continue to import product from the Middle East and also from places such as Venezuela, as I mentioned.

In essence, we have supertankers bringing that product to the United States. So not only are we, in essence, now hauling the equivalent of 700,000 barrels a day around the world in supertankers and producing CO<sub>2</sub> emissions there, we are also taking this

product over to the Chinese refineries, where they have higher emissions.

My point is, the oil sands are still produced, are they not, under either scenario? But without this pipeline, we actually have higher CO<sub>2</sub> emissions on a global basis. Again, it is about addressing all the concerns that have been raised with this project, and it does that. At the same time, we create tens of thousands of jobs right off the bat. We create hundreds of millions in revenue for States and localities at a time when they badly need it and, again, we reduce our dependence on oil from parts of the world where it truly is an issue for our country in regards to energy security.

It is about common sense. It is about addressing all the issues that have been raised. I urge my colleagues to join me and the 37 sponsors and cosponsors that we already have on this legislation to pass it and help put people back to work, help get our economy going, and help improve our national energy security.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1414

Mr. MENENDEZ, Mr. President, I come to the floor to speak to a bipartisan amendment my colleague from Illinois, Senator KIRK, and I have offered. We believe it is one of the most critical issues facing our country in terms of national defense and global security. We have come together to the floor to speak about it.

One of the greatest threats—if not the greatest—to the security of our Nation and Israel is the concerted effort by the Government of Iran to acquire the technology and materials to create a nuclear weapon that will do two things:

First, we can be sure it will alter the balance of power in the Middle East.

Second, altering the balance of power with a nuclear Iran dedicated to the destruction of the State of Israel would most certainly lead to hostilities—hostilities that could spill over to engulf the entire region and well beyond.

We cannot, we must not, and we will not let that happen. But the clock is ticking. Published reports suggest we may be just a year away from Iran having a nuclear weapon and the ability to deliver that nuclear weapon to a target. To forestall this scenario and, more importantly, to prevent it from happening in the first place, we must use all of the tools of peaceful diplomacy available to us. Simply put, we must do everything in our power to prevent Iran from obtaining a nuclear weapon. I do not believe there is anyone on either side of the aisle who disagrees with that proposition.

We come to the floor today to discuss a bipartisan amendment I have offered with my friend from Illinois, Senator KIRK, to limit Iran's ability to finance its nuclear ambitions by sanctioning the Central Bank of Iran, which has proven to be complicit in Iran's nuclear efforts. This amendment will impose sanctions on those international financial institutions that engage in business activities with the Central Bank of Iran.

This is a timely amendment that follows the administration's own decision last week designating Iran as a jurisdiction of primary money laundering. In fact, the Financial Crimes Enforcement Network of the Department of the Treasury wrote:

The Central Bank of Iran, which regulates Iranian banks, has assisted designated Iranian banks by transferring billions of dollars to these banks in 2011. In making these transfers, the Central Bank of Iran attempted to evade sanctions by minimizing the direct involvement of large international banks with both the Central Bank of Iran and designated Iranian banks.

The Treasury Under Secretary for Terrorism and Financial Intelligence, David Cohen, has written this:

Treasury is calling out the entire Iranian banking sector, including the Central Bank of Iran, as posing terrorist financing, proliferation financing, and money laundering risks for the global financial system.

The administration's own decisions clearly show that Iran's conduct threatens the national security of the United States and its allies, and the complicit action of the Central Bank of Iran, based on its facilitation of the activities of the government, its evasion of multilateral sanctions directed against the Government of Iran, its engagement in deceptive financial practices and illicit transactions, and, most importantly, its provision of financial services in support of Iran's effort to acquire the knowledge, materials, and facilities to enrich uranium and to ultimately develop weapons of mass destruction, threatens regional peace and global security.

We recently learned just how far down the nuclear road Iran has come. The International Atomic Energy Agency's report indicates what all of us already suspected—Iran continues to enrich uranium and is seeking to develop as many as 10 new enrichment facilities; that Iran has conducted high-explosives testing and detonator development to set off a nuclear charge, as well as computer modeling of the core of a nuclear warhead; that Iran has engaged in preparatory work for a nuclear weapons test; that an August IAEA inspection revealed that 43.5 pounds of a component used to arm nuclear warheads was unaccounted for in Iran; and that Iran is working on an indigenous design for a nuclear payload small enough to fit on Iran's long-range Shahab-3 missile, a missile capable of reaching the State of Israel.

What more do we need to know before we take the next diplomatic step to address the financial mechanism

that is helping make Iran's nuclear ambitions a reality? These revelations, combined with Iran's provocative effort in October to assassinate the Saudi Ambassador to the United States, demonstrate that Iran's aggression has taken a violent turn and that we have every reason to believe that if Iran gets a nuclear weapon, it may very well use it, and use it against our ally, the State of Israel.

This amendment will impose sanctions on any foreign financial institution that engages in significant transactions with the Central Bank of Iran, with the exception of transactions in food, medicine, and medical devices. It recognizes the administration's actions last week pursuant to section 311 of the PATRIOT Act designating the entire Iranian banking sector as a primary money laundering concern. It requires the President to prohibit transactions of Iranian financial institutions that touch U.S. financial institutions.

To ensure that we don't spook the oil market, transactions with Iran's Central Bank in petroleum and petroleum products would only be sanctioned if the President makes a determination that petroleum-producing countries other than Iran can provide sufficient alternative resources for the countries purchasing from Iran and if the country declines to make significant decreases in its purchases of Iranian oil.

This bipartisan amendment has been carefully drafted to ensure the maximum impact on Iran's financial infrastructure and its ability to finance terrorist activities and to minimize the impact on the global economy. Iran has a history of exploiting terrorism against coalition forces in Iraq, in Argentina, Lebanon, and even, in their attempt to assassinate the Saudi Ambassador, in Washington. While Iran's drive to advance its nuclear weapons program has been slowed by U.S. and international sanctions, it clearly remains undeterred.

Today, we take—hopefully today or tomorrow when we vote on this amendment—the next step in isolating Iran politically and financially. I look forward to continuing to work with my colleagues on the other side and with the administration to achieve this goal and to also advance the legislation I introduced earlier this year with many others on both sides of the aisle—the Iran, North Korea, and Syrian Sanctions Consolidation Act, which has 80 bipartisan cosponsors at this point. Our efforts to date have been transformative. But just as Iran has been prepared to adjust to the sanctions and unanticipated loopholes, just as it has been prepared to take advantage of every loophole to circumvent the sanctions and keep moving forward in its effort to achieve a robust nuclear program, we must be equally prepared to adjust and adapt by closing each loophole and stopping the regime's nuclear efforts. By identifying the Central Bank of Iran as the Iranian regime's partner and the financier of its terrorist agenda, we can begin to starve

the regime of the money it needs to achieve its nuclear goals.

I urge my colleagues to support this bipartisan amendment that will go a long way toward closing financial loopholes and helping prevent the Iranian regime from moving its nuclear ambitions to the weapons phase and closer to the warhead of a missile.

We cannot, we must not, and we will not allow Iran to threaten the stability of the region and the peace and security of the world. I appreciate the support of my distinguished colleague from Illinois who is on the floor, who has worked with us in this regard and come to a common view and effort to maximize the effect on Iran and minimize the effect to both us and the global economy, and certainly urge passage of this amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. KIRK. Mr. President, I rise in strong support of the Menendez-Kirk amendment. I particularly thank my partner Senator MENENDEZ, a member of the Banking Committee, who has been a leader regarding Iranian terror, proliferation of weapons of mass destruction, and repression of human rights for 20 or 25 years now.

We are reaching a decisive point now in the relations of Iran to other countries and, most importantly, to the United States. I think this amendment comes at one of the final hours of how peaceful means and economic sanctions can be used to avoid a conflict. That is why it is so important for the Senate to adopt the Menendez-Kirk amendment, with the long-term goal of collapsing the Central Bank of Iran, so that country doesn't produce nuclear weapons that would destabilize the entire Middle East. We launched this effort, along with Senator SCHUMER, particularly in August when we called on our President to sanction the Central Bank of Iran.

In these partisan times in which the two sides are far apart on many issues, we had 92 Senators—all but 8 Senators signed the letter—saying: Collapse the Central Bank of Iran and use this as a tool in our diplomatic war chest to make sure we can remove one of the greatest dangers from the country, from one of the most dangerous regimes.

The record is pretty clear. The International Atomic Energy Agency has ruled on the subject of Iran. We remember the IAEA because they, with regard to Iraq and the Saddam Hussein weapons of mass destruction program, were consistently correct and the Bush administration was wrong. The IAEA said in its intelligence estimate that the threat was overstated in Iraq. So with that level of credibility, we should listen to the IAEA on the subject of Iran. There, they have been extremely clear as well.

They have outlined how Iran has a separate enrichment cycle, going way above the enrichment of uranium necessary to fuel a civilian reactor—5 per-

cent—now toward 20 percent, where there is no civilian use, moving toward the 98 percent needed to power a nuclear weapon.

They talked about undisclosed nuclear facilities, especially a brandnew one, which appears to be the final cascade necessary to enrich uranium to bomb-grade material.

They most ominously talk about a warhead of a particular weight that would equate what would be in a nuclear weapon. Unlike a conventional warhead, which basically has a spark initiator and explosive material, this warhead has an electric generator aboard. That is only used to power and initiate a nuclear explosion.

So it is clear from the statements of the independent United Nations agency that Iran—a signatory on the Nuclear Non-Proliferation Treaty—is violating its obligation and is creating, as fast as it can, a nuclear weapons program.

We also know that Iran has become the first space-bearing nation of the 21st century and that, unlike the North Koreans, who have failed in space launch time after time, Iran was able to orbit the Omid satellite aboard the Safir rocket and is the first nation to be able to accomplish that technological feat in this century. If you can orbit anywhere over the Earth, you can deorbit over the Earth—an ominous sign for the future of Saudi Arabia, Iraq, our allies in Turkey, but especially our friends in Israel, and, in the long term, the United States.

The record of Iran with regard to its own citizens shows the character of its government. Long ago, we knew about 330,000 Baha'i citizens of Iran who have been forced to register their addresses, whose kids have all been kicked out of universities, and whose families are not allowed any contracting with the Government of Iran. The bureaucratic mechanisms of Kirsallnacht have formed. We have seen this movie in a different decade, wearing different uniforms, in a different country, but the ominous signs are that it may turn out in the same way.

Many people on the international committee know about Neda, who was protesting the stealing of an election in Iran, and of her death simply for protesting that stolen election. We know about Hossein Ronaghi, the first blogger, who called for tolerance in Iran, who is now languishing in Evin prison. We know about Nasrin Sotoudeh, age 48, mother of two, whose sole crime was representing Shirin Ebadi, a Nobel laureate, and how she was thrown in jail.

Beyond the nuclear program, beyond the missile program, beyond the repression of human rights in the country, we know about Iran's long record of terror; that Iran is the paymaster for Hezbollah. We have known that for a long time. They have tortured the poor country of Lebanon. But in some sense, there was a symmetry. We understood how this Shiite power would support a Shiite sect in Lebanon even

though they spoke Arabic. But then, over the last decade, they jumped the Shiite-Sunni divide, and they also backed a new terror group called Hamas that was trying to surround our allies in Israel with missiles and the terror necessary to extinguish the Jewish people and the Jewish State.

We know how the Iranian regime is now one of the central pillars of the Syrian dictatorship and how, as that dictatorship hangs onto power, it is somewhat on the back of Iranian money and Iranian weapons and expertise that allows them to repress their own people. Most recently, on the back of a bipartisan certification that Iran supports terror from President Reagan, President Bush, President Clinton, President Bush, and President Obama, we have seen a higher level of irresponsibility on behalf of the Iranian regime.

According to our own Attorney General, the head of the Iranian Revolutionary Guard's Quds Force, Suliman, tried to contact and hire a Mexican drug cartel—one of the most dangerous, the Zetas—to assassinate the Saudi Arabian Ambassador to the United States at a Georgetown restaurant. It was only because the incompetent Iranians hired a DEA agent in Mexico that we found out about this. They would have, had they been able to accomplish their goals, lit off a car bomb in Washington, DC, paid for by the Government of Iran and briefed all the way to the top level of their government.

Today, we find—after they had their Basij radical young person's movement overrun the British Embassy, seizing classified documents and holding, for a time, 50 British personnel—shades of the 1979 hostage crisis, when for 440 days Iranian radicals held Americans. Our allies in the United Kingdom have now made the decision to remove all Iranian diplomats from the United Kingdom.

We have seen other calls, brave calls, of allied action. A man I admire greatly, the President of France, President Sarkozy, has called for seizing all purchases of Iranian oil. He has publicly called for the collapse of the Iranian Central Bank.

So it is with this level of irresponsibility—on nuclear technology, on missiles, on the repression of human rights, on the support of terror, on the plot to kill Americans inside Washington, DC, and the overrunning of an embassy of our closest ally in Europe, the United Kingdom—that we come forward with the bipartisan Menendez-Kirk amendment.

What does this amendment do? It basically says, in part, if you do business with the Central Bank of Iran, you cannot do business with the United States of America. It forces financial institutions and other businesses around the world to choose between the small and shrinking \$300 billion economy of Iran and the \$14 trillion economy of the United States. In that contest, we all

know how just about everyone will choose, and we wish that choice to be made. We seek to break the stable financial intermediary in between Iranian oil contracts and the outside world so that it will just be easier to buy oil from elsewhere and, working with our allies, to make that oil more plentiful.

We realize the concerns with this amendment. Some have said this amendment comes too quickly; that it is too soon. So that is where Senator MENENDEZ and I have agreed, working with the administration, to give time and flexibility. Under this amendment, nothing happens right away. Several weeks and several months go by before any action is required. That is intended as a signal to oil markets that this requirement is coming, that we seek for them, as our allies—for example, in Japan or South Korea or in Turkey—to wind up their current contracts and supplies and meet their needs by other means.

By the way, other means are coming. We are expecting Libyan production to double. We are also expecting Iraqi production to go way up. Of course, we know the swing production of Saudi Arabia—no love lost toward the Iranians after having tried to kill their ambassador here. We will be working with the oil suppliers to make sure that everyone's needs are met while funding to the Iranian regime is slowly choked off.

We also provide two waivers in this amendment—and this is very important—at the request of the administration. We say if there is a temporary restriction of oil supply, this amendment can be suspended for a time. If there is some unforeseen national security disaster, some real problem the President can see, he has that flexibility.

But the general picture is this: The Central Bank of Iran, the heart and financial soul of a web of terror, of nuclear production, of human rights abuse, and the oppression of other people—principally in Syria—is no longer acceptable to the international community, and so this regime should operate without the benefit of funding from the international community.

I think this amendment is one of the last best hopes for peace and to bring effective economic sanctions to bear so that a burden doesn't fall on our friends in Saudi Arabia or our allies in Israel to do the far more tough military work that may be required to remove this common danger.

Many people say we can't convince a country that is on a nuclear weapons course to reverse course. I say, well, we show our ignorance of history because we saw the Argentines give up a nuclear program, the Brazilians, and likely the South Africans detonated a weapon and then decided to give up their program. In Kazakhstan and Ukraine, nuclear weapons were given up. In Libya, nuclear weapons were given up. With effective pressure, my hope is that it can happen here.

We know President Ahmadinejad is not popular. We know the regime in general does not enjoy the support especially of its younger citizens. We know at least half of Iranians, in a stolen election, voted for the other guy who was not allowed to take power.

So this amendment comes forward with a solid bipartisan pedigree. It has been endorsed specifically by Senators LIEBERMAN, SCHUMER, KYL, FEINSTEIN, GILLIBRAND, MANCHIN, NELSON of Florida, NELSON of Nebraska, STABENOW, and HELLER under the leadership of Senator MENENDEZ and myself. For us, it gives time for the oil markets to adjust and unhook from Iran. It gives flexibility to the administration. But, most importantly, it helps us deal in an economic and diplomatic way with one of the greatest dangers to our society.

We think about the future ahead, and some people say this amendment could cause some disruption in oil markets. Yes, we are asking countries to unhook from the terror regime in Iran. But just think about the instability that would come if military conflict broke out between Iran and Israel or worse if nuclear weapons were loosed from Iran in the Middle East. If we do nothing, as soon as 2 years from now we could have a detonation of an Iranian nuclear weapon in the Middle East. If we show weakness and a lack of resolve, then countries in that region will decide they need nuclear weapons programs of their own. We will give birth to the Saudi nuclear weapon program, the Egyptian nuclear weapon program, and others.

This amendment is an attempt to make sure that for young Americans the 21st century is not the most dangerous century they will face, and to use the full economic weight of the United States, working with our allies, to remove what is the greatest emerging danger.

I think Senator MENENDEZ is living in the spirit of those who watched the 1930s and worried about when America slept. Well, we are not asleep. We know exactly what is happening. By decisive bipartisan action of the Senate, we are bringing the best pressure to bear, of nonmilitary means, to make sure our kids inherit a much safer 21st century.

With that, I commend my partner in this effort, and I urge the Senate to adopt the Menendez-Kirk amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I rise in full support of this amendment, and I thank Senator MENENDEZ for his leadership on this issue, which dates from a long time back, and Senator KIRK, who has really lit a flame of concern under this body about this issue, and justifiably so. They have done a great job, and I thank both of them for their strong efforts.

I believe when it comes to Iran we should never take the military option off the table, but I have long argued

that economic sanctions should be tried first and could be actually very effective in choking Iran's nuclear ambitions before any military option need be considered. But they have to be done strongly, they have to be done well, and they have to be done toughly.

Earlier this month, the report on Iran's nuclear program by the IAEA was alarming and proved beyond a shadow of a doubt that, despite the lies—and there is no other word to use—by the Iranian Government, they are developing a nuclear weapon. According to recent reports, Iran could have at least one workable nuclear weapon within a year and another maybe 6 months after that.

The new information shows that Iran has been working relentlessly to acquire the capability to produce a nuclear weapon. Additionally, the IAEA report details a highly organized program dedicated to acquiring the skills necessary to produce and test a bomb.

So I say to America and the world: Enough is enough. The extreme and dangerous leader of the Government of Iran, Mahmoud Ahmadinejad, must be held accountable. One of our greatest problems that we will live with for decades is a nuclear Iran. We do not want to look back and say: If we were only a little quicker, a little stronger, a little tougher, we might have prevented it. The Iranians, when they see they might face real economic punishment if they proceed in developing nuclear weapons, have turned back in the past, and they will do that again.

We have begun to impose economic sanctions, and I salute the President, who has worked very hard on this issue. I have talked with him on this issue. I know he believes in it strongly. I know the President knows the danger of a nuclear Iran and is working very hard in that regard. But every time we find ways to impose economic sanctions that have real teeth against Iran, they try to find a way around it. Our job is to move quickly and to plug those loopholes.

We have sanctioned Iranian banks and pretty much prevented them from doing what we don't want them to do. According to all reports, it has had a real effect on the Iranian National Guard and on the economy of Iran itself. But the Iranian Government has now tried to move through the Central Bank of Iran. It has been heavily involved in terrorism and the financing of nuclear and conventional weapons technology. The Central Bank has played a critical role in helping other Iranian banks circumvent our effective financial sanctions.

To close 10 holes but leave 1 open will not achieve our goal, and the last remaining open hole through which financial commerce can flow into Iran for prohibited activities is the Central Bank of Iran. The threat of sanctions against the Central Bank will frighten Iran. It might make them think twice before they proceed in developing this nuclear weapon because they will pay

real economic consequences that will hurt the Iranian regime and its henchmen, above all, and will, unfortunately, hurt the Iranian people as well. But there is no choice in this matter.

So we must strengthen the President's hand as he continues to work to build an international coalition determined to prevent the rise of a nuclear Iran. By giving the administration the capability to impose crippling sanctions on Iran should they continue with their nuclear weapons program, Congress is putting forth a tough and smart plan to address the real threat Iran poses to the United States and our allies and, of course, Israel.

This amendment will do three important things to strangle Iran's ability to continue with its nuclear weapons program. First, it will freeze the assets of Iranian financial institutions that come under U.S. jurisdiction. Second, it would prevent the maintenance in America of correspondence accounts by foreign financial institutions conducting significant petroleum-related transactions with Iran's Central Bank. And lastly, it would urge the President to undertake a diplomatic initiative to wean other nations off Iranian crude.

The amendment supports the administration's actions last week designating the entire Iranian banking system as a threat to government and financial institutions because of Iran's illicit activities, including its pursuit of nuclear weapons and its support of terrorism.

Senators KIRK and MENENDEZ have done an excellent job in crafting a comprehensive plan, a smart plan, a tough plan, to arm the administration with the tools it needs to put a stop to Iran's nuclear rogue program. I have optimism that this will have a real effect and could indeed deter Iran if we move, and move quickly.

I urge my colleagues to support this amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I rise in support of the amendment offered by our colleagues, Senators MENENDEZ and KIRK, and I thank them for their leadership on this issue. To me, this is an extremely important amendment that I hope will get the support of all the Members of the Senate. It tightens the restrictions we already have against Iran.

I compliment the Obama administration for the work they have done internationally by expanding the sanction against Iran and against Iran's petroleum and petrochemical industries. It has been effective, because we have gotten other countries to follow the leadership of the United States.

I think everyone in this body understands the risks of Iran to the security of not only its region but the entire world. Iran is a very dangerous nation. It has ambitions to spread terrorism in the region and to affect U.S. interests. It is for that reason that we cannot allow Iran to become a nuclear weapons state. Our most effective way to deal with this is to isolate Iran and to make sure the sanctions that are imposed actually will accomplish the objective of penalizing the country but not the individual people of Iran.

The amendment offered by Senator MENENDEZ and Senator KIRK would allow us to expand the sanctions against Iran to the Central Bank of Iran. The amendment requires the President to prohibit all transactions and property and interest in property of the Iranian financial institutions that touch U.S. financial institutions, and to prohibit the maintenance of correspondence or payable-through accounts by foreign banks that have conducted financial transactions with the Central Bank of Iran.

What does that mean? It means we are trying to put the sanctions where they will have the most impact, and that is on the financial system of Iran itself. The Iranian Central Bank depends upon other banks around the world, and this amendment would allow us to have an effective way to isolate the Central Bank of Iran, putting additional focus on the Iranian policies that have violated the United Nations' resolutions.

Iran has violated their commitments. They violated their commitments as they relate to their nuclear programs. They haven't complied with agreements they have entered into. It is important that the international community stand united. This is important for the stability of the region, it is important for the security of Israel, our closest ally in that region, it is important for the Arab states that have talked to us about the danger of Iran, it is important for U.S. interests. So it is important that we get this moving.

Iran's complete disregard for its obligations under the Nuclear Non-proliferation Treaty and its directives of the multiple U.N. Security Council Resolutions belies the government's continued insistence that its nuclear program is one based upon its energy needs. It is not based upon its energy needs. It is trying to become a nuclear weapons state, something we must make sure does not occur.

We need to take all steps we can in order to deny Iran the ability to have international legitimacy while they are violating their international commitments. This amendment continues the U.S. leadership on this issue and follows up on the work our Nation has done in getting international support to make clear to Iran that if they continue along these policies of violating their international commitments, they are going to continue to be isolated and it is going to affect the economy of their nation.

I urge my colleagues to support the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. I would ask that I be notified after 10 minutes.

The PRESIDING OFFICER. The Chair will do so.

AMENDMENT NO. 1274

Mr. SESSIONS. Mr. President, I have offered an amendment that clarifies—although that is not exactly the right word—the fact that an unlawful combatant or a combatant who is held by the U.S. military for being an enemy of the United States, a combatant against the United States, or an unlawful combatant, is not therefore entitled to be released if the U.S. military or the civilian courts choose to prosecute him and he is acquitted or after he serves his sentence but before hostilities have ended. These are entirely different matters.

There are two questions: Are you an enemy combatant of the United States? These are the kinds of prisoners of war in World War II, Germans, for example, who were kept in Aliceville, AL. They stayed in a prisoner-of-war camp until the war was over, and they went home. They didn't violate the rules of war; they weren't prosecuted for any crimes. They simply were not released so that they could go and rejoin the battle in an attempt to kill more American service men and women. But they were lawful. They wore uniforms, they complied with the rules of war, and they were not able to be prosecuted.

But when a person sneaks into the country with an intent to murder women and children and innocent non-combatants, does not wear a uniform, and violates other provisions of the rules of war, then they can be not only held as a combatant but they can be held and tried for commission of crimes against the United States. That is the classic standard of the law of war.

I believe it is clear that if a person is captured and tried for a crime and, let's say, acquitted—whether in a civilian court or a military commission—they are not entitled to be released. To that end, I would quote a number of statements to that effect. But I believe the legal system would be a lot better off if we spoke clearly on that matter today so there is no doubt whatsoever.

President Obama, on May 21, 2009, said this:

But even when [the prosecution] process is complete, there may be a number of people who could not be prosecuted for past crimes, but who nonetheless pose a threat to the security of the United States.



In other words, they remain prisoners of war who are likely to join the enemy if they are released. He goes on to say:

These are people who, in effect, remain at war with the United States. As I said, I am not going to release individuals who endanger the American people.

I think that is consistent with all rules of war, and I think the President was right in that statement.

Attorney General Eric Holder, in November of 2009, before the Judiciary Committee, said:

I personally think that we should involve Congress in [ensuring that the Executive Branch has the authority to make that decision], that we should interact with . . . this committee in crafting a law of war detention process or program.

In other words, he was calling on us to work with them in developing statutes. But, historically, I think the law is clear at any rate.

Jeh Johnson, General Counsel to the Department of Defense, who came from the New York Times as general counsel for the New York Times—not a career Department of Justice defense attorney—said this before the Senate Armed Services Committee:

The question of what happens if there's an acquittal is an interesting question . . . I think that as a matter of legal authority, if you have the authority under the laws of war to detain someone, and the Hamdi decision said that in 2004, that is true irrespective of what happens on the prosecution side . . . as a matter of legal authority, I think we have law-of-war authority, pursuant to the authority Congress granted us with AUMF, as the Supreme Court interpreted it, to hold that person provided they continue to be a security threat, and we have the authority in the first place.

So, again, he is saying if they are not convicted, they can still be held if they continue to be a threat.

Secretary of State Hillary Clinton on "Meet the Press" November of last year:

MR. GREGORY: But my question is, are we committed with these terror suspects that if they are acquitted in civilian courts, they should be released?

SECRETARY CLINTON: Well, no. . . .

Senator JACK REED, our West Point graduate and a member of the Armed Services Committee—I am proud to serve with my Democratic colleague—this is what he said the November before last:

There are no guarantees [of conviction], but under basic principles of international law, as long as these individuals pose a threat, they can be detained, and they will. . . . I do not believe they will be released . . . under the principle of preventive detention, which is recognized during hostilities.

I believe this is legislation that would do nothing more but, importantly, will affirm the classical understanding of our laws of war, and as a result, the people who are charged can be tried, and if they are not convicted of a crime, they can still be detained.

I would note that an individual American soldier or German soldier or Japanese soldier who is lawful and released has a duty to report back to

their military unit and commence hostilities until the war is over.

Senator GRAHAM is here, a current JAG officer in the U.S. Air Force who has studied these matters very closely and has been engaged in this debate so eloquently. I am delighted to have him here and to have his support on this amendment. Perhaps he has some comments?

Mr. GRAHAM. Perhaps the Senator will yield for a question?

Mr. SESSIONS. I will be pleased to.

Mr. GRAHAM. As I understand the purpose of this amendment, it is basically to have the Congress on record for the concept that once you are determined to be an enemy combatant, a part of the enemy force, there is no requirement to let you go at any certain time because in war it would be silly to let an enemy prisoner go back to the fight for no good reason.

As the Senator has indicated, in the law of war, you can be prosecuted for a war crime. You could be taken to a Federal court and prosecuted for an act of terrorism, but if you are acquitted, that is not an event that would require us to release you if the evidence still exists that you are a threat to the country and part of the enemy forces; is that correct?

Mr. SESSIONS. That is correct.

Mr. GRAHAM. What I would like my colleagues to understand is that no German prisoner in World War II had the ability to go to a Federal judge and say: Let me go.

If you had brought up the concept in World War II that an American citizen who was collaborating with the Nazis could not be held as an enemy combatant, you would have been run out of town.

Does the Senator agree with me that in every war we have fought since the beginning of our Nation, unfortunately, there have been episodes where American citizens side with the enemy?

Mr. SESSIONS. That is certainly true.

Mr. GRAHAM. Does the Senator agree with me that our Supreme Court, as recently as about 3 to 4 years ago, affirmed the fact that we can hold our own as enemy combatants when the evidence suggests they have joined forces with the enemy? That is the law?

Mr. SESSIONS. That is the law as I understand it.

Mr. GRAHAM. Does my colleague agree with me that makes perfect sense, that an American who helps the Nazis has committed an act of war, not a common crime?

Mr. SESSIONS. That is correct.

Mr. GRAHAM. Does he agree with me that our courts understand that when an American citizen collaborates with an enemy of our Nation, that is an act of war by that citizen against his own country and the law of war applies, not domestic criminal law?

Mr. SESSIONS. I certainly agree with the Senator that an American cit-

izen can join in a war against the United States.

Mr. GRAHAM. And they can be treated as an enemy combatant in accordance with our laws?

Mr. SESSIONS. That is correct.

Mr. GRAHAM. And the law of war allows the following: trial or detention or both. Is that correct?

Mr. SESSIONS. That is correct.

Mr. GRAHAM. You can be held as an enemy combatant without trial?

Mr. SESSIONS. That is correct.

Mr. GRAHAM. There is no requirement in international law to prosecute an enemy prisoner for a crime?

Mr. SESSIONS. Absolutely. It is up to the detaining authority whether they believe a person has committed a crime.

Mr. GRAHAM. Does the Senator agree with me that we do not want to start the practice in the United States that everybody we capture as an enemy prisoner is automatically a war criminal because that could come back to haunt our own people in future wars?

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. That we should reserve prosecution for a limited class of persons among enemy prisoners?

Mr. SESSIONS. That is correct.

The PRESIDING OFFICER (Mr. CARDIN). The Senator has consumed 10 minutes.

Mr. GRAHAM. I ask unanimous consent to have 1 more minute.

The PRESIDING OFFICER. The Chair was informing the Senator that 10 minutes has elapsed.

Mr. SESSIONS. I asked to be informed at 10. I see Senator SANDERS is here.

Mr. GRAHAM. Let's just logically walk through this. In every war in which America has been involved, American citizens unfortunately have chosen at times to side with the enemy. Our courts say the executive branch can hold them as enemy combatants, and the purpose is to gather intelligence. Does the Senator agree with that?

Mr. SESSIONS. That is a very important purpose of that.

Mr. GRAHAM. The Senator has been a U.S. attorney; is that correct?

Mr. SESSIONS. That is correct.

Mr. GRAHAM. Does criminal law focus on intelligence gathering?

Mr. SESSIONS. Absolutely not. It focuses on punishment for a crime already committed, normally.

Mr. GRAHAM. Does the Senator agree that holding an enemy prisoner—one of the benefits of capturing someone is gathering intelligence?

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. Does the Senator agree that our criminal system is not focused on that?

Mr. SESSIONS. Absolutely. In fact, we specifically tell people arrested that they have a right not to provide any intelligence, and it indicates it is clearly not the primary function.

Mr. GRAHAM. Does the Senator agree with me that if this Congress

chose to change the law and say that an American citizen who has associated himself with al-Qaida cannot be interrogated for intelligence-gathering purposes, we would be less safe?

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. And that would be a change in the law as it exists today.

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. Does the Senator agree with me that his amendment that says you can be acquitted but still be held as an enemy prisoner is consistent with the law today?

Mr. SESSIONS. I certainly believe it is.

Mr. GRAHAM. I thank the Senator for offering this amendment.

To my colleagues, we are trying to fight a war, not a crime, within the value systems of being the United States, being the champion of the free world. I do not believe in torturing people, but I do believe—does the Senator agree with me that when it comes to interrogating people, sometimes the best tool is time?

Mr. SESSIONS. Absolutely. Someone may not be willing to talk today, but as time goes by they might be willing to completely change and be forthcoming.

Mr. GRAHAM. Does the Senator agree with me that we gathered good intelligence over time from people held at Guantanamo Bay?

Mr. SESSIONS. That is certainly true.

Mr. GRAHAM. Without water boarding them?

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. My point to my colleagues—and I enjoyed this discussion—is that if you take the ability to hold someone as an enemy combatant off the table, you cannot interrogate them for intelligence-gathering purposes, and if you put a time limit on how long you can hold them, you defeat the purpose of gathering intelligence. Does the Senator agree with that?

Mr. SESSIONS. Absolutely. That would undermine one of the functions of the U.S. military in dealing with enemies of the state.

Mr. GRAHAM. Does my colleague also agree that in this war, we provide a due process unlike any other war in the past?

Mr. SESSIONS. There is no doubt. No war has ever been lawyered to the degree this has.

Mr. GRAHAM. Does the Senator agree with me that every enemy combatant, citizen other otherwise, held at Guantanamo Bay or captured in the United States has their day in Federal court through habeas proceedings?

Mr. SESSIONS. They do, and to a large degree that is different from any other war in our history.

Mr. GRAHAM. We never had, in the history of other wars, a Federal judge determining whether the military has the ability to determine whether someone is an enemy combatant, but we have that in this war. Does the Senator agree with that?

Mr. SESSIONS. Absolutely.

Mr. GRAHAM. Does the Senator agree that the government has to prove to an independent judge by a preponderance of the evidence that the person is a member of al-Qaida involved in hostilities?

Mr. SESSIONS. Yes.

Mr. GRAHAM. So everybody held after judicial review for the first time in the history of warfare.

Does the Senator agree with me that the annual review process that we have created by this law, this bill, the Defense Authorization Act, is something we have not done in other wars?

Mr. SESSIONS. We have not done that before, yes.

Mr. GRAHAM. Every detainee not only gets their day in Federal court, the government must prove they have a solid case to hold them as an enemy combatant, and everyone gets a yearly review as to whether they are a continuing threat?

Mr. SESSIONS. I believe so, yes, consistent with the language in the recent Supreme Court opinions—recent opinions—and perhaps it even goes further than what the Supreme Court requires.

Mr. GRAHAM. Is the Senator familiar with competency hearings in the civilian court?

Mr. SESSIONS. Yes.

Mr. GRAHAM. In our civilian law, we can hold people who are a danger to themselves or others without a trial but with judicial oversight; is that correct?

Mr. SESSIONS. That is done every day, yes, with judicial oversight.

Mr. GRAHAM. Would the Senator agree with me that it is very smart to evaluate whether we should allow someone to be let go and intelligence professionals should be able to make that decision as to whether the individual is a military threat, that that is a logical process?

Mr. SESSIONS. Absolutely it is. And just for the fact of my amendment, it does not require people to be held. It only gives the government the authority to do so if they deem it appropriate for the defense of America.

Mr. GRAHAM. Does my colleague agree with me that the recidivism rate of people we are releasing from Guantanamo Bay has gone up?

Mr. SESSIONS. Yes. It is extraordinarily disappointing, actually, and against projections of many of those advocating for early release.

Mr. GRAHAM. Some of these people have gone back to fighting and killed American soldiers?

Mr. SESSIONS. They certainly have.

Mr. GRAHAM. Does the Senator agree with me that the dangers our Nation faces do not justify changing existing law, denying this country the ability to gather intelligence even against an American citizen joined with al-Qaida, that that would be an unwise decision given the dangers we're facing?

Mr. SESSIONS. Yes.

Mr. GRAHAM. Does he agree with me that we need a legal system that un-

derstands the difference between fighting a war and fighting a crime?

Mr. SESSIONS. So well said. I agree.

Mr. GRAHAM. I thank the Senator.

Mr. SESSIONS. Mr. President, with regard to the question of citizenship, I would just say to my colleague that this in no way deals with that. Whatever the courts, whatever the bill and other laws say about citizenship will apply here. It does not change that status at all. I do believe the legislation is clearly consistent with the statements and testimony of President Obama; Attorney General Eric Holder; Jeh Johnson, counsel of the Secretary of Defense; Secretary of State Clinton, and others.

I urge acceptance of my amendment and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 1073 WITHDRAWN

Mr. LEVIN. Mr. President, I ask unanimous consent that the Cardin amendment, No. 1073, be withdrawn. That has the approval of the sponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont.

Mr. SANDERS. Mr. President, I want to say a word about two amendments I have offered, both of which I think are important and both of which should be agreed to.

As I think you know, this country has a recordbreaking deficit and a \$15 trillion national debt. What many people do not know is that one of the reasons our deficit is as high as it is because there is a significant amount of fraud from defense contractors who sell their products to the Department of Defense.

I think the American people are very clear that when we pay one dollar for a product that goes to our military, we want to get one dollar's worth of value; that we do not want to see the taxpayers of this country or the Department of Defense ripped off because of fraudulent contractors. Unfortunately, fraud within the DOD in terms of private contractors is widespread.

During the last number of years, we have seen company after company engaged in fraud, including some of the largest defense contractors in the United States. For example, Lockheed Martin, the largest defense contractor in our country, in 2008 paid \$10.5 million to settle charges that it defrauded the government by submitting false invoices on a multibillion-dollar contract connected to the Titan IV space-launch vehicle program. That did not seem to sour the relationship between Lockheed and the DOD, which gave Lockheed \$30.2 billion in contracts in fiscal year 2009—more than ever before. One of the patterns we see is that a company gets convicted or reaches a settlement with regard to charges of fraud, but next year they continue to get very significant contracts.

In another case regarding one of the very large defense contractors, Northrop Grumman paid \$62 million in 2005

to settle charges that “it engaged in a fraud scheme by routinely submitting false contract proposals” and “concealed basic problems in its handling of inventory, scrap and attrition.” Despite that serious charge of pervasive and repeated fraud, Northrop Grumman received \$12.9 billion in contracts the following year, 16 percent more than the year before.

It seems clear to me that we need to do a much better job in terms of attacking fraud within the Department of Defense. Several years ago, I offered an amendment—which was passed—which provided that the DOD list virtually all of the fraud committed within the DOD. We have that report, and it is rather astounding. People should read it. Right now what this amendment does is it says to the DOD: Get your act together, hire the necessary well-trained staff so they are monitoring the contracts and making sure we do not continue to see the pervasive amount of fraud committed against the taxpayers of this country or the Defense Department. I would hope very much that amendment gets widespread support and that we see it passed.

There is another amendment we have offered, which I think is equally important, and that deals with making sure the Department of Defense—which turns out to be the largest single consumer of energy in the United States of America. Obviously, the Department of Defense has huge resources, controls huge numbers of buildings, has enormous aircraft, and so forth and so on. It is by far the single largest consumer of energy in the United States, accounting for approximately 90 percent of Federal energy consumption, with an annual energy cost of up to \$18 billion. So the Department of Defense spends \$18 billion on energy costs alone. I think, in recent years, the Department of Defense has understood the importance of trying to move toward energy efficiency in terms of saving energy, but we have a long way to go.

The major program to help cut energy consumption and costs at our military bases is called the Energy Conservation Investment Program. This is a very important program, although a relatively small program. This program has operated for more than 10 years, helping to invest in programs for more energy-efficient lighting, for example, at an Air Force base in Alaska, geothermal heating at Fort Knox Army Base in Kentucky, wind turbines for an Army base in Arizona, and solar power for the Air Force in Colorado.

Historically, according to the Department of Defense, every \$1 used by the Energy Conservation Investment Program yields \$2 in savings. We invest in energy efficiency; we invest in sustainable energy. For every \$1 invested, we save \$2. This makes it a very positive program for the DOD. Some projects, such as energy efficiency improvements at a Navy base in Cali-

fornia, achieve greater than \$15 in savings for every \$1 invested.

The Department itself, the DOD, has stated this program achieves “long-term public benefits by investing in technologies that increase economic efficiency and health benefits, build new sources of renewable energy, enhance job creation/retention, improve military facilities, and improve the quality of life for our troops and their families.”

Unfortunately, the authorization for this program in the current Defense authorization bill is \$135 million, a relatively small amount of money for a Department of Defense which spends about \$18 billion every year on energy. I think what we want to see is, A, the DOD save money through energy efficiency and sustainable energy and, secondly, become a model for the country as we attempt to break our dependence on fossil fuel, foreign oil, and we attempt to cut back on greenhouse gas emissions.

I can tell you that in the State of Vermont, we have our National Guard base, where we have worked with them to install a major solar installation which will pay a significant part of their electric bill. Frankly, I would like to see this done on National Guard bases all over the country and to the Active-Duty structures as well.

The bottom line is, we are currently spending about \$135 million, a relatively small amount of money compared to the \$18 billion energy bill run up by the DOD. What this amendment would do is increase the authorization for the Energy Conservation Investment Program to \$200 million, up from \$135 million—not anywhere near as much as I think we should be doing, but it is a step forward in helping the Department of Defense save money on their energy bill, break our dependence on foreign oil, and help us cut greenhouse gas emissions.

We know there remain many worthy projects at our military bases that have not yet been funded at today’s funding levels that could be funded if my amendment were to pass. The amendment is fully offset and paid for by reducing expenditures on construction at overseas’ bases, while still leaving nearly \$300 million in funding for that purpose. I think that is a decent offset.

I applaud the Department of Defense and the military for the strides they have made so far in investing in energy efficiency and renewable energy. There are some wonderful projects going on all over this country—in fact, all over the world—under the DOD, and they deserve credit for that. They can and should be a leader for our country, but we still have a very long way to go.

I would ask for support from my colleagues for this amendment, which will save the Department of Defense money, will help break our dependency on foreign oil, move us to energy independence, and cut greenhouse gas emissions.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Arizona.

AMENDMENT NO. 1230, AS MODIFIED, WITHDRAWN

Mr. MCCAIN. I ask unanimous consent to withdraw McCain amendment No. 1230, as modified.

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

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1172, AS MODIFIED

Mr. CORKER. Mr. President, I ask unanimous consent that a modification to amendment No. 1172 be accepted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1172), as modified, is as follows:

(Purpose: To require a report assessing the reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom)

At the end of subtitle B of title XII, add the following:

**SEC. 1230. REPORT ON COALITION SUPPORT FUND REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN FOR OPERATIONS CONDUCTED IN SUPPORT OF OPERATION ENDURING FREEDOM.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, shall submit a report to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives assessing the effectiveness of the Coalition Support Fund reimbursements to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of the types of reimbursements requested by the Government of Pakistan.

(2) The total amount reimbursed to the Government of Pakistan since the beginning of Operation Enduring Freedom, in the aggregate and by fiscal year.

(3) The percentage and types of reimbursement requests made by the Government of Pakistan for which the United States Government has deferred or not provided payment.

(4) An assessment of the effectiveness of Coalition Support Fund reimbursements in supporting operations conducted by the Government of Pakistan in support of Operation

Enduring Freedom and of the impact of those operations in containing the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to impede the operations of the United States in Afghanistan.

(5) Recommendations if any, relative to potential alternatives to or termination of reimbursements from the Coalition Support Fund to the Government of Pakistan, taking into account the transition plan for Afghanistan.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

Mr. CORKER. Mr. President, I wish to speak briefly about this amendment. I think most people in this body understand we are reimbursing the Pakistani military for efforts they are putting forth on behalf of what we are doing in Afghanistan in Enduring Freedom. We have crafted an amendment that asks for certain reporting to take place from the Pentagon and for them to look at ways of diminishing this reimbursement over time as we wind down our operations in Afghanistan.

This amendment has been drafted in such a way as to not further escalate tensions between us and the Government of Pakistan. This is a good-government type of amendment that asks the Pentagon to begin looking at ways of decreasing the support we are giving to the Pakistani military on our behalf regarding Afghanistan as we wind down our operations there simultaneously.

It is my understanding that both the chairman and ranking member of the Armed Services Committee have accepted this, there is no hold from the majority on the Foreign Relations Committee, and I hope we will have an opportunity to vote and pass this by voice vote very soon.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I support the amendment, as modified, by the Senator from Tennessee, Mr. CORKER, who has devoted a great deal of time and effort and thought to this issue, and the result is this amendment. I point out that it would require the Secretary of Defense to prepare a report on the effectiveness of coalition support fund reimbursements made to Pakistan in support of coalition military operations in Afghanistan.

Before I proceed, let me once again express my deep condolences to the families of the Pakistani soldiers who were killed this weekend in a cross-border air action. All Americans are deeply saddened by this tragedy, and I fully support NATO and the U.S. military in their commitment to conduct a thorough and expeditious investigation.

As my colleagues will recall—this is an important aspect of Senator CORKER's amendment—Congress has authorized and appropriated funding for coalition support fund reimbursements to Pakistan since we began our military operations in Afghanistan. At the time, Pakistan made a strategic

decision to support the U.S. war effort against the Taliban government in Afghanistan and their al-Qaida terrorist allies. In response, Congress and the Bush administration agreed to reimburse the Pakistani Government for military activities that support our mission in Afghanistan.

Over the past decade, Congress has provided billions of dollars worth of these reimbursements to Pakistan, and we should acknowledge that much good has come of it. Over the past few years in particular, Pakistan has shifted tens of thousands of their soldiers from the eastern border of their country opposite India to the tribal areas in western Pakistan. Pakistani troops have been deployed and engaged in military operations in their western provinces and tribal areas for more than 2 years straight. They have paid a heavy price in this prolonged fighting.

Hundreds of Pakistani troops have given their lives to fight our mutual terrorist enemies in their country, and thousands of Pakistani civilians have been tragically murdered in the same time by these militant groups who show no compunction about attacking weddings and funerals and mosques. We honor the sacrifice of Pakistan's soldiers, and we mourn the loss of innocent Pakistani civilians.

It must be noted, however, that certain deeply troubling realities exist within Pakistan. It must be noted that elements in Pakistan's army and intelligence service continue to support the Haqqani Network and other terrorist groups that are killing U.S. troops in Afghanistan, as well as innocent civilians in Afghanistan, India, and Pakistan. It must also be noted that the vast majority of the materials for improvised explosive devices that are maiming and killing U.S. troops in Afghanistan originate within Pakistan. These are facts. We cannot deny them. Any effective strategy for Pakistan and Afghanistan must proceed from this realistic basis.

It is for this reason that I believe this amendment and this report would be extremely useful. Already, in response to recent Pakistani activities, the administration has chosen to withhold coalition support fund reimbursements to Pakistan. Over the past two quarters, that withheld money amounts to roughly \$600 million. I can imagine that, amid the current tensions, further administration requests to Congress for reimbursement of coalition support funds for Pakistan will not be forthcoming.

The report requested in this amendment would seek additional information on the amounts, types, and effectiveness of coalition support fund reimbursements to the Government of Pakistan. It also would seek recommendations as to the future disposition of this program, including potential alternatives to it or the possible termination of it altogether. That option cannot be ruled out. This is valuable information and recommendations

to have as Congress continues to discuss and debate not just the future of the coalition support fund reimbursements to Pakistan but the future of our relationship with Pakistan more broadly. I strongly support this amendment.

Again, I don't want to spend too much time stating the facts. This is a terrible dilemma. The fact is that Pakistan is a nuclear nation. They have a significant nuclear inventory. The fact is that for 10 years we and Pakistan had virtually no relations. We found that not to be a productive exercise. But at the same time, when there exists—as my colleague from Tennessee agrees—two fertilizer factories from which come the majority of the materials used for the majority of IEDs manufactured and that are killing young Americans, it is not tolerable. I understand, as I have said earlier in my comments, the tragedy that resulted from the deaths of these young Pakistani soldiers. I also understand, as every one of us does, what it is like to call a family member of a young man or woman who has lost their life in Afghanistan, which has happened many times, as a result of an IED.

In a hearing of the Armed Services Committee, the then-Chairman of the Joint Chiefs of Staff ADM Mike Mullen, stated:

The fact remains that the Quetta Shura and the Haqqani Network operate from Pakistan with impunity.

I wish to repeat, these are the words of the former Chairman of the Joint Chiefs of Staff.

Extremist organizations serving as proxies of the government of Pakistan are attacking Afghan troops and civilians as well as U.S. soldiers. For example, we believe the Haqqani Network—which has long enjoyed the support and protection of the Pakistani government and is, in many ways, a strategic arm of Pakistan's Inter-Services Intelligence Agency—is responsible for the September 13th attacks against the U.S. embassy in Kabul.

He goes on to say:

This is ample evidence confirming that the Haqqanis were behind the June 28th attack against the Inter-Continental Hotel in Kabul and the September 10th truck bomb attack that killed five Afghans and injured another 96 individuals, 77 of whom were U.S. soldiers . . .

Finally, another comment by Admiral Mullen who, by the way, worked very hard for a long period of time to develop a close working relationship with General Kayani and other military leaders in Pakistan. He went on to say:

The Quetta Shura and the Haqqani Network are hampering efforts to improve security in Afghanistan, spoiling possibilities for broader reconciliation, and frustrating U.S.-Pakistan relations. The actions by the Pakistani government to support them—actively and passively—represents a growing problem that is undermining U.S. interests and may violate international norms, potentially warranting sanction. In supporting these groups, the government of Pakistan, particularly the Pakistani Army, continues to jeopardize

Pakistan's opportunity to be a respected and prosperous Nation with genuine regional and international influence.

Finally, I wish to say again this is an incredibly difficult challenge for U.S. security policy. We have a country on which we are dependent in many respects for supplies, for cooperation, for, hopefully, not to be a sanctuary, although it is not the case, for Taliban and al-Qaida elements. We have a country that is a nuclear power, and we have a country that has a government that I will say charitably is very weak.

It seems to me the Corker amendment is important for the American people to know exactly where we are, what policy we are going to formulate, and what measures need to be taken, because we have, as I mentioned earlier, spent billions of U.S. taxpayers' dollars. That doesn't play very well in States such as mine where we have 9 percent unemployment and more than half—or just less than half the homes underwater. So the Corker amendment isn't all we need. In fact, we need to have a national debate and discussion about the whole issue of our relations with Pakistan. But I believe the Corker amendment is a very important measure so we can assure the American people that not only are their tax dollars wisely spent but that actions are being taken to prevent needless wounding and death of our brave young men and women who are serving in the military.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I support the amendment of the Senator from Tennessee. It is a balanced amendment which deals with a very complex situation. What Senator CORKER is doing is pointing out very important facts. One is that Pakistan has received a lot of funds from the United States for this particular purpose which is aimed at helping the success of our operations in Afghanistan. The whole purpose of the coalition support fund is to reimburse Pakistan for the support they provide—for instance, in providing security for trucks and other equipment that is going through Pakistan that have oil, fuel, food going into Afghanistan to support the effort in Afghanistan. That is the purpose of these funds. It is a good purpose. This is not a foreign aid deal; this is a reimbursement deal.

The problem is that while on the one hand the Pakistanis are assisting us, on the other hand they are assisting our enemy and the enemy of mankind and the enemy of the Afghan people and the enemy of the coalition forces in Afghanistan. That is the problem. That is the dilemma which we all face and which this amendment seeks to address. Again, it does so in a way which doesn't prejudge the outcome of the assessment, but it makes a very important point, which is, as is now stated in the amended final paragraph, that we need recommendations given this "on the one hand they are with us, on the

other hand they are against us" situation. We need recommendations from the administration, if any, relating to potential alternatives to or termination of reimbursements for the coalition support fund, the Government of Pakistan, taking into account the transition plan for Afghanistan.

I agree with my friend from Arizona that we send condolences to the families of troops in Pakistan who have recently lost their lives. We also have to understand that Pakistan has paid a huge price for terrorism in their country against their people. They have paid a massive price. But what is unacceptable to us is that they are making us pay a price by providing a safe haven for the Haqqanis and for the Quetta Shura. Our troops, our families, coalition troops, coalition families, Afghan troops, and Afghan families are paying a heavy price because of the Pakistan support through their ISI for the insurgency in Afghanistan.

Admiral Mullen, a former Chairman of the Joint Chiefs of Staff, put it very succinctly. He said the Haqqani Network is a veritable arm of the Pakistan intelligence service. When he was pressed on that formulation, he said he meant every word of it.

So we have to send an important message to Pakistan, and the message is that we want a normal relationship if we can have one, but we cannot have a normal relationship if you are, on the one hand, supporting the very people who are attacking us in Afghanistan and, on the other hand, purporting to help us through the protection of supplies going through Pakistan, helping us succeed in Afghanistan.

We cannot have it both ways. They cannot have it both ways. This amendment sends a very significant and important message, I believe, to the Pakistanis and to our coalition allies and to our Afghan partners that what is going on inside Pakistan has to come to an end. I believe this will help bring that important result about. So I very much support the amendment of Mr. CORKER, the Senator from Tennessee, and hope we can adopt it.

If there is no further debate about it—there may be others who do want to debate, so I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, because of the tremendous cooperation of the Senator from Michigan and the Senator from Arizona—obviously, my goal is to call for this amendment to be adopted—I did not provide a lot of context because I know they both support this amendment. But I want to thank them both for their comments.

I do not think there are two Senators who can better articulate the issue we face in Afghanistan with Pakistan, which is both a friend and a foe on many occasions. None of us who have traveled to Afghanistan—I know these two Senators have probably more than most, but all of us who have been there have heard our generals talking about

the fact that they are fighting a war in Afghanistan that is really being led and directed out of Pakistan.

So basically we have an issue here. I think the two Senators have articulated the issue very well. The fact is, we need to know, first of all, if what we are doing in support of the Pakistan military is effective for us, and the two Senators have outlined that is a big issue.

The second piece is how we are actually reimbursing. If you talk with folks at the State Department, we literally are going through reams of invoices and documents, looking at how many bullets they have used, how much food has been supplied to the military, what is going to be counted, what is not going to be counted. We are spending more time, in many ways, accounting for this than we are really looking at how effective the aid is.

This amendment would deal with both of those issues. I thank the Senators for putting this in the proper context, and I do hope, with the Senators' support and the support of the chairman of the Foreign Relations Committee, that this is an amendment we can voice vote. I thank both Senators for their leadership on this issue but also for putting this in the appropriate context.

I yield the floor.

Mr. MCCAIN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment, as modified, is agreed to.

The amendment (No. 1172), as modified, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I believe Senator CANTWELL will want to be recognized.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The legislative clerk proceeded to call the roll.

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

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

Ms. CANTWELL. Mr. President, we continue to make progress on the Defense authorization bill. Hopefully somewhere in the Halls of Congress, we are also making progress on the FAA authorization bill and, maybe before the end of the year, getting that to a final resolve.

I know my colleagues on both sides of the aisle are working very hard, but I had to come to the Senate floor at this moment to say that Christmas came early in the Northwest today when a major deal between the Boeing Company and aerospace workers, machinists, resolved what had been a conflict in the past on how to work together.

A new relationship of working together on incentives and efficiency and performance has resulted in the Boeing Company making a decision to build the next-generation 737 MAX plane in the Pacific Northwest. That is great news for aerospace workers in Puget Sound. It means there is going to be a skill set for building fuel-efficient planes for many years to come. But it is a great testament to both the company and the workers who—a year ago you probably heard more about the NLRB issue, and now what you are hearing about is an agreement on a multiyear contract that is going to get these workers jobs in building planes with the next-generation technology.

This is very big and important news not just for the Pacific Northwest but for the country because it means we can come together to resolve differences. I would hope the Senate might apply some of the same things because the dispute as to where these two organizations were about how to proceed to the future obviously had a lot of discussion, even here on the Senate floor, and yet now today we see them coming together in a huge milestone agreement that means more planes are going to be built, in an agreement where workers and the company are working together to improve performance and deliver these planes, which many people want because they are so fuel-efficient, on time.

So for the Northwest to have this kind of boost, this shot in the arm, at this point in time is really important. I expect that as this agreement and the agreement details are seen by many people, they will see this really is a way forward for the Northwest to continue to be at the top of the aerospace game. That is important because the United States needs to be at the top of the aerospace game. We are facing tough competition from many countries such as China and Europe and others that are trying to lure the manufacturing base away from the United States.

What we see in the Northwest is that not only do you have a company such as Boeing, but you have a chain of many suppliers that are also working to make aerospace manufacturing in the United States one of the key industries in which the United States is world premier.

So I say congratulations to both the company and to the machinists and to Machinists International for their hard work on inking this deal. I hope it will bring much benefit and economic growth not just to Puget Sound—certainly to there—but to the rest of the country as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1126

Mr. KIRK. Mr. President, I rise in support of the Feinstein amendment with regard to section 1031 of this legislation. I am particularly worried because, unlike the authorized use of

force original doctrine and legislation passed by the Congress, we limited the authority of the President and the U.S. military to those connected directly to the September 11 mass murder of Americans. I think, in times of emergency, I understand that. But the legislation would be the first congressional authorization to go far beyond that, to say that any “person who . . . substantially supported al-Qaeda, the Taliban, or associated forces”—undefined—“ . . . including any person who has committed a belligerent act” would be allowed to be picked up by U.S. military authorities and held in U.S. military detention.

While I am in favor of robust and flexible U.S. military action overseas, including action against American citizens waging war against the United States, such as Anwar Al-Awlaki, I think we all should agree on a special zone of protection inside the jurisdiction of the United States on behalf of U.S. citizens.

I say this in support of the Feinstein amendment because I took the time—as we all should from time to time, serving in this body—to re-read the Constitution of the United States yesterday. The Constitution says quite clearly: In the trial of all crimes—no exception—there shall be a jury, and the trial shall be held in the State where said crimes have been committed. Clearly, the Founding Fathers were talking about a civilian court, of which the U.S. person is brought before in its jurisdiction.

They talk about treason against the United States, including war in the United States. The Constitution says it “shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.

The following sentence is instructive:

No person—

“No person,” it says—

shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

I would say that pretty clearly, “open court” is likely to be civilian court.

Further, the Constitution goes on, that when a person is charged with treason, a felony, or other crime, that person shall be “removed to the State having Jurisdiction of the Crime”—once again contemplating civilian, State court and not the U.S. military.

As everyone knows, we have amended the Constitution many times. The fourth amendment of the Constitution is instructive here. It says:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures—

Including, by the way, the seizure of the person

shall not be violated, and no Warrants shall issue, [except] upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Now, in section 1031(b)(2), I do not see the requirement for a civilian judge to

issue a warrant. So it appears this legislation directly violates the fourth amendment of the Constitution with regard to those rights which are inalienable, according to the Declaration of Independence, and should be inviolate as your birth right as an American citizen.

Recall the fifth amendment, which says:

No person—

By the way, remember, “no person”; there is not an exception here.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment—

Hear the words—

of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War—

Meaning there is a separate jurisdiction for U.S. citizens who are in the uniformed service of the United States. But unless you are in the service of the United States, you are one of those “no persons” who shall be answerable for a “capital” or “infamous crime,” except on “indictment of a Grand Jury.”

The sixth amendment says:

In all criminal prosecutions—

Not some, not by exception; in all criminal prosecutions—

the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed. . . .

I go on to these because I regard all of these rights as inherent to U.S. citizens, granted to them by their birth in the United States.

If we go on through the Constitution’s amendments, we find in the fourteenth amendment that it says:

No State shall make or enforce any law—

Any law—

which shall abridge the privileges or immunities of citizens of the United States. . . .

I realize these powers have been defined by courts. But we would recall that even Abraham Lincoln *ex post facto* lost his ability to suspend the writ of habeas corpus pursuant to a Supreme Court decision; that in the case of *Hamdi v. Rumsfeld*, the Court did recognize that under the 2001 statute, the President is authorized to detain persons captured while fighting U.S. forces in Afghanistan. But I will recall—and, by the way, this included American citizens—I will recall that was in Afghanistan.

Clearly, we see in the case where an American citizen has gone to a foreign jurisdiction, joined a terrorist organization or foreign military, and is waging war on the United States, they can be held as a detainee of the U.S. military. Why didn’t this legislation say that? Why did it not restrict its purview to those provisions? In *Padilla v. Hanft*, the Fourth Circuit did allow the capture of a U.S. citizen, Padilla—by the way, arrested at O’Hare Airport, a U.S. citizen and held in military detention. The Fourth Circuit said because he had foreign training and a foreign connection that it was legal to hold him.



But, remember, very soon thereafter the Bush administration surrendered this case. I think the Bush administration realized they were about to lose in the Supreme Court on the subject of whether the U.S. military could arrest and detain a U.S. citizen and to deprive them of their rights and subject them only to review under a petition of habeas corpus. I think they realized they had to kick Padilla into the civilian court system, and therefore they did. It is only in that context that we should read the Padilla decision.

I think the bottom line is this: We funded a multihundred-billion-dollar Department of Defense, in the words of the movie, to put men on that wall, that we need on that wall, to defend us against foreign threats, and they must do hard and difficult things, including sometimes to U.S. citizens, such as Anwar al-Awlaki, who are waging war on the United States from a terrorist base in Yemen.

But the whole purpose of this exercise and this institution is to defend the rights of the United States and U.S. citizens inside their own country. One of the first things a person does when they join the U.S. military is not to swear allegiance to a President or to a foreign leader but actually swear allegiance to the Constitution of the United States and to its rights.

What is the whole purpose of the Constitution? It is to defend our rights against the government because we are one of those unique governments that “posits” a limited government and which rights are reserved according to the 10th amendment to the States or the individuals; that our rights supersede the government’s. So we cannot say for an individual, for example, in Wisconsin, who has never been abroad, who may or may not have committed an act or may or may not have one association, that suddenly the U.S. military can roll in on that person, seize him or her, hold them in military detention, and only subject review of that case by one habeas corpus petition.

I would argue, then, that all of our rights as American citizens hang on the decision of the President of the United States; that if the President of the United States decides a person is substantially part of al-Qaida, the Taliban, or associated forces engaged in hostilities against the United States or they have committed a belligerent act or supported such hostilities in aid of such forces, all of their rights as an American citizen are now forfeited. Clearly, that is not the case.

The Founding Fathers understood the power of the state run amok under a distant king who did not regard the rights of the individual as worth much. We founded a republic and then wrote a constitution to defend those rights. While we face a very difficult and dangerous world overseas and have to do difficult and dangerous things, which I support, we should make sure there is a place for peace and justice and rights inside the United States.

So for us, in looking at this provision, the Feinstein amendment clearly limits the scope of this legislation in an appropriate way—that we do the difficult things overseas. But the whole purpose of the Department of Defense is to defend the United States and those rights inside our country, but that we as U.S. citizens, especially when we are inside this country, have inalienable rights which cannot be separated from us by any executive action; that we can only be held, incarcerated, that we can only have our liberties taken away from us on indictment of a grand jury, before a civilian court, and with a presumption beyond a reasonable doubt by unanimous vote of that jury.

That is the essence of who we are as Americans, and it is a historic decision that we would make if we allow this power to go forward. I think that is why Senator PAUL and I were the only two Republicans to vote against this. That is why so many e-mails and letters that I have received in the last few hours support this decision.

I understand that others have a different view. They describe the United States as a battlefield. I would say that is an overly harsh determination of how cheaply our rights can be held; that we have a multihundred-billion-dollar Defense Department; that we have a substantial and capable FBI; that we have enormous State and city and local police establishments, all with the capabilities to investigate and prosecute crimes, but under the Constitution of the United States; and that if we hold U.S. citizens as capable of losing their rights on an executive branch decision, that not beyond the shadow of a doubt but on a lower standard of care, that in the executive branch’s view a person is connected to one of those things, then our rights are not worth very much.

I would say the whole purpose of the Constitution is to hold our rights higher than the government and subject only to review by a civilian court. That review, as described in the Constitution of the United States, is far more than a habeas corpus review. The text of the Constitution specifically refers to grand jury indictment.

For those who have questions, I would urge them, first, take a moment to reread the Constitution, that first document which, as a member of the U.S. military or as an elected Member of this body, we have to swear allegiance to, and then make up their minds. I think when they do, they will support the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I must admit that I have heard some bizarre arguments in my time as a Member of this body in referencing the Constitution of the United States as a basis for the argument. Now, it is my understanding my friend from South Carolina—I ask unanimous consent to enter

into a colloquy with the Senator from South Carolina.

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

Mr. MCCAIN. It is my understanding that under the Constitution, it is the Supreme Court of the United States that gives the interpretation of the Constitution as to various laws and challenges to the Constitution. It is their responsibility. Is that a correct assumption?

Mr. GRAHAM. Yes, it is.

Mr. MCCAIN. So our colleague from Illinois who continues to quote from the Constitution of the United States fails to quote from the specific addressing of this issue by the U.S. Supreme Court, specifically the Hamdan decision. Is that correct?

Mr. GRAHAM. That is correct.

Mr. MCCAIN. Is it not true that according to that decision, the U.S. Supreme Court, whom we ask to interpret the Constitution of the United States—they have made many interpretations over the years—says there is no bar to this Nation’s holding one of its own citizens as an enemy combatant.

Now, one would think to the casual observer that is exactly what the U.S. Supreme Court meant. It is fairly plain language, not really complicated. I am not a lawyer, but how the Senator from Illinois, quoting from inalienable rights, can somehow totally disregard in every way what the U.S. Supreme Court says—they go on to say we hold that “citizens who associate themselves with the military arm of the enemy government”—and I believe, in the view of most, they would view that as a member of al-Qaida, which this legislation specifically addresses. We hold that “citizens who associate themselves with the military arm of the enemy government and with its aid, guidance and direction,” which is exactly, basically, the language of our legislation, “aid, guidance and direction enter this country,” enter this country, “bent on hostile acts are enemy belligerents within the meaning of the law of war.”

How can anything be more clear to the Senator from Illinois? I mean, it is beyond belief. It is beyond belief.

They then go on and talk about the Civil War, the U.S. Supreme Court does. They talk about the Civil War. They talk about a code binding the Union Army during the Civil War that captured rebels would be treated as prisoners of war. So a citizen, no less than an alien, can “be part of or supporting forces hostile to the United States or coalition partners and engaged in an armed conflict against the United States.”

Now, after 9/11, we declared that we were at war with al-Qaida. Is that correct?

Mr. GRAHAM. Yes.

Mr. MCCAIN. So we are at war. We have American citizens who are enemy combatants. Yet the Senator from Illinois, in the most bizarre fashion that I have heard, says, therefore, they are

guaranteed the protections of—as he said—a trial.

I mean, I do not get it. Maybe the Senator from South Carolina can explain.

Mr. GRAHAM. I will be glad to yield to my friend from Illinois. Let me just try to set the stage the best I can. And I would love to have Senator LEVIN weigh in and anyone else.

The law, as it exists today, to my good friend from Illinois, has long held that when an American citizen collaborates with the enemy, that is an act of war, not a common crime. The constitutional review provided by the Supreme Court in cases involving American citizens collaborating with the enemy has said that we view that as an act of war and we apply the law of war. So our Supreme Court, in the Hamdi case just a few years ago, upheld the ruling in the In re Quirin case, which went back to World War II.

In that case, we had American citizens assisting Nazi saboteurs. The Supreme Court ruled that citizenship status does not prevent someone from being treated as part of the enemy force when they choose to join the enemy.

Why is this important? My good friend from Illinois is an intel officer. Intelligence gathering is part of war. An enemy combatant can be interrogated by our military intelligence community without Miranda rights. They can be held for an indefinite period of time to be questioned about past, present, and future attacks. The Supreme Court has legitimized that process because the individual in question was an American citizen captured in Afghanistan.

He pled to the Court: You cannot hold me as an enemy combatant because I am an American citizen.

The Court said: No, there is a long history in this country of having American citizens who collaborate with the enemy to be held as an enemy combatant.

Unfortunately, in every war we have engaged in, American citizens have provided aid and comfort to the enemy. In World War II we had American citizens assisting Nazi saboteurs.

Mr. MCCAIN. Was not one of the most famous cases a woman whose name was Tokyo Rose, who propagandized—she was an American citizen. She propagandized on behalf of the Japanese when we were in the war. Afterwards she was given a military trial.

Mr. GRAHAM. Yes. The point is—

Mr. MCCAIN. Not a civilian trial, not given her Miranda rights, but tried by military tribunal.

Mr. GRAHAM. Right. What we have done in the Military Commissions Act in 2009, civilians, American citizens cannot be tried in military commissions. It can only go to Federal court. But the point we are trying to make is it has been long held in this country that when an American citizen abroad or on the homeland decides to help the

enemy, we have the right to hold them, not under a criminal theory but under the law of war because their effort to help the enemy, I say to my good friend from Illinois, is an act of war against their fellow citizens.

This is so important. If we deny our country the ability to hold and interrogate an American citizen who has joined forces with al-Qaida, we lose the ability to find out the intelligence they may have to keep us safe. If the choice is that an American citizen who chooses to collaborate with al-Qaida must be put in the criminal justice system, meaning they will have criminalized the war, the Congress will have restricted executive branch power.

To make it clear—please understand, I say to Senator FEINSTEIN—the courts of the United States have acknowledged that the executive branch can hold an American citizen as an enemy combatant when they engage and assist the enemy. The courts of the United States recognize the power of the executive to do that as Commander in Chief.

The question for us is, Do we want to be the first Congress in the history of the Nation to say to the executive branch that they no longer have that power given to them by the courts, inherent with being Commander in Chief, to protect us against enemies foreign and domestic.

I argue to my colleagues, given the threats we face from homegrown terrorism, from al-Qaida groups and their affiliates, that now is not the time to change the law preventing our military intelligence community from holding an American citizen who is helping the enemy on the homeland and prevent them from gathering intelligence.

I argue that the reason no other Congress has done this in past wars is because it didn't make a lot of sense. I argue that if a Senator came to the floor of the Senate during World War II and suggested that an American citizen who sided with the Nazis to sabotage American interests here could not be held as an enemy combatant, they would have been run out of town because most citizens would say anybody who helps the enemy—citizen or not—is a threat to our country.

Unlike other wars, we do have due process that exists today that never existed before. No Nazi soldier was able to go to a Federal court and say: Judge, let me go. The reason I have agreed, and the courts have applied habeas review to enemy combatant determination, is this is a war without end.

How does one become an enemy combatant? The executive branch makes the accusation. They have to follow the statutory criteria. This is a limited group of people in a limited classification. American citizen or not, if someone falls into this group, they can be held as an enemy combatant. But the executive branch has to prove to an independent judiciary that the case is sufficient, and under the law the judge has to agree with the military; we have

an independent judiciary looking over the shoulder of the military in this war, unlike at any other time. So the government has to prove to a Federal judge, by a preponderance of the evidence, that this person is, in fact, an enemy combatant. If the judge disagrees, they are let go. If the judge agrees, we hold the enemy combatant, and they get an annual review process as to whether future detention is warranted. So we have robust due process.

But please understand what the Feinstein amendment is about. It is about the Congress of the United States, the Senate of the United States, for the first time in American history, restricting the ability of the executive branch to hold an American citizen who is collaborating with the enemy and question them under the law of war. If we do that to ourselves, we will regret it. I don't want to be in the first Congress, in the times in which we live, to change the law to deny our intelligence community and the Department of Defense the ability to deal with American citizens who have decided on their own to become part of al-Qaida. The day one decides they are going to side with al-Qaida, they have committed an act of war against the rest of us, and the courts acknowledge they can be held as an enemy combatant, not a common criminal.

The question for the Congress is, Do we want to undo that in the times in which we live? I plead with everybody in this body, get yourself educated about what the law is today. I ask Senator LEVIN, we have done nothing to change the law in this bill; is that correct?

Mr. LEVIN. Not only does 1031, the overall section, not change the law, it incorporates it, according to the administration's own statement of policy on what the current law is. The Senator is right. There is nothing in here which in any way affects habeas corpus, nor should we seek to do so. Habeas corpus remains exactly as it is. We could not change it if we wanted to, and we don't want to.

While the Senator asked me a question, I wish to answer a question with a question to him. Is it not true that for the first time, we provide that where there is going to be an unprivileged enemy belligerent who could be held in long-term detention under the law of war—for the first time we provide a judge and a lawyer to that person; is that right?

Mr. GRAHAM. That is correct, and we have been working on that together for 5 years. To respond, if I may, because I think it is a very good discussion, does the Senator agree with me that under the law that exists today, in terms of the Supreme Court rulings, an American citizen can be held as an enemy combatant?

Mr. LEVIN. I read this yesterday, and I will read it again now. The Senator is right. I don't know how anybody reading this can reach any other conclusion but what the Supreme

Court says, not because they are right or wrong but because of the Supreme Court: "There is no bar to this Nation's holding one of its own citizens as an enemy combatant."

By the way, nor should there be, in my judgment.

Mr. GRAHAM. Does the Senator agree that in past wars American citizens, unfortunately, have collaborated with the enemy?

Mr. LEVIN. They have, and they have been treated as enemy combatants.

Mr. GRAHAM. Does he agree with me that in World War II some American citizens agreed to assist the Nazis and were held as enemy combatants?

Mr. LEVIN. I agree.

Mr. GRAHAM. Does the Senator agree it is good policy to hold and interrogate someone who is helping al-Qaida to find out what they know?

Mr. LEVIN. It is good policy. If they decline, under the procedures under our language, the person should be first interrogated for whatever length of time those procedures provide—by the FBI, local police or anybody else. They have the right to do that.

Mr. GRAHAM. Does the Senator agree that the criminal justice system is not set up to gather military intelligence?

Mr. LEVIN. Yes.

Mr. McCAIN. To interrupt, briefly, I wonder—in the interpretation of the Senator from Illinois of the Constitution of the United States—if it is an American citizen, say, somewhere over in Pakistan, who is plotting and seeking to destroy American citizens, it is OK for us to send a predator and fire and kill that person, but according to the interpretation of the Senator from Illinois, if that person were apprehended in Charleston planning to blow up Shaw Air Force Base, then that person would be given his Miranda rights, how in the world does that fit?

Again, this is one of the more bizarre discussions I have had in the 20-some years I have been a Member of this body.

Mr. GRAHAM. Under the law as it exists today, an American citizen can be held as an enemy combatant. The question we are debating on the floor—Senator FEINSTEIN is saying that in the future an American citizen who is deemed to have collaborated with al-Qaida or the Taliban or others could no longer be held as an enemy combatant for an indefinite period, which means we cannot gather military intelligence as to what they know about past, present, and future attacks.

I argue we would be the first Congress in history to bring about that result and that now would be the worst time in American history to do that. If we cannot hold a citizen who is suspected of assisting al-Qaida under the law of war, the only option is to put them in the criminal justice system. Then we cannot hold them indefinitely, and we cannot ask about present, past or future attacks because now we are

investigating a crime, nor should we be allowed to do that under criminal law.

The point is that when a person assists the enemy, whether at home or abroad, they have committed an act of war against our citizens, and the Supreme Court has acknowledged that the executive branch has the power to hold them as an enemy combatant. The question is, Are we going to change that and say in the 21st century, in 2011, every American citizen who chooses to cooperate with al-Qaida can no longer be interrogated for intelligence-gathering purposes by our Department of Defense and our intelligence community; that they have to go into the criminal justice system right off the bat, where they are given a lawyer and are read their Miranda rights? If we do that, we are going to deny ourselves valuable intelligence. We would be saying to our citizens that we no longer treat helping al-Qaida as an act of war against the rest of us.

If one suggested during World War II that someone who collaborated with the Nazis should be viewed as a common criminal, most Americans would have said: No, they turned on their fellow citizens and they are now part of the enemy.

All I want to do is keep the law as it is because we need it now more than ever. I am sensitive to due process. There is more due process in this war. Every enemy combatant being held at Guantanamo Bay, captured in the United States, has to go before a Federal judge. The military has to prove their case to a Federal judge. There is an annual review process. That makes sense to me. What doesn't make sense to me is for this country and this Senate to overturn a power that makes eminent sense when we need it the most. It doesn't make sense to set aside a Supreme Court case that acknowledges that when an American citizen affiliates with al-Qaida, that is an act of war against the rest of us and to criminalize that conduct, denying us the ability to gather intelligence. If we go down that road, we have weakened ourselves as a people, without any higher purpose.

To those American citizens thinking about helping al-Qaida, please know what will come your way: death, detention, prosecution. If you are thinking about plotting with the enemy inside our country to do the rest of us harm, please understand what is coming your way: the full force of the law.

The law I am talking about is the law of armed conflict. You subject yourself to being held as an enemy of the people of the United States, interrogated about what you know and why you did what you did or planned to do, and you subject yourself to imprisonment and death. The reason you subject yourself to that regime is because your decision to turn on the rest of us and help a group of people who would destroy our way of life is not something we idly accept. It is not a common, everyday crime. It is a decision by you to com-

mit an act of aggression against the rest of us.

I hope and pray this Senate will not, for the first time in American history, deny our ability to interrogate and find intelligence from those citizens who choose to associate with the enemy on our soil, because if we do that, it will be a deviation from the law that has existed at a time when we need that law the most.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I will yield to Senator FEINSTEIN in a minute. I appreciate the debate with my friends and mentors. The three of us who were just debating were all military officers, but we have different views. We are dangerously close to being similar to the House of Representatives, where they have face-to-face debate. I appreciate that.

The law that should not be changed is the Constitution of the United States, and we realize the regulations of the United States have force, that the statutes of the United States have greater force, and the Supreme Court decisions have even greater force. But no document is above the actual words of the Constitution. I will say those words are our birthright as American citizens.

The sixth amendment says you shall be secure in your person and that shall not be violated and no warrant shall issue except upon probable cause—meaning that a court has made that decision. Your first amendment rights say that no person—and there is no exception in the Constitution—shall be held to answer for capital or otherwise infamous crimes, unless presentment or indictment of a grand jury.

By the way, I am talking specifically about a U.S. person inside the jurisdiction of the United States. Our sixth amendment right says that in all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial. Our fourteenth amendment right says no State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States. These are, without question, for U.S. citizens. There is a balancing act between the threats we perceive. We know the threats from foreign enemies and terrorists. That is well known to us, especially the new generation of Americans who witnessed the mass murders of September 11.

The Founding Fathers were also wrestling with another threat—the threat of the state, the government itself, against its own individuals and the abuse of power. We would forget the lesson of history, unless we understood that is a threat as well. We are told there will be no intelligence benefit if a U.S. citizen who is arrested can't be interrogated by Homeland Defense or FBI people. And yet, I would say, as a member of the intelligence community, the FBI and the Department of Homeland Security are part of the intelligence community and feed

information into the intelligence community and can be used.

One of the key ideas behind our American government is it is not what we do, it is how we do it. One of the things missing in section 1031 is who is the decider. The decider in this case is the suspicion of being part of the al-Qaida, the Taliban, or committing that belligerent act, but we have no court making the decision. As an American, you no longer have a right to the civilian court system, and those rights are inherent to you and are your birthright as an American citizen.

We should make sure that what we do here and now is that we understand your rights; that as an American citizen you can only be incarcerated on indictment by a grand jury, which is by a preponderance of evidence; and then conviction is beyond the shadow of a doubt. Under this language, if you are accused of being part of al-Qaida or the Taliban, or of committing an act, you can be held subject to only one habeas review on a preponderance of evidence.

Most Americans think you can only be convicted of a crime in the United States beyond the shadow of a doubt by a jury of your peers. But if this is passed, that is no longer true. We want to make sure the decider always is a civilian article III court. We are talking about a very specific definition here inside the jurisdiction of the United States among American citizens.

I agree we can kill Anwar al-Awlaki, who is making war on the United States from a foreign jurisdiction. But when we are inside the United States, the whole point of the U.S. military and our establishment is to defend our rights, and those rights cannot be taken away from us by any executive action. They can only be taken away from us by action of a civilian court, by a jury of our peers and by their decision beyond a shadow of a doubt.

With that, I yield for the Senator from California, whose amendment I so strongly support.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I want one quick moment to respond and then I will propound a unanimous consent request.

We couldn't change the Constitution here if we wanted to, and nobody does want to. And that includes the right of habeas corpus. All the constitutional rights which the Senator from Illinois talked about are constitutional rights. They are there. They are guaranteed. They couldn't be changed by the Congress if we wanted to, and I hope nobody wants to change those rights.

But what the Senator ignores, and what has been ignored generally here, is that there is another path, and the Supreme Court has approved this path so that if any American citizen joins a foreign army in attacking us, that person may be treated as an enemy combatant. That is not me speaking. That is the Supreme Court in Hamdi.

There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

If you join an army and attack us, you can be treated as an enemy combatant. The Supreme Court has said so more than once.

My unanimous consent request is the following: that the Senator from California be recognized first for whatever comments she wishes to make, then the senior Senator from Illinois be recognized to speak on whatever subject he wishes—on the amendment of the Senator from California or whatever—and then Senator MERKLEY's amendment be in order to be called up by Senator MERKLEY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. I thank the distinguished manager of the bill, and I say to the distinguished senior Senator from Illinois, who is here, I will try to be relatively brief. But I would also say that seldom do we get an opportunity on the floor of the Senate to debate what is fundamental to this American democracy. In a sense, I am pleased this issue has now been aired publicly because I think we can address it directly.

Senator DURBIN, I also want to thank your colleague, the junior Senator from Illinois, Senator KIRK, for his co-sponsorship of this amendment.

The fact of the matter is, the original draft of this defense bill had this language in it:

The authority to detain a person under this section does not extend to the detention of citizens or lawful resident aliens of the United States on the basis of conduct taking place in the United States except to the extent permitted by the Constitution of the United States.

That was removed from the bill. Essentially, what we are trying to do is put back in that you cannot indefinitely detain a citizen—just a citizen—of the United States without trial. Due process is a basic right of this democracy. It is given to us because we are citizens of the United States. And due process requires that we not authorize indefinite detention of our citizens.

Where I profoundly disagree with the very distinguished chairman and ranking member of the Armed Services Committee is by saying that Ex parte Quirin established the law for U.S. citizens in this area that still holds. It does not. I went to the Hamdi opinion, and I wish to read some of the plurality opinion as written by Justice O'Connor. This first quote is from page 23 of her opinion.

As critical as the government's interest may be in detaining those who actually pose an immediate threat to the national security of the United States during ongoing international conflict, history and common sense teach us that an unchecked system of detention carries the potential to become a means for oppression and abuse of others who do not present that sort of threat.

Continuing on page 24:

We reaffirm today the fundamental nature of a citizen's right to be free from involuntary confinement by his own government without due process of law, and we weigh the opposing governmental interests against the curtailment of liberty that such confinement entails.

It then goes on, referring to the Hamdi case, on page 26:

We therefore hold that a citizen-detainee seeking to challenge his classification as an enemy combatant must receive notice of the factual basis for his classification, and a fair opportunity to rebut the government's factual assertions before a neutral decision-maker.

Then to quote from Justice Scalia's opinion, which is important commentary on the 1942 case Ex parte Quirin, he says:

The government argues that our more recent jurisprudence ratifies its indefinite imprisonment of a citizen within the territorial jurisdiction of Federal courts. It places primary reliance on Ex parte Quirin, a World War II case upholding the trial by military commission of eight German saboteurs, one of whom, Hans Haupt, was a U.S. citizen.

Justice Scalia concludes:

This case was not this Court's finest hour.

Mr. President, the difference today is that we as a Congress are being asked, for the first time certainly since I have been in this body—and I believe since the senior Senator from Illinois has been in this body—to affirmatively authorize that an American citizen can be picked up and held indefinitely without being charged or tried. That is a very big deal, because in 1971 we passed a law that said you cannot do this. This was after the internment of Japanese-American citizens in World War II. It took that long, until 1971, when Richard Nixon signed the Non-Detention Act, and that law has never been violated.

The Quirin case was not about whether a U.S. citizen captured during wartime could be held indefinitely, but rather whether such an individual could be held in detention pending trial by military commission. The recent case of an American put into military custody, of course, was Jose Padilla, and there was a good deal of controversy over the years about his case. He was ultimately transferred out of military custody, tried and convicted in a civilian court.

What we are talking about here—and I am very pleased Senator KIRK and Senator LEE have joined us as cosponsors in this—is the right of our government, as specifically authorized in a law by Congress, to say that a citizen of the United States can be arrested and essentially held without trial forever.

The hypothetical example that has been offered by the Senator from Arizona, the ranking member of the committee, is: Would we want someone who is an American—who is planning to kill our people, bomb our buildings—not to be held indefinitely under the laws of war? I believe it is a different situation when it comes to American citizens. What if it is an innocent

American we are talking about? What if it is someone who was in the wrong place at the wrong time? The beauty of our Constitution and our law is it gives every citizen the right of review—review by a court, and this is what the Hamdi decision is all about. The defense bill on the floor, as written, would take us a step backward. The bill, as written, would say an American citizen can be picked up, can be held for the length of hostilities—is that 5 years, 10 years, 15 years, 20 years, 25 years, 30 years—without a trial. I say that is wrong. I say that is not the way this democracy was set up. And I also say that is totally unnecessary because our federal courts work well to prosecute terrorists. We can go back to the Shoe Bomber, as a case in point. We can go back to Abdulmutallab as a case in point. We can go back to the record of the Federal courts prosecuting over 400 terrorists since 9/11.

I want to thank Senator DURBIN for his interest in this issue and his co-sponsorship of this amendment. It is very much appreciated. I don't know whether we can win this, but I think it is very important that we try and I know we are getting more and more support as people learn more about what this bill does. I think it is very important that we build a record in this body, because I have no doubt this is going to be litigated. I hope we are successful with this amendment. I hope we can protect the rights of Americans.

Mr. President, as we have occasion to look at people in Guantanamo, we know there are people there who were in the wrong place at the wrong time. If they are going to be held forever, that is a mistake, and we don't want the same thing to happen to American citizens in this country.

This is another example of how we are over-militarizing things that aren't broken. As I have said previously here on the floor, I don't see a need for the military to go around arresting Americans. The national security division of the FBI now has some 10,000 people. They have 56 field local offices with special agents who are well equipped to arrest terrorists and also interrogate them. Certainly the Justice Department is equipped to prosecute terrorists in Federal criminal court. The conviction rate and the long sentences achieved shows their success.

I am hopeful we will be able to pass this amendment and change the bill to reflect that Americans are protected from permanent detention without trial. That is all we are trying to do.

I thank the Senator from Illinois, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say at the outset what an extraordinary job my colleague from California has done. There was a time in American history, before law schools, when people read the law and practiced the law. The Senator from California has not only read the law, she has writ-

ten many laws, and her competence in advocating this important constitutional question has been proven over and over. So I thank her for having the determination and courage to stand up for her convictions against some who would be critical of anyone who broaches the subject.

This is a controversial subject. We are talking about the security of Americans. We are talking about terrorism. We all remember a few years ago when our lives were interrupted—a time we will never forget—when terrorists attacked the United States and killed 3,000 innocent American people on 9/11. We came together in this Congress, Democrats and Republicans, and said we need to keep this country safe; that we never want that to happen again. So we passed new laws, suggested by President George W. Bush, and enacted by Democrats and Republicans in Congress.

We created new agencies, such as the TSA security agency at airports and we empowered our intelligence branches—which Senator FEINSTEIN has a particular responsibility for as chairman of the Senate Intelligence Committee—by giving them more people, more technology, and more authority, and we said to them, keep us safe.

We said to our military: We want you to be the best in the world and continue to be, and we will provide the resources for that to happen. Then we turned, as Senator FEINSTEIN has noted, to the Federal Bureau of Investigation and said: We are going to dramatically increase your numbers and give you the technology you need to keep us safe.

Here we are some 10 years later, and what can we say? We can say thanks to the leadership of President George W. Bush and Barack Obama, 9/11 was not repeated—and we never want it repeated.

We can also say, with very few exceptions, in the 10 years since 9/11 that we have done all these things consistent with America's values and principles. Other countries—and we see them even today—faced with uncertainty and insecurity throw out all of the rules of human conduct even to the point of killing their own people in the streets to maintain order. Thank God that never has occurred in the United States, and I pray it never will. Those of us who are elected to represent our States in the Senate take an oath, an oath that we are going to uphold and defend the Constitution with its values and principles. We understand that taking that oath may mean that we are accepting due process, and due process says a fair day in court for someone accused of a crime. Other countries dispense with that. They don't need a trial. They find someone suspected of a crime, whatever it might be, that person is given summary execution, and that is the end of the story. No questions asked.

We don't do it that way in America. We establish standards of conduct and

justice, and particularly as it relates to the people who live in America, our citizens and legal residents who are in the United States. That is what this debate is about.

This is an important bill, S. 1867. It comes up every year in a variety of different forms, and we are lucky to have Senator CARL LEVIN and Senator JOHN MCCAIN who put more hours into it than we can imagine to write the bill to authorize the Department of Defense to do its job. It is the best military in the world, and their hard work makes certain that it stays in that position.

But this provision they have added in this bill is a serious mistake—serious. It is serious enough for me to support Senator FEINSTEIN in her efforts to change and remove the language. Why?

First, we know the law enforcement officials in the United States of America, the Attorney General's Office, the FBI have done a good job in keeping America safe. They have arrested over 300 suspected terrorists in the United States—over 300 of them—and they have tried them in the criminal courts of America, on trial, in public, for the world to see that these people will be held to the standards of trial as an American citizen. Of those 300, they have successfully prosecuted over 300 alleged terrorists, then incarcerated them in the prisons of America, including Marion, IL, in my home State, where they are safely and humanely incarcerated.

The message to the world is: We are going to keep America safe, but we are going to do it by playing by the rules that make us America. Due process is one of those rules, and it has worked. It has worked under two administrations.

Now comes this bill and a suggestion that we need to change the rules. The suggestion is, in this measure, that we will do something that has not been done in America before. Section 1031 of this bill, for the first time in the history of America, will authorize the indefinite detention of American citizens in the United States. This is unprecedented. In my view, as chair of the Constitution Subcommittee of Senate Judiciary, it raises serious constitutional concerns.

Senator LEVIN and Senator MCCAIN disagree. In an op-ed piece for the Washington Post, they recently wrote:

No provision in the legislation expands the authority under which detainees can be held in military custody.

But look at the plain language of section 1031. There is no exclusion for U.S. citizens. So the question is, If we believe an American citizen is guilty or will be guilty of acts of terrorism, can we detain them indefinitely? Can we ignore their constitutional rights and hold them indefinitely, without warning them of their right to remain silent, without advising them of their right to counsel, without giving them the basic protections of our Constitution? I don't believe that should be the standard.

I listened to Senator McCAIN. He makes a pretty compelling argument: Wait a minute. You are telling me that if you have someone in front of you who you think is a terrorist who could repeat 9/11, you are going to read their Miranda rights to them?

Well, as an American citizen, yes, I would. I would say to Senator McCAIN the same argument would apply if that person in front of me was not a suspected terrorist but a suspected serial killer, a suspected sexual predator; we read them their Miranda rights. We believe our system of justice can work with those rights being read.

Do you remember the case about 2 years ago of the person who was on the airplane, the Underwear Bomber, Abdulmutallab? He was coming to the United States to blow up that airplane and kill all the people onboard, and thank God he failed. He tried to ignite a bomb and his clothing caught on fire, and the other passengers jumped on him, subdued him, and he was arrested. This man, not an American citizen, was taken off the plane and interrogated by the Federal Bureau of Investigation. After he stopped talking voluntarily, they read him his Miranda rights. We all know them from the crime shows that we watch on TV: the right to remain silent, everything you say can be used against you, the right to retain counsel. He was read all those things, and he shut. But that wasn't the end of the story.

By the next day, they were back interrogating him and they had contacted his parents, brought his parents to this country. He met with his parents and turned and said: I will cooperate. I will tell you everything I know. He started talking, and he didn't stop.

At the end of the day, he was charged with terrible, serious crimes, brought to trial in Detroit, and pled guilty under our criminal system. Now, he wasn't an American citizen, but even playing by the rules for American citizens we successfully prosecuted this would-be bomber and terrorist.

What is the message behind that? The message behind that is we will stand by our principles and values and still keep America safe. We will trust the Federal Bureau of Investigation and the Department of Justice to successfully prosecute suspected and alleged terrorists. We will not surrender our principles even as we fight terrorism every single day.

Now, this bill changes, unfortunately, a fundamental aspect of that. It says if an American citizen is detained and suspected to be involved in terrorism with al-Qaida or other groups, they can be held indefinitely without being given their constitutional rights.

I appreciate that Senator LEVIN and Senator McCAIN have said they are willing to consider excluding U.S. persons, but section 1031 doesn't. I hope they do.

I want to address a couple statements that have been made by my Republican colleagues. I like them and respect them.

I would say to Senator GRAHAM, my colleague and friend from South Carolina, I listened to Senator LEVIN tell us privately and publicly over and over again: What we have here doesn't change the law. Then I listened to your arguments on the floor saying: Well, the law needs to be changed. That is why we are doing this. So I am struggling to figure out if Senator LEVIN and Senator GRAHAM have reconciled.

Mr. GRAHAM. May I respond?

Mr. DURBIN. I want the Senator to respond, but I want to ask point blank, is there an exclusion currently in the law for U.S. citizens under section 1031 and whether or not under 1031 American citizens can be detained indefinitely?

Mr. GRAHAM. No. And there should not be. Could I finish my thought?

Mr. DURBIN. Of course.

Mr. GRAHAM. Now, we are good friends, and we are going to stay that way. But you keep saying something, Senator DURBIN, that is not true. The law of the land is that an American citizen can be held as an enemy combatant. It is the Hamdi decision, and I quote:

There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

Hamdi was an American citizen captured in Afghanistan fighting for the Taliban. Justice O'Connor specifically recognized that Hamdi's detention could last for the rest of his life because law of war detention can last for the duration of the relevant conflict.

The Padilla case involves an American citizen captured in the United States, held for 5 years as an enemy combatant, and the Fourth Circuit reviewed his case and said that we could hold an American citizen as an enemy combatant.

To my good friend from Illinois, throughout the history of this country American citizens in every conflict have, unfortunately, decided to side with the enemy at times. In re Quirin is a 1942-1943 case that involved American citizens assisting German saboteurs. They were held under the law of war because the act of collaborating with the enemy was considered an act of war, not a common crime.

So the law of the land by the courts is that an American citizen can be held as an enemy combatant. That has been the law for decades.

What Senator FEINSTEIN would do is change that. The Congress would be saying we cannot hold an American citizen as an American combatant.

I do appreciate the time. Now, let me tell you why I think that is important.

The Senator is a very good lawyer. Under the domestic criminal law, we cannot hold someone indefinitely and question them about enemy activity: What do you know about the enemy? What is coming? What were you doing? Where did you train? Under domestic criminal law, we can't question somebody in a way that would put them in jeopardy.

Under military intelligence gathering we can question an enemy prisoner without them having a lawyer to be able to find out how to defend America. If we can't hold this person as an enemy combatant, the only way we can hold them is under domestic criminal law. When the interview starts and the guy says: I want my lawyer; I don't want to talk to you anymore—under the criminal justice model there is a very limited time we can hold them or question them without reading them their rights or giving them a lawyer.

Under intelligence gathering our Department of Defense, the FBI, and the CIA can tell the individual: You are not entitled to a lawyer. You have to sit here and talk with us because we want to know what you know about present, past, and future attacks.

If we can't hold an American citizen who has decided to collaborate with al-Qaida as an enemy combatant, we lose that ability to gather intelligence. That is the change that Senator FEINSTEIN is proposing; that the law be changed by the Congress to say enemy combatant status can never be applied to an American citizen if they collaborate with al-Qaida. That would be a huge loss of intelligence gathering, it would be a substantial change in the law, and it would be the first time any Congress has ever suggested that an American citizen can collaborate with the enemy and not be considered a threat to the United States from the military point of view. I don't want to go down that road because I think that is a very bad choice in the times in which we live.

So to my good friend, the law is clear we can hold an American citizen as an enemy combatant. The Congress is contemplating changing that, and I think it would be a very bad decision in the times in which we live to deny our ability to hold an American citizen and question them about what they know and why they decided to join al-Qaida.

Mr. McCAIN. Mr. President, I ask for the regular order. What is the regular order?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. GRAHAM. Simply stated, if a person decides to collaborate with al-Qaida in a very limited way, can we hold them? They have to be a member of al-Qaida or affiliated with it or be involved in a hostile act. But if they do those things, historically, American citizens who chose to side with the Nazis—in this case, al-Qaida—have been viewed by the rest of us not as a common criminal but as a military threat.

Now is not the time to change that. We need that ability to question that person: Why did you join al-Qaida? Where did you train? What do you know about what is coming next? And the only way we can get that information is to hold them as an enemy combatant and take all the time we need to protect this Nation and interrogate.

Mr. DURBIN. I would like to reclaim the floor.



Mr. GRAHAM. Yes, sir. I appreciate the exchange.

Mr. DURBIN. And would the Senator end that with a question mark?

Mr. GRAHAM. And, was I right?

Mr. DURBIN. I thank my colleague from South Carolina.

What the Senator concluded with, though, I think is critical to this conversation. He said the only way to get to the bottom of whether there is an al-Qaida connection that could threaten the United States is military detention. Well, the Abdulmutallab case argues just the opposite. It was the Federal Bureau of Investigation that he sat before and told all of the information that the Senator has just discussed.

Mr. GRAHAM. May I respond and say the Senator is right.

I am an all-of-the-above guy. I believe that military and civilian courts should be used.

When an American citizen is involved, does the Senator agree with me that military commissions are off the table?

Mr. DURBIN. So the Senator is arguing that every President should have all the options, criminal courts as well as military commissions and tribunals?

Mr. GRAHAM. Absolutely.

Mr. DURBIN. Well, what is the difference, then, with what the Senator is standing for and what is the current situation? From my point of view, our Presidents—President Bush and President Obama—since 9/11, have used both, with more success on the criminal courts side—dramatically more success on the criminal courts side.

The obvious question that Senator FEINSTEIN poses is, if the system isn't broken, if the system is keeping us safe, if we have successfully prosecuted over 300 alleged terrorists in our criminal courts and 6 in military commissions, why do we want to change it?

Mr. GRAHAM. Here is the point I am trying to make.

Mr. DURBIN. Retaining the floor.

Mr. GRAHAM. Thank you. And this is a very good exchange.

My view is that when we capture somebody at home and the belief is that they are now part of al-Qaida, that if we want to read them their Miranda rights and put them in Federal court, we have the ability to do that. This legislation doesn't prevent that from happening.

Does it, I ask Senator LEVIN?

Mr. LEVIN. It does not.

Mr. GRAHAM. But what Senator FEINSTEIN is proposing is that no longer do we have the option of holding the American citizen as an enemy combatant to gather intelligence, and we don't have the ability to hold them for a period of time to interrogate them under the law of war.

What I would suggest to the Senator is that the information we receive from Guantanamo Bay detainees has been invaluable to this Nation's defense. To those who believe it was because of waterboarding, I couldn't disagree

more. The chief reason we have been able to gather good intelligence at Guantanamo Bay is because of time.

The detainee is being humanely treated, but there is no requirement under military law to let the enemy prisoner go at a certain period of time.

If you take away the ability to hold an American citizen who has associated himself with al-Qaida to be held as an enemy combatant, you can no longer use the technique of interrogating him over time to find out what he knows about the enemy.

You are worried about prosecuting them. I am worried about finding out what they know about future attacks. They are not consistent. You can prosecute somebody. That is part of the law. What the Senator is taking away from us is the ability to gather intelligence. Our criminal justice system is not set up to gather intelligence.

Mr. DURBIN. I want to reclaim the floor. I know Senator MCCAIN is anxious for me to conclude and there is something he is anxious to do quickly, but I will try to do this in appropriate time for the gravity of the issue before us.

But to suggest the only way we can get information about a terrorist attack on the United States by al-Qaida and other sources is to turn to the military commissions and tribunals and not use the FBI and not use the Department of Justice defies logic and experience. Abdulmutallab, the Underwear Bomber, a member of al-Qaida, failed in his attempt to bring down that plane, interrogated successfully by the FBI, basically told them everything he knew over a period of time. It worked. To argue that you cannot do this defies the experience with Abdulmutallab.

I want to say a word about the Hamdi case. I listened as Senator FEINSTEIN read the Supreme Court decision. I do not think the Supreme Court decision stands for what was said by the Senator from South Carolina. I think what he said was inaccurate. I do not believe Justice O'Connor went to the extent of saying you can hold an American citizen indefinitely.

Let me also say when it comes to the Hamdi case, Hamdi was captured in Afghanistan. He was captured on the battlefield in Afghanistan, not the United States. And Justice O'Connor, in that opinion, was very careful to say the Hamdi decision was limited to "individuals who fought against the United States in Afghanistan as part of the Taliban." She was not talking about American citizens and their rights. She was talking about this specific situation.

Now let's go to the case of Jose Padilla. Jose Padilla, some will argue, is a precedent for the indefinite detention of American citizens. But look at what happened in the case of Padilla, a U.S. citizen placed in military custody in the United States. The Fourth Circuit Court of Appeals, one of the most conservative courts in our Nation, upheld Padilla's military detention.

Then, before the Supreme Court had the chance to review the Fourth Circuit's decision, the Bush administration transferred Padilla out of military custody and prosecuted him in an article III criminal court.

I do not think that Hamdi or Padilla makes the case that has been made on this floor.

I want to say I think Senator FEINSTEIN is proper in raising this amendment. I think the fact is that Hamdi is a U.S. citizen, but it does not stand for the indefinite detention of U.S. citizens as this new law would allow.

It troubles me that as good, as professional, as careful as our government has been to keep America safe, we now have in a Defense authorization bill an attempt to change some of the most fundamental, constitutional principles in America. This bill went through a great committee, our Armed Services Committee, but not through the Judiciary Committee which has specific subject matter jurisdiction over our Constitution. It did not go through the Intelligence Committee. And for the record, the provisions in this bill—which some have said are not that significant, that much of a change—are opposed by this administration, opposed by the Secretary of Defense, Leon Panetta, who received a 100-to-nothing vote of confidence from the U.S. Senate when he was appointed, opposed by our Director of National Intelligence, who says these provisions will not make America safer but make it more difficult to protect America, and opposed by the Federal Bureau of Investigation.

I entered a letter from Director Muller in the RECORD yesterday, as well as the Department of Justice.

You have to ask yourself, if all of these agencies of government, which work day in, day out, 24-7 to keep us safe, tell us not to pass these provisions because it does not make America safer, it jeopardizes our security, why are we doing it?

Senator FEINSTEIN has the right approach: Let us try to preserve some of the basic constitutional values here. I think we can. I hope my colleagues will take care before they vote against Feinstein. Despite the respect, which I share, that they have for our Armed Services Committee and its leadership—this is a matter of constitutional importance and gravity. It is important for us to take care and not to change our basic values in the course of debating a Defense authorization bill. Let's keep America safe but let's also respect the basic principle that American citizens are entitled to constitutional rights. The indefinite detention of an American citizen accused—not convicted, accused of terrorist activity—the indefinite detention runs counter to the basic principles of the Constitution we have sworn to uphold.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Michigan.

Mr. LEVIN. I wonder if the Senator will yield for a question. Would the Senator agree that the majority opinion in Hamdi said the following:

There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

Mr. DURBIN. I would respond by saying Justice O'Connor in that decision said:

[A]s critical as the Government's interest may be in detaining those who actually pose an immediate threat to the national security of the United States during ongoing international conflict, history and common sense teach us that an unchecked system of detention carries the potential to become a means for oppression and abuse of others who do not present that sort of threat. . . .

We therefore hold that a citizen-detainee, seeking to challenge his classification as enemy combatant, must receive notification of the factual basis for his classification, and a fair opportunity to rebut the Government's factual assertions before a neutral decision-maker.

Mr. LEVIN. Would the Senator agree that specifically referred to there is that a citizen being held as an enemy combatant is—excuse me. Would the Senator agree that what he read refers to the exact statement of the Justice that a citizen who is held as an enemy combatant is entitled to certain rights? Would the Senator agree that that, by its own terms, says that a citizen can be held as an enemy combatant?

Mr. DURBIN. In the particular case of Hamdi, captured in Afghanistan as part of the Taliban.

Mr. LEVIN. She did not say that. She said "a citizen." I know what the facts of the case are. She did not limit it to the facts of the case.

Mr. DURBIN. I am sorry but she did. The quote:

. . . individuals who fought against the United States in Afghanistan as part of the Taliban.

Mr. LEVIN. She did not limit it to that. She described the facts of that case.

Mr. DURBIN. She limits it to that case. If I could make one response and then I will give the floor to the Senator. This is clearly an important constitutional question and one where there is real disagreement among the Members on the floor. I think it is one that frankly we should not be taking up in a Defense authorization bill but ought to be considered in a much broader context because it engages us at many levels in terms of constitutional protections.

Mr. LEVIN. I agree with the Senator that Justice O'Connor said what the Senator said she said. Would the Senator agree with me that Justice O'Connor said:

There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

Would the Senator agree that she said that?

Mr. DURBIN. As it related to Hamdi captured in Afghanistan.

Mr. LEVIN. Would the Senator agree she said that, however?

Mr. DURBIN. As it related to Hamdi, of course.

Mr. LEVIN. I am giving the Senator an exact quote. I know the facts of the case.

Mr. DURBIN. I can read the whole paragraph rather than the sentence.

Mr. LEVIN. You already have. Given the facts of the case. I understand the facts of the case, that it was somebody captured in Afghanistan. My question is, of the Senator: Would he agree that Justice O'Connor said—she is talking about this case, of course—

Mr. DURBIN. Yes.

Mr. LEVIN. "There is no bar to this Nation holding one of its own citizens"?

Mr. DURBIN. Captured on the field of battle in Afghanistan.

Mr. LEVIN. Would the Senator agree that the Justice said the following, that a citizen, no less than an alien, can be "part of or supporting forces hostile to the United States or coalition partners" and "engaged in an armed conflict against the United States," and would pose the same threat of returning to the front during the ongoing conflict? Would the Senator agree that she said that?

Mr. DURBIN. Of course.

Mr. LEVIN. Would the Senator agree that she quoted from the Quirin case, in which an American citizen was captured on Long Island?

Mr. DURBIN. She did make reference to the Quirin case.

Mr. LEVIN. Did she cite that with approval?

Mr. DURBIN. I would say there was some reservation in citing it. I say to the Senator, our difficulty and disagreement is the fact we are dealing with a specific individual captured on the field of battle in Afghanistan with the Taliban.

Mr. LEVIN. I understand.

Mr. DURBIN. We are not talking about American citizens being arrested and detained within the United States and being held indefinitely without constitutional rights.

Mr. LEVIN. My question, though—my question is: Did Justice O'Connor say that, in Quirin, that one of the detainees alleged that he was a naturalized United States citizen, we held that—these are her exact words:

Citizens who associate themselves with the military arm of the enemy government, and with its aid, guidance and direction enter this country bent on hostile acts, are enemy belligerents within the meaning of . . . the law of war.

Did she say that?

Mr. DURBIN. I can tell the Senator there were references in there to the case, but the Supreme Court has never ruled on the specific matter of law which the Senator continues to read. Until it rules, we will make the decision in this Department of Defense authorization bill, and it is not an affirmation of current law because there has been no ruling.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Isn't it true that Justice O'Connor was specifically referring to a case of a person who was captured on Long Island? Last I checked, Long Island was part—albeit sometimes regrettably—part of the United States of America.

Mr. LEVIN. She is quoting with approval from the Quirin case in which one of the detainees was—

Mr. MCCAIN. Captured in the United States of America.

Those are the facts of the case.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. MCCAIN. Madam President, I am afraid we have to move to the amendment of Senator MERKLEY, who has been very patient.

Mr. LEVIN. According to a unanimous consent agreement which was entered into—

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I understand Senator MERKLEY was going to be recognized next to offer his amendment. That was according to the unanimous consent agreement. I understand the Senator from New Hampshire, I don't know for how long, needed to make a unanimous consent request. Am I correct? No? I am incorrect.

According to the existing unanimous consent agreement, which was entered into—

Mr. MCCAIN. Can I ask the indulgence—

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Could I ask the indulgence of my friend from Oregon, that the Senator from South Carolina be allowed 2 minutes, and the Senator from New Hampshire be allowed 5 minutes? Would that be all right with the Senator from Oregon?

Mr. MERKLEY. Yes.

Mr. MCCAIN. I thank him for his courtesy too. I say to the Senator from Illinois, this is an important debate and discussion. I appreciate his presentation. I think a lot of people are getting a lot of good information, on what is a very complex and very central issue. I thank the Senator from Illinois.

I yield.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Please understand what you are about to do if you pass the Feinstein amendment. You will be saying as a Congress, for the first time in American history, an American citizen who allies himself with an enemy force can no longer be held as an enemy combatant. The In Re Quirin decision was about American citizens aiding Nazi saboteurs, and the Supreme Court held then that they could be held as enemy combatants. So as much respect as I have for Senator DURBIN, it has been the law of the United States for decades that an American citizen on our soil who collaborates with the enemy has committed an act of war and will be held under the law of war,

not domestic criminal law. That is the law back then. That is the law now.

Hamdi said that an American citizen—a noncitizen has a habeas right under law of war detention because this is a war without end. The holding of that case was not that you cannot hold an American citizen, it is that you have a habeas right to go to a Federal judge and the Federal judge will determine whether the military has made a proper case. It has nothing to do with an enemy combatant being held as an American citizen. What this amendment would do is it would bar the United States in the future from holding an American citizen who decides to associate with al-Qaida.

In World War II it was perfectly proper to hold an American citizen as an enemy combatant who helped the Nazis. But we believe, somehow, in 2011, that is no longer fair. That would be wrong. My God, what are we doing in 2011? Do you not think al-Qaida is trying to recruit people here at home? Is the homeland the battlefield? You better believe it is the battlefield.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Madam President, I ask unanimous consent for 1 more minute.

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

Mr. GRAHAM. That is the point. Why would you say that if you are in Afghanistan, we can blow you up, put you in jail forever, but if you make it here, all of a sudden we cannot even talk to you about being part of al-Qaida. What a perverse outcome, to say if you make it to America, you are home free; you cannot be interrogated by our military or our CIA; you get a lawyer. And that is the end of the discussion. That is what you would be doing. That is crazy. No Congress has ever decided to do that in other wars. If we do that here, we are changing the law in a way that makes us less safe. That is not going to be on my resume.

It is not unfair to make an American citizen account for the fact that they decided to help al-Qaida to kill us all and hold them as long as it takes to find intelligence about what may be coming next. And when they say "I want my lawyer," you tell them "Shut up. You don't get a lawyer."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. "You are an enemy combatant, and we are going to talk to you about why you joined al-Qaida."

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I also rise in opposition to the amendment offered by Senator FEINSTEIN, and I certainly appreciate the comments of my colleague from South Carolina. It would lead to an absurd result that if we were in a situation where an American citizen became a member of al-Qaida and from within our country attacked Americans and we could not gather the maximum

amount of information from them to make sure we could prevent future attacks against our country—that is what is at issue here.

I would like to point out a couple of issues that have not been addressed with respect to Senator FEINSTEIN's amendment.

If you look at the language of that amendment, she says that the authority described in this section for the Armed Forces of the United States to detain a person does not include the authority to detain a citizen of the United States without trial until the end of hostilities. I think this provision is going to create some real problems for the executive branch. If I were they, I would be in here raising these issues because it does not distinguish—the language—between an American citizen who is captured overseas versus an American citizen captured in the United States of America.

Let's use the example of Anwar al-Awlaki. Mr. al-Awlaki, a member of al-Qaida, was actually killed by us overseas. So it would lead to the absurd result that we could not detain him to gather intelligence, but we believe that we are authorized—by the way, I agreed with the administration taking that step to take out Mr. al-Awlaki, who was a great danger to our country overseas. So the language as written would lead to that absurd result that would tie the administration's hands, that they can actually kill these individuals, but they can't detain them under military custody and interrogate them to make sure we can find out what they do know and what other attacks are being planned against the United States of America.

Also with respect to the language in this amendment, the language itself is a defense lawyer's dream. You can't hold a U.S. citizen until the end of hostilities. Well, how long can you hold them? I mean, it is not clear. There is no language in that. This is going to be litigated to heaven, and this is an area where our intelligence professionals need clarity. This is going to create more issues for the executive branch in an area that needs clarity and where there needs to be some identified rules and they have to be focused on gathering intelligence to protect Americans.

Senator DURBIN has cited the Abdulmutallab case on numerous occasions as a way—as a great case as an example of how we can gather intelligence from enemy combatants to protect America. Let's review the facts of that case again. Fifty minutes into the interrogation, he was told: You have the right to remain silent. He exercised that right because he was given Miranda warnings, and it was only 5 weeks later that we were actually able to get through the Miranda warnings after we went to his parents. Is that the type of system we want? What happened in that 5 weeks? What did we lose in terms of information that could have protected America?

If we can't hold an American citizen who has chosen to be a member of al-Qaida and has participated in a belligerent act against our country to ask them what other attacks they are planning and whom they are working with, how are we going to get information to make sure that—God forbid—we can prevent another 9/11 on our soil, because that is why they want to come to the United States of America. Also, how do we deal with this issue of homegrown radicals?

Unfortunately, this amendment, in my view, is going to be a situation where we are opening the welcome mat. If you get to America and you can recruit one of our citizens to be a member of al-Qaida, then you don't have to worry about them being held in military custody. You don't have to worry about us using our maximum tools to gather intelligence to protect Americans.

I think this amendment is very misguided. I again would point out that the administration should be concerned about the language in this amendment. It does not distinguish between an American citizen who is captured on our soil who is trying to attack us and one overseas. But either way, if an American citizen has joined al-Qaida and is trying to kill us from within our own country, they have become part of our enemy and are at war with us.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. AYOTTE. Thank you, Madam President.

I urge my colleagues to oppose the Feinstein amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I believe it is now in order for Senator MERKLEY to offer amendment No. 1257, as amended, with the amendment at the desk. The amendment at the desk has four words added to the printed amendment, and those words are "NATO and coalition allies"; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1257, AS MODIFIED

Mr. MERKLEY. Madam President, I call up amendment No. 1257, as modified, under the unanimous consent agreement and rise to speak to it.

The PRESIDING OFFICER. Under the previous order, the amendment No. 1257, as modified, is now the pending question.

The amendment (No. 1257) as modified, is as follows:

On page 484, strike line 22 through 24 and insert the following:

(c) TRANSITION PLAN.—The President shall devise a plan based on inputs from military commanders, NATO and Coalition allies, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating

the transfer of security authority to Afghan authorities.

(d) SUBMITTAL TO CONGRESS.—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress.

Mr. MERKLEY. Madam President, this amendment requires the President of the United States to develop a plan to expedite the reduction of U.S. combat troops in Afghanistan and to accelerate the transfer of responsibility for military and security operations to the Government of Afghanistan. Before I speak to some of the details, I want to thank the original cosponsors who have worked hard on this amendment: Senator MIKE LEE, Senator TOM UDALL of New Mexico, Senator RAND PAUL, and Senator SHERROD BROWN.

The United States went to Afghanistan with two main goals that were laid out by President Bush: to destroy al-Qaida training camps and to hunt down those responsible for 9/11. Our very capable American troops and their NATO partners have aggressively pursued these objectives. There are very few al-Qaida operating in Afghanistan. Secretary of Defense Leon Panetta said in June 2010 that there were at most only 50 to 100 al-Qaida members in Afghanistan. Afghanistan is no longer and has not been for some time a central arena for al-Qaida activity.

American forces have also effectively pursued the second objective, which is capturing or killing those who attacked America on 9/11. In recent years, America has captured or killed two dozen high-level al-Qaida operatives, including Khalid Shaikh Mohammed, the alleged operational mastermind of the September 11 attacks, who was captured in a raid on a house in the Pakistani garrison city of Rawalpindi near the capital, Islamabad; Ramzi bin al-Shibh, described as a key facilitator of the September 11 attacks; Sheikh Sa'id Masri, an Egyptian believed to have acted as the operational leader of al-Qaida, who was killed in a U.S. drone strike. Most importantly, our exceptional intelligence teams and armed services have tracked down and killed Osama bin Laden, the founder and head of al-Qaida.

Citizens may fairly ask—and they do ask—given that we have successfully pursued our original two missions, isn't it time to bring our sons and daughters home? Our citizens remind us that the United States has been at war in Afghanistan for over 10 years, the longest war in American history. Our citizens recognize that the war in Afghanistan has come at a terrible price. More than 1,200 Americans have died from snipers, from improvised explosive devices, and other deadly weapons of war. More than 6,700 Americans have been wounded by those same weapons. Thousands of our soldiers have suffered from—and will suffer for years, decades to come—traumatic brain injuries and post-traumatic stress disorder. Our soldiers have paid

a huge price. Their families have paid a huge price.

In addition, the war in Afghanistan has consumed and is consuming an enormous share of our national resources. According to the Congressional Research Service, by the end of this year—just over a month from now—we will have spent the better part of \$½ trillion or approximately \$444 billion. In 2011 alone, we will spend about \$120 billion.

So what is the answer to our citizens who ask, given our success in destroying al-Qaida training camps and given our success in pursuing those responsible for 9/11, why we haven't brought our troops and our tax dollars home. The official answer is that America has expanded its mission in Afghanistan from the narrow two original objectives of destroying al-Qaida and hunting down those responsible for 9/11 to the broad mission of nation building.

Destroying al-Qaida—our original mission—and building a modern nation state where one has never existed are two entirely different things. The expanded mission of nation building in Afghanistan goes way beyond those original two military objectives. This expanded nation-building mission involves creating a strong central government. It involves creating an election process for a functioning democracy. It involves building infrastructure—roads and bridges and schools. It involves a major mission to create a sizable national police force and a sizable and effective national army.

We have spent a lot on this mission, but the success is limited. Over 10 years, as I mentioned, we have spent \$444 billion. Now, that is in a nation that had a prewar gross domestic product, or economy, of about \$10 billion a year. So we have spent an amount equal to 44 times the economy of Afghanistan. One would think the result is we would have rebuilt the infrastructure of Afghanistan 10 times over or 20 times over. But the reality is there is very little to show for this nation-building mission. Why is that the case? Most simply, this nation-building mission is systematically stymied by multiple forces. One is high illiteracy.

On my recent trip to Afghanistan, I was told that among those recruited for the national police, the literacy rate at a first grade level is only about 16 percent—first grade level, 16 percent. The goal is to be able to raise that literacy rate so that soldiers can read the serial numbers on their rifles. That is a very different world from the world we live in.

The second huge factor is vast corruption. Just after my first trip to Afghanistan, the newspapers were full of stories about the family members and the associates of the President of Afghanistan building massive mansions in Dubai. Well, sending our money to Afghanistan so the elite can send it to Dubai to build mansions does not serve our national security.

The efforts in nation building are stymied by deeply felt, ancient tribal

and ethnic divisions. Moreover, there is a strong national aversion to the very mission of building a strong central government. I had an interesting experience where I met with six Pashtun tribal leaders in Kabul, the capital. They came in to share their stories and each one of them said that some form of the government you are trying to build is an affliction to our people. Please do not build a stronger government that exploits and afflicts our people. I said to them, help me understand this, because building a government means a force that can help with education, that can help with health care, that can help build transportation infrastructure, that can help provide security for businesses to prosper. They spoke to me and said—one of them summed it up and said, Senator, you don't understand. All of the government positions here are sold. The people who buy them do not buy them to serve our people. They buy them to exploit our people. And when you build a strong central government, which we oppose, the exploitation increases.

So this nation-building mission is systematically stymied by high illiteracy, vast corruption, extensive and deep tribal and ethnic divisions, and a historic national aversion to a strong central government.

We have been in Afghanistan for more than 10 years. It is time to change course. Our President recognizes this. He has worked out an agreement with the NATO partners to remove the remaining combat troops by the end of 2014. That is just over 3 years from now. But what happens during this next 3 years? This amendment says: Mr. President, during these next 3 years, seize the opportunity to diminish the combat role of American soldiers and increase the responsibility placed with the Afghanistan Government and the Afghanistan forces. Seize that opportunity.

I say to my colleagues today, this is incredibly important for our success in transferring responsibility. If we do not provide the opportunity and the necessity for the Afghanistan institutions to take responsibility for their own security, they will not be prepared to exercise that responsibility down the road.

The United States is facing a global terrorist threat. We will be well served by using U.S. troops and resources in a counterterrorism strategy against terrorist forces wherever in the world they may locate and train. That strategy was highlighted by the pursuit of Osama bin Laden in Pakistan or more recently our successful pursuit of Anwar Awlaki in Yemen. Our intelligence and our military, the best in the world, have proven without a doubt that they excel at this strategy. Thus, it makes sense to expedite the reduction of U.S. combat troops in Afghanistan and accelerate the responsibility for military and security operations to the Government of Afghanistan. That is what this amendment does.

The amendment specifically requires the President to prepare a plan for the

expedited reduction of troops and accelerate transfer responsibility based on inputs from military commanders, from NATO and coalition allies, from diplomatic missions in the region, from appropriate members of the Cabinet, and from consultation with Congress. What this amendment does not do is it does not limit our ability to identify an attack by al-Qaida or terrorist forces wherever they may be in the world. It does not limit our ability to destroy al-Qaida or associated terrorist training camps wherever they may be, wherever they are in the world. It does not restrict funding for supplies and equipment needed by our troops deployed in the field.

If our national security is well served by taking the fight to al-Qaida wherever they are, if our nation-building strategy in Afghanistan is confounded by illiteracy and corruption and cultural opposition and tribal and ethnic conflicts, if our national resources are needed in that global antiterrorism strategy and are needed as well for nation building here at home, if our men and women have suffered enough on Afghan soil, then we should encourage our President to seize every opportunity over these next 3 years to reduce our forces in Afghanistan and to transfer security responsibilities to the Afghan Government.

That is what this amendment does, and I encourage every colleague to support it.

Thank you, Madam President. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. MCCAIN. Madam President, I oppose this amendment for one simple reason. It requires the President to submit a plan to Congress for an accelerated drawdown from Afghanistan—an accelerated withdrawal; not just the withdrawal that is already planned, not the withdrawal that has already been accelerated on several occasions, but a new accelerated drawdown.

The President is supposed to submit a plan to Congress for an accelerated drawdown from Afghanistan. Does that mean the Congress of the United States could see a plan for an accelerated withdrawal from Afghanistan? Is it required that it be implemented by Congress or is it a nice informational, notional kind of thing: Here is a plan. Hey, let's get together. I have a plan. And the President's drawdown plan, our senior military commanders have stated, is already—already—more accelerated than they are comfortable with.

First of all, I don't get the point of the Senator's amendment, which is to submit a plan. It doesn't require that

the plan be acted on, just a plan. I can submit a plan for him if it is plans he is interested in. But the fact is we are accelerating our withdrawal from Afghanistan at great risk, as our military commanders have testified—much greater risk. So I guess another accelerated plan would obviously have the result of even greater risk to the men and women in the military.

I understand the opposition of the Senator from Oregon to the war. That is fine. I respect that. But an amendment that a plan is to be submitted without any requirement that it be implemented—a plan which would already accelerate more what has already been accelerated—I guess is some kind of statement.

The plan as required by this amendment would be based on inputs from our military commanders. I can tell the Senator from Oregon what our military commanders in Afghanistan have said in testimony before the Senate Armed Services Committee, which is that more acceleration would mean greater risk. The acceleration that is already taking place means greater risk. But the Senator from Oregon wants a more accelerated plan, I guess.

Then-chairman of the Joint Chiefs of Staff, ADM Mike Mullen, testified before the House Armed Services Committee on June 23—this is the Chairman of the Joint Chiefs of Staff—that the President's drawdown plan would be—that is the present plan, not an accelerated plan such as the amendment proposes—“more aggressive and incur more risks than I was originally prepared to accept.”

I wonder if the Senator from Oregon heard that. The present plan is “more aggressive and would incur more risks” than the Chairman of the Joint Chiefs of Staff would have been prepared to accept. So with this amendment, we accelerate even more.

On the same day, in testimony before the Senate Select Committee on Intelligence, GEN David Petraeus stated that no military commander recommended what the President ultimately decided. That is the present plan.

Their concerns were well grounded. Our commanders had wanted to keep the remaining surge forces in Afghanistan until the conclusion of next year's fighting season, which roughly occurs with the onset of the colder months. That was their recommendation to the President. So now the President shall devise a plan based on inputs from military commanders. I can tell the Senator from Oregon what the input from the military commanders is. It is the same input he got with the first accelerated withdrawal. All we have to do is pick up the phone and ask them. We don't have to have an amendment. That was their recommendation to the President. However, the President chose to disregard that advice and announce that all U.S. forces would be withdrawn from Afghanistan by the end of next summer. That guarantees

that just as the fighting season next year is at its peak, U.S. surge forces will be leaving Afghanistan. In my view, that is a huge and unnecessary risk to our mission. But the decision has been made. I think there will be great long-term consequences to it.

A story was related to me recently by a former member of the previous administration, high ranking, in a meeting with one of the highest ranking members of the Government of Pakistan. He said to this high-ranking government official: What do you think the chances for peace with the Taliban are? That individual laughed and said, Why should they make peace? You are leaving.

Those are fundamental facts. The primary reason for maintaining all of our surge forces in Afghanistan through next year's fighting season is because of another time the President chose to disregard the advice of his military commanders. It is well known that our military leaders had wanted a surge to be 40,000 U.S. troops, but the President only gave them 33,000. So rather than being able to prioritize the south and east of Afghanistan at the same time, as they had planned, our commanders had to focus first in the south, which they did last year and this year, and then concentrate on eastern Afghanistan next year, all because they didn't have enough troops.

That is not my opinion; that is the sworn testimony of military leaders before the Senate Armed Services Committee.

The President's decision made the war longer and now our commanders will not have the forces they said they wanted and needed to finish the job in eastern Afghanistan.

Before we mandate a plan to further accelerate the drawdown of U.S. forces from Afghanistan, I suggest we review the facts and consider the potential consequences of the overly accelerated drawdown we already have.

Before we base such a plan on the views of our military commanders, I certainly recommend that my colleagues travel to Afghanistan and speak with those commanders who can explain far better than I can why further accelerating our drawdown is reckless and wrong.

So I do not get the amendment. I do not understand why the title of it is “To require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.”

As I said, in case the Senator from Oregon missed it, we have already accelerated, and in the view of our military commanders, unanimously, it is a far greater risk.

It says:

The President shall devise a plan based on inputs from military commanders, NATO and Coalition allies, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority. . . .

Apparently, the Senator from Oregon is not satisfied with the President's already accelerated plan for withdrawal from Afghanistan beginning in the fall of—well, it has already begun—but the serious withdrawal in the fall, September 2012.

I can assure—I can assure—the Senator from Oregon that if our withdrawal, which I greatly fear now, will have long-term consequences, a further accelerated withdrawal will absolutely guarantee that Afghanistan becomes a cockpit—a cockpit—of competing interests from Iran, from India, from Pakistan, and from other countries in the region. I think the people of Afghanistan deserve better.

So I will, obviously, oppose this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEE. Madam President, I ask unanimous consent that the current amendment be set aside so I might speak briefly regarding amendment No. 1126.

Mr. LEVIN. Madam President, reserving the right to object, I wonder if the Senator would just seek the right to—the Senator has a right to speak on another amendment without setting aside this amendment. So I ask that the Senator not set aside the pending amendment but just simply speak on whatever amendment he wishes to speak.

Mr. LEE. Wonderful. The second request is withdrawn.

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

AMENDMENT NO. 1126

Mr. LEE. Madam President, I rise today to speak in support of amendment No. 1126 to the current pending legislation. The purpose of this amendment is to make clear that the United States shall not detain for an indefinite period U.S. citizens in military custody.

I understand this has been the subject of a lot of debate. I also understand this would be a break not only with the current pending legislation but also with current practice, based on Supreme Court precedent and lower court precedent that some have interpreted to deem this a constitutionally permissible practice.

It has often been suggested by several of my colleagues that it is the province of the Supreme Court to interpret the Constitution, and that statement is absolutely correct as far as it goes. But it is not the beginning of the analysis and the end of the analysis.

We, as Senators, independently have an obligation, consistent with and required by our oath to the Constitu-

tion—which I took just a few months ago just a few feet from where I stand now—to uphold the Constitution of the United States. That means doing more than simply the full extent of whatever the courts will tolerate.

In this instance, what we are talking about is the right of the U.S. military to detain indefinitely, without trial, a U.S. citizen, simply on the basis that person has been deemed an enemy combatant.

Now, there is a real slippery slope problem here, and it is the very kind of slippery slope problem for which we have protections such as the fifth amendment and the sixth amendment. You see, under the fifth amendment, a person cannot be held for an infamous crime unless they have been subjected to a process whereby a grand jury indictment has been issued. A person cannot be held and tried for a crime without having counsel made available to them and without the opportunity for a speedy trial in front of a jury of the peers of the accused.

We can scarcely afford as Americans to surrender these fundamental civil liberties for which wars have been fought, for which the founding era, the founding generation fought so nobly against our mother country to establish and thereafter to protect. We have to support these liberties. I think at a bare minimum, that means we will not allow U.S. military personnel to arrest and indefinitely detain U.S. citizens, regardless of what label we happen to apply to them. These people, as U.S. citizens, are entitled to a grand jury indictment to the extent they are being held for an infamous crime. They are also entitled to a jury trial in front of their peers and to counsel.

We cannot, for the sake of convenience, surrender these important liberties. I am not willing to do that. That is why I support this amendment, amendment No. 1126, to the pending legislation. I encourage each of my colleagues to do so.

I want to point out that yesterday I voted against what became known as the Udall amendment. I did so in part because I do not believe that fixed the problem I am talking about. The Udall amendment did not even purport to address current practice or the policies as they have been established in recent years: that this kind of detention is in some circumstances acceptable. It called for a study and it eliminated certain provisions in the proposed legislation, but it did not fix the underlying problem.

This Feinstein amendment, amendment No. 1126, does fix that. That is why I support it. I encourage each of my colleagues to do the same.

When we take an oath to the U.S. Constitution—to uphold it, to support it, to protect it, to defend it—we are doing more than simply agreeing to do whatever the courts will tolerate. We are taking an oath to the principles embodied in this 224-year-old document that has fostered the greatest civilization the world has ever known.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1257, AS MODIFIED

Mr. LEVIN. Mr. President, let me just ask Senator MERKLEY a question, and then I think we can proceed from there.

It is my understanding that the original language in this and related amendments had the dates 2012 and 2014 in them, and it could have been interpreted that the Senator was trying to press those dates forward rather than address—as I interpret the Senator's current amendment—the pace of reductions after consultation with the people the Senator has identified. Am I correct?

Mr. MERKLEY. The Senator is correct. The amendment is designed to encourage, to increase the pace of the reduction of U.S. forces and the transfer of responsibility to Afghanistan's forces.

Mr. LEVIN. Mr. President, unless there is someone else here who wants to speak, I yield the floor.

Mr. MCCAIN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1257), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MERKLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I understand the Senator from New Hampshire—

Mr. MCCAIN. Mr. President, the Senator from New Hampshire had intended to talk about her amendment and withdraw it, and she may be coming. I have not had a chance to notify her, so there may be a couple-minute delay.

So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, in an exchange I had on the floor, I mentioned the people on wonderful Long Island. I made a joke. I am sorry there is at least one of my colleagues who cannot take a joke. So I apologize if I offended him and hope that someday he will have a sense of humor.

I yield the floor.



The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have been working for some time to wrestle with this question of the right number of military forces we need in Europe. It is an issue that has given me some pause. I thought we had an agreement several years ago to make some noticeable changes in that force structure. Some changes have indeed been made and others were in the works and they apparently have been put on hold and altered.

So I just wished to share some thoughts about it. I thank Senator LEVIN and Senator MCCAIN for working with me to develop an amendment to this bill that helps call attention to this problem with the Department of Defense.

We have had a long and historic relationship with Europe and our European allies. They remain the best allies we have in the world. We have large numbers of troops still in Europe. But there are not nearly as many as there have been in the past. But the numbers are still extraordinary. We have, at this time, 80,000 U.S. troops in Europe, and I do not believe military threats justify that large a troop presence. Our historic even larger number was based on the Soviet threat, the Fulda Gap, the weakness of our European allies after World War II and their lack of strength and the bond that NATO meant. We stuck together and transformed the entire North Atlantic region in a positive way.

A book called "Paradise and Power" has been written about where we are today. It is a pretty significant book, frankly. The essence of it is that the Europeans are in a paradise protected by American power, and they do not feel any need to substantially burden themselves with national defense because the United States is there.

We have a nuclear presence, we have 80,000 troops, and we have the fabulously trained, highly skilled military with the lift capability of moving to a troubled and dangerous spot at any time. I do think it is fair to say they have become a bit complacent.

As part of a CODEL I led in 2004, we visited Europe, because the United States was going through a BRAC, a reduction of U.S. basing, and we did not have the same type policy with regard to international bases. We visited—Senator CHAMBLISS and Senator ENZI and I—bases in Europe, particularly bases we felt would be enduring, such as Rota, Spain, Sigonella and Vicenza and other bases—and Ramstein in Germany.

But there are others, lots of others. So part of the NATO commitment is that each nation in Europe would invest and spend 2 percent of their GDP on defense. We have been 4 percent—sometimes over that recently—in recent years. So our NATO members, however, are falling below that. Germany, the strongest economy in Europe, is at 1.2 percent of GDP on de-

fense, and they spend a large portion of that on short-term, less than 1 year, military training of young people in Germany.

The fact is, a 9-month trainee is not someone in the modern world we can send into combat. They are just not sufficiently trained. Many military experts believe this is a waste of money. So even the money they are spending, in many ways, is not effectively and wisely spent to create the kind of modern military they have to have to be successful in a serious manner.

We do, though, believe Europe is not facing the kind of threats we had. I think it is appropriate for us to talk to our European allies and say we want to proceed with a drawdown, where possible. This Nation is borrowing 40 cents of every \$1 we spend. The Defense Department, under the sequester that will occur as a result of the failure of the committee of 12 to reach an agreement, will be facing dramatic cuts in spending, over \$1 trillion based on President Obama's projected budget over 10 years. We need to look for every reasonable savings we can.

The Defense Department is taking too heavy a cut in my opinion, far more than any other department of government. However, we cannot sustain that. I do not support that large a cut, but it will be reducing spending by a significant amount. So I believe we should think about our foreign deployments. The National Defense Authorization Act represents a vision for defense spending. We are now down from \$548 billion spent on the Defense Department last year, \$527 billion this year, an actual reduction in noninflation dollars of over \$20 billion.

As a matter of fact, the Budget Control Act agreement calls for a reduction of total spending in the discretionary account this year of \$7 billion; whereas, the Defense Department is taking \$20 billion. Other departments therefore are receiving increases to get the net 7 that is claimed. Unfortunately, that is not an accurate number because we do not achieve even the \$7 billion promised.

Since 2004, the Defense Department had a plan to transfer two of its four highly trained combat brigades in Europe back to the United States as part of the larger post-world war realignment. However, in April of this year, the Department of Defense announced it would maintain three combat brigades and not bring the fourth one home until 2015.

I have asked the Chairman of the Joint Chiefs of Staff, General Dempsey, at the Armed Services hearing, and I asked Admiral Stavridis, our European EUCOM commander, and they had no good explanation for why we are altering the plan that has been in place.

So my amendment has been agreed to on both sides and would require three things from the Department of Defense: No. 1, assessment of the April 2011 decision to station three Army brigade combat teams in Europe; No. 2, an

analysis of the fiscal and strategic costs and benefits of reducing the number of forward-based military personnel in Europe to that recommended by the 2004 Global Posture Review; and, No. 3, to describe the methodology used by the Defense Department to estimate the current and future cost of U.S. force posture in Europe.

So is Europe more threatened today than before? I do not think so. The United States has a tougher financial condition today than before? Yes. I believe we need to look at this carefully. I thank Senator MCCAIN and Senator LEVIN for working with me to recommend an amendment they believe is consistent with the goals I am seeking without micromanaging the Department of Defense.

I thank the Chair. I am pleased this amendment will be considered, and perhaps we can make some progress to analyzing more properly the deployment of forces in Europe. Finally, I would say there is no doubt in my mind that the economy of the United States is benefited if a brigade is housed in the United States, and the costs of support and family are in the United States strengthening our economy rather than transferring the wealth of our Nation to a foreign area.

I hope we will consider that as we deal with this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1229

Mr. MCCAIN. Mr. President, I call up amendment No. 1229 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is already pending.

Mr. MCCAIN. I note the presence of my colleague, Senator LIEBERMAN, on the floor, the chairman of the Homeland Security Committee.

I thank my friend from Connecticut for his support of this amendment and the importance, with the full realization of the key role the chairman of the Homeland Security Committee plays in the issue of cyber security, which is the most—in many respects, one of the most looming threats to our Nation's security.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona. I appreciate this amendment he has offered. I believe I am now listed as a cosponsor. If not, I ask unanimous consent that I be so listed.

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

Mr. LIEBERMAN. This amendment essentially codifies a very important memorandum of understanding between the Department of Homeland Security and the NSA, the National Security Agency. This is a perfect balance and exactly the kind of overcoming of stovepipes we need to see in our government.

Under existing law, the Department of Homeland Security has responsibility for protecting nondefense government, Federal Government cyberspace—cyber networks—and the privately owned and operated cyberspace,

which actually amounts to some of the most critical cyber infrastructure in our country is privately owned.

Today, as Senator McCAIN suggested, a target of attack by an enemy wanting to do us harm could be, for instance, our transit systems, financial systems, electric grid, and the like. What is embodied in this memorandum of understanding between DHS and NSA—which we will, by this amendment, codify into law—is to maintain the quite appropriate interface of the Department of Homeland Security with the privately owned cyber-infrastructure and those who own and operate it, yet utilizing the unsurpassed capabilities of NSA.

I appreciate that in this colloquy Senator McCAIN and I are entering into, we both make clear—and I appreciate that his intention here in offering this amendment is not to circumvent the need for broader legislation to protect our American cyberspace from theft, exploitation, and attack. It happens that the current occupant of the chair, the junior Senator from Rhode Island, has been a leader in this Chamber in pushing us to deal with these kinds of problems.

Senator REID has announced that he will bring a comprehensive cyber-security bill to the floor of the Senate in the first work period of 2012. That is very good news for our security. As Senator McCAIN said, I don't know that we today have a more serious threat to our security than that represented by those who would do us harm by attacking our cyber-systems, both public and private. This colloquy makes clear that this is a very significant first step, and that we need to do something more comprehensive and look forward to doing it on a bipartisan basis in the first work period in 2012.

Mr. McCAIN. I thank the Senator from Connecticut, my dear friend. The amendment establishes a statutory basis for the memorandum of agreement between the Department of Defense and Homeland Security on cooperative cyber-security support. Nobody should have any doubt about how serious this issue is. Secretary of Defense Panetta said this in June:

The next "Pearl Harbor" we confront could very well be a cyber attack.

ADM Mike Mullen at a hearing on 9/22 referred to the cyber-threat as an existential threat to our country. This is a serious issue and one that, as the Senator from Connecticut pointed out, is of utmost importance to our Nation's security.

Mr. LIEBERMAN. Mr. President, I would like to thank my friend Senator McCAIN for introducing an amendment codifying an existing memorandum of agreement between the Department of Homeland Security and the Department of Defense that formalizes their cooperation on cybersecurity work. Our Nation needs to confront the growing threats we face in cyberspace; as Secretary of Defense Leon Panetta testified in June, the "next Pearl Harbor

we confront could very well be a cyber-attack."

Mr. McCAIN. I thank my friend for cosponsoring my amendment, and share his concern about the threat our Nation faces. In a hearing before the Armed Services Committee just two months ago, former Chairman of the Joint Chiefs of Staff Admiral Mike Mullen called the cyber threat an "existential" threat to our country.

The purpose of my amendment is to codify the current memorandum of agreement, and to ensure that the relationship between DoD and DHS endures. This growing partnership demonstrates that the best government-wide cybersecurity approach is one where DHS leverages, not duplicates, DoD efforts and expertise. This is just one of the many issues we need to address on cyber legislation, and does not diminish the need for a comprehensive bill addressing our Nation's cybersecurity. But our work together on this should serve as an example of where consensus can and should exist moving forward.

Mr. LIEBERMAN. I agree wholeheartedly. The approach embodied by the memorandum of agreement—and this amendment—exemplifies the potential for DoD and DHS to leverage each other's expertise, to make efficient use of existing government resources, and to avoid unnecessary growth of government. That is the approach we must follow as we continue down the path toward comprehensive cybersecurity legislation.

Mr. McCAIN. I agree, and I again thank my colleague for supporting my amendment. While at the end of the day we may not agree on all of the provisions of a bill, I look forward to working together early in the coming year to address these issues under a process that allows for full debate of the issues on which we may differ.

Mr. McCAIN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1229) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I ask unanimous consent that Senator LIEBERMAN and I be allowed to engage in a colloquy.

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

#### AMENDMENT NO. 1068

Ms. AYOTTE. Mr. President, obtaining intelligence from high-value terrorist detainees is an urgent national security priority that is essential to protecting Americans. Unfortunately, under current law, terrorists need look no further than the Internet to find out everything they need to know about our interrogation practices and how they can circumvent them. Under President Obama's 2009 Executive Order 13491, all U.S. Government inter-

rogators are limited to the interrogation techniques that are available online and described in the Army Field Manual. As a result, all members of the intelligence community, including the non-Department of Defense intelligence professionals who support the high-value detainees interrogation group, must conform to the procedures in the Army Field Manual, which was written by the U.S. Army for the U.S. Army; that is, there is little flexibility permitted under these rules, and they are easy for those who want to harm us to circumvent them and to know exactly what techniques we will use to gather information to protect our country if they are detained as an enemy combatant.

Mr. LIEBERMAN. Would the Senator yield for a question?

Ms. AYOTTE. Yes, I will.

Mr. LIEBERMAN. Let me thank my friend, Senator AYOTTE, for playing such a leading role in our debates on this critical issue of how our country handles detainees and gathers intelligence in our war on terrorism. I share her concerns about the potential damage to our intelligence collection efforts inflicted by adherence to the existing restrictions on interrogations. That is why I am pleased to be, with others, a cosponsor of the amendment introduced, amendment No. 1068.

I will say that I am also disturbed about the amount of misinformation that seems to be circulating about this amendment and similar efforts in the past that I have supported.

I ask the Senator from New Hampshire, does amendment No. 1068 authorize torture?

Ms. AYOTTE. I thank my friend, the Senator from Connecticut, first, for his leadership in this body on national security. We both had the privilege of serving our States as attorneys general.

The answer is no. This is an amendment, I point out, that not only is Senator LIEBERMAN sponsoring—and I appreciate his experience and leadership on this most important national security issue—but Senator CHAMBLISS, vice chairman of the Intelligence Committee, as well as Senator GRAHAM and Senator CORNYN, who are both members of the Armed Services Committee, as well as the Judiciary Committee. It is very important to be clear about what this amendment would and would not do.

This proposal takes every possible measure to put into place intelligence-gathering practices that honor our American values and laws. Our amendment in no way condones or authorizes torture. There have been many groups trying to misrepresent what is in this amendment. Any new interrogation techniques that are developed would be required to comply with the U.N. Convention Against Torture, the Military Commissions Act, the Detainee Treatment Act, as well as section 2441 of Title 18 U.S. Code that relates to war crimes.

Mr. LIEBERMAN. I thank my friend for that clarification. It is very important. It is very critical—particularly for those who misunderstood this amendment—to understand the host of protections that the amendment puts in, both compelling compliance with the international convention against torture, as well as explicit prohibition in American law against interrogation that amounts to torture.

I want to ask my friend another question. Right now, all Federal Government interrogators, whether in the military or in the civilian intelligence community, are limited to using the Army Field Manual. So why does the Senator think it is so critical to give interrogators the ability—limited ability—to go beyond the Army Field Manual?

Ms. AYOTTE. I appreciate the question from my friend and colleague. The decision by President Obama to limit interrogators to the Army Field Manual was based, in part, on the horrible abuses that happened at Abu Ghraib prison in Iraq. Undoubtedly, the abuses at Abu Ghraib failed to reflect American values, tarnished America's reputation, and certainly damaged our interests. However, responding to these abuses by reflexively applying an Army Field Manual—which, to be clear, terrorists can go online and get and know exactly which techniques they will be subject to if captured—to all Federal Government interrogators doesn't reflect the severity of the threat to our country and the importance of providing our nonmilitary intelligence collectors all of the lawful tools they need to gather intelligence to prevent nuclear attacks and protect our country.

Mr. LIEBERMAN. I thank the Senator for that answer. I completely agree with her. It is important to step back and perhaps state the obvious. Why do we capture enemy combatants? Why do we take prisoners of war? Two reasons, really. The obvious one is to get them off the battlefield against us so they can no longer attempt to kill Americans in uniform and, in the case of the war we are in with Islamist terrorists, to kill civilians. That is first—get them off the battlefield.

The second purpose—and this has been the traditional purpose of taking prisoners of war as long as there has been warfare in human history, and all the more so now—is to gather intelligence from them that will assist us in defeating the enemy and protecting our goals and protecting the lives of our men and women in uniform. That traditional purpose for taking prisoners of war is all the more critical in the unconventional war we are in against a brutal enemy that doesn't strike from battleships or tactical air fighters or military tanks or even in uniform; they strike us from the shadows, and they strike civilians as well.

It is very important to approach this amendment understanding that we are trying to increase, in a reasonable way,

the capacity of those who work for us to protect our security and freedom to interrogate detainees that we have captured in the war against terrorism. One of the purposes is to gather intelligence, which will help us protect the lives of Americans and of our allies.

The preface to the Army Field Manual says it applies to the active Army, the Army National Guard, and the U.S. Army Reserve, unless otherwise stated. So as to the field manual, recognizing that these words create limited applicability of the manual outside the Army, the Army Training and Doctrine Command authors had the wisdom to warn that this manual was "Army doctrine," and it would have to be adapted, altered to apply to other "military departments" or other military service. If the interrogation techniques in this manual are not ideally suited for military services other than the U.S. Army, why should civilian interrogation professionals in the intelligence community, and particularly those who are in support of a high-value detainee interrogation, those who get the most powerful and influential and dangerous prisoners of war, be forced to comply with a document written for a defined military unit, which is the U.S. Army? I ask my friend from New Hampshire that question.

Ms. AYOTTE. I appreciate the question from the Senator from Connecticut. Absolutely, as the Senator pointed out, the Army Field Manual was not created for this purpose. As he mentioned, the high-value detainee interrogation group is a group consisting of the CIA, FBI, and Defense Intelligence Agency, designed to interrogate the worst terrorists, who are likely to have valuable information about future attacks and information we need to protect our country. To address this problem, we drafted the amendment through this authorization that would allow members of the intelligence community, who are assigned to or in support of the high-value interrogation group, to utilize interrogation techniques that are consistent with our laws and values. Our amendment would ask the Secretary of Defense, working with the Director of National Intelligence and the Attorney General, to develop a classified annex to the Army Field Manual that terrorists could not see. Unfortunately, now they can go on the Internet and look at the techniques. It classifies that the Army Field Manual would provide interrogation techniques that would be used by that important select group of intelligence-gathering professionals, to allow them to have for their use the techniques they need to gather information and protect our country.

Mr. LIEBERMAN. Again, I thank my friend from New Hampshire, but I want to go back to something I said earlier. We have described the purpose of this amendment—what I call the due process we have put into it, the mandate that it comply with existing international norms and treaties, and, obvi-

ously, to comply with our law. I want to say to my colleague that it is certainly not my intention—and I ask my colleague is it her intention—that any of the measures we are authorizing—the interrogation tactics for the worst of the terrorist detainees—should or could equal what is conventionally known as torture? In other words, we are not attempting to legalize torture with this amendment.

Ms. AYOTTE. I thank the Senator for the question. The answer is, no; we are not. We believe torture violates our laws and runs counter to American values. That is what I believe. That is why we specifically require the techniques developed by the Secretary of Defense, the Director of National Intelligence, and the Attorney General have to comply with the U.N. Convention Against Torture and all applicable laws, including the Detainee Treatment Act. Thus, the ACLU's claim the amendment threatens to revive the use of torture is patently false, unfortunately.

Currently, the Army Field Manual interrogation techniques our intelligence community interrogators must follow are publicly listed online. That is unacceptable. It is like the New England Patriots giving their opponents their playbook days or weeks before the game begins. In my experience as attorney general of New Hampshire and as a murder prosecutor, no detective or cop in even a common criminal case would tell the criminals what techniques they are going to use to gather information.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, could I ask my friend from New Hampshire to allow me to propose a unanimous consent request?

Ms. AYOTTE. I would grant the leader that request.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The reason I ask is that Senator LEVIN and I have a classified briefing that starts at 5:30.

May I ask the Senator how much longer she wishes to speak? It doesn't matter, but just so I have an idea.

Ms. AYOTTE. I would say probably 5 minutes.

Mr. REID. Mr. President, I ask unanimous consent that following the statement of Senator AYOTTE of approximately 10 minutes—she has been here long enough that she has learned to keep Senators' time, and 5 minutes really isn't 5 minutes—does the Senator from Connecticut wish to speak?

Mr. LIEBERMAN. Mr. President, I would say to the leader, I am in this with the Senator from New Hampshire, so we will complete our colloquy within 10 minutes.

Mr. REID. So following their colloquy of 10 minutes, I ask unanimous consent the Senate proceed to a period of morning business for 1 hour; that following that we go back to the Defense authorization bill.

There will be no more votes this evening, though, Mr. President.

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

Mr. REID. I appreciate the time of the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. I thank our leader for giving us the opportunity to continue this colloquy.

I just wanted to point out—we were talking about the fact the Army Field Manual is online—that in my experience as New Hampshire's attorney general and prior to that as a murder prosecutor—and I know my colleague served as his State's attorney general as well—no detective or cop on the beat, in a common criminal case—and, of course, we are dealing with a situation where we are at war with terrorists—would ever give a criminal their playbook as to what techniques they would use to question them to get information to see if a crime has been committed and to see that justice is served. Yet here we are in a situation where we have online the techniques from the Army Field Manual while we are at war with terrorists who want to kill us.

What we are saying with this amendment is that we need to allow the intelligence professionals to develop techniques, but in a classified annex, consistent with our laws, that would allow them to gather intelligence and not tell our enemies what techniques will be used to gather information from them.

Not surprisingly, al-Qaida terrorists have taken advantage of our willingness to tell them publicly on the Internet what will and will not happen during an interrogation should they be captured. Al-Qaida terrorists have familiarized themselves with the interrogation techniques they would confront if captured, and they are training on how to respond. That makes it more difficult for us to gather information.

The willingness of the United States to give the equivalent of interrogation CliffNotes to terrorists places our interrogators at a disadvantage and makes it more difficult to gather the information we need to save American lives. So developing a classified annex of lawful techniques for intelligence professionals who are interrogating the worst terrorists would make it harder for terrorists to train to avoid and resist interrogation.

The key to our amendment is giving this limited group of intelligence community interrogators the techniques they need to gather information but to do so without resorting to torture and while retaining an operational advantage that makes it more likely an interrogation will be successful.

Mr. LIEBERMAN. Again, Mr. President, I thank the Senator from New Hampshire. Just in listening to her, it seems so unacceptable that we are basically telegraphing to our enemy exactly the range of tactics that we will use against them as part of the interrogation.

We have set some quite appropriate constraints in this amendment consistent with our values and our laws and international law so that we are not going to get anywhere near torture. But when a member of al-Qaida or a similarly associated terrorist group is captured, I want that person to be terrified about what is going to happen to them while in American custody. I want them not to know what is going to happen. I want the terror they inflict on others to be felt by them as a result of the uncertainty of not knowing they can look on the Internet and find out exactly what our interrogators are going to be limited to.

Again, we will not tolerate torture. We will not tolerate what happened at Abu Ghraib. I think the limited interrogation in the Army Field Manual was an understandable but excessive reaction to the extreme and unacceptable behavior by Americans at Abu Ghraib. I hope this amendment will facilitate a return to the kind of sensible middle ground on which we will not be shackling our interrogators as they try to get intelligence, within the law, to protect our freedom and the safety of those who are fighting for us.

So I want to ask my friend from New Hampshire whether she thinks we have now a kind of one-size-fits-all approach to interrogation that is posted online. In other words, our laws should make it easier, within the law, not harder, to gather intelligence to keep Americans safe. Yet it seems the current policy runs counter to that basic principle. Does my friend from New Hampshire agree?

Ms. AYOTTE. I do. I do agree. As a matter of common sense, this amendment should go forward. The reality of telling our enemies online what to expect just defies common sense. That is what we are addressing with this amendment.

Mr. GRAHAM. If I may, I find the discussion fascinating. May I enter into the colloquy?

The PRESIDING OFFICER. Subject to the previous order, the Senator is welcome to join the colloquy.

Mr. GRAHAM. I thank the Chair.

As I understand it, the reason the Senator is having to do this is because President Obama, by Executive order, prevented the CIA and other agencies from using any enhanced interrogation techniques that have been classified in the past; is that correct?

Ms. AYOTTE. That is right. Unfortunately, we are just telegraphing to our enemies what techniques we are going to use.

Mr. GRAHAM. If I may, let me ask another question. All of us agree we don't want to torture anybody. Waterboarding is not the way to get good intelligence. Not only is it not the right thing to do, it is just not the wise thing to do. But we believe we have gone too far the other way; that when the President said no interrogation technique is available to our intelligence community other than the

Army Field Manual, does my colleague agree that, for the first time in American history, we are advertising to our enemies what we can do to them if we capture them, and no more can be done?

Ms. AYOTTE. I would say the Senator is absolutely right. I appreciate that the Senator from South Carolina has cosponsored this amendment, as has Senator LIEBERMAN, and I appreciate Senator LIEBERMAN's leadership. I would like to say while we are in this colloquy that Senator LIEBERMAN has also been a mentor to me in the Senate, and I appreciate that as well as his leadership on these issues.

Really, it comes down to this: We should not be telegraphing, we should not be advertising to our enemies what techniques our professional interrogators will use. This amendment is limited to the group of professionals who will focus on these issues and who will be gathering intelligence from terrorists.

We have to protect our country. Why would we do this? It just doesn't make sense.

Mr. GRAHAM. My good friend from Connecticut is aware there is a proposal pending on the floor of the Senate that would say, for the first time in American history, if a U.S. citizen decides to collaborate with an enemy, they cannot be held as an enemy combatant. I think the Senator is very familiar with the history of the law in this area. Unfortunately, during the entire history of our country, during other conflicts, American citizens have, on occasion, collaborated with the enemy, one of the most famous cases being the *In re Quirin* case, where an American citizen in New York and other places was helping Nazi saboteurs try to sabotage America.

In that case, the Supreme Court ruled an American citizen could be detained as an enemy combatant because the decision to collaborate with the enemy was a decision to go to war with their country, not a common crime, and that the law to be applied was the law of war. I am certain the Senator is familiar with the *Hamdi* case, where an American citizen seized in Afghanistan was allowed to be held as an enemy combatant. The *Hamdi* decision reaffirmed *In re Quirin*, and the *Padilla* case involved an American citizen captured in the United States accused of collaborating with al-Qaida.

All of those cases reaffirm the law of the land is, if someone chooses to help al-Qaida, they have committed an act of war against their fellow citizens, and they can be held as an enemy combatant for an indeterminate period of time so that we can gather intelligence about what they may have done or about what they know about the enemy.

Does the Senator from Connecticut agree that now would be a very bad time for the Congress to say, for the first time in American history, if an American citizen decides to help al-

Qaida attack us, to kill us, our military can't hold them as an enemy combatant and find out what they were up to?

Mr. LIEBERMAN. Mr. President, I thank my friend from South Carolina for participating in our colloquy, and, of course, I totally agree with him, first of all, on the principle. As he has said very well, and he knows the law very well or better than anyone around here, the Supreme Court has made clear an American citizen, who by his or her acts has declared themselves to be an enemy of the United States, can be treated as an enemy combatant. If we change that now, it is not only wrong on principle, but it is absolutely the wrong time to do this.

Let me speak now for a moment—and I am privileged to be the chair of the Senate Homeland Security Committee.

The PRESIDING OFFICER. The 10 minutes allocated for the colloquy has expired.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent for an additional 4 minutes.

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

Very briefly, the great concern we have now in terms of the security of the homeland is from so-called homegrown terrorists, radicalized Americans who effectively have joined al-Qaida or other terrorist enemies to attack the United States.

It is a sad and painful reality that, since 9/11, the only Americans killed on American soil by Islamist extremists and terrorists have been killed by other Americans who have been radicalized, who have become enemy combatants. I am speaking particularly of MAJ Nidal Hasan who killed 13 people at Fort Hood, and then an American named Bledsoe, who walked into an Army recruiting station in Little Rock, AR, and killed an Army recruiter just because he was wearing a uniform of the U.S. Army.

So these people have taken sides. They have joined the enemy. So to have this body at this time, as the threat of homegrown terrorism rises, say: No, they can't be treated as enemy combatants, not only does it not make sense and is totally unresponsive to the facts I have just described, the fact is, it is also dangerous.

So I couldn't agree with the Senator more. I wish to thank Senator AYOTTE, as we come to the end of this colloquy, for her initiative, frankly, for swiftly establishing herself in the Senate as one of our important leaders on national security matters. I am a little biased about this, but I know her experience as a former State attorney general has helped as well as what I have noted is her active and informed participation on the Armed Services Committee.

I must say that as I am about to enter my last year privileged to be a U.S. Senator, it gives me great comfort to know Senator AYOTTE is going to be here to carry on these fights for American national security and for freedom.

Ms. AYOTTE. I thank Senator LIEBERMAN very much. Again, I appreciate the Senator's leadership and all he has done for our country, to protect our country. I dare say no one has been more focused on protecting our country, and we deeply appreciate his leadership.

AMENDMENT NO. 1067 WITHDRAWN

Ms. AYOTTE. Before I yield the floor, I need to briefly discuss the withdrawal of an amendment I have, which is amendment No. 1067, regarding notification of Congress with respect to the initial custody and further disposition of members of al-Qaida and affiliated entities.

I have received assurances from the Armed Services Committee majority and minority staff that these comments and steps which are outlined in that amendment will be addressed when the Defense bill goes to conference.

Therefore, Mr. President, I ask unanimous consent that my amendment No. 1067 be withdrawn. But I also understand that the Armed Services Committee will take up my amendment when the Defense bill goes to conference as part of the conference on this bill.

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

Mr. RUBIO. Mr. President, some people are wrongly suggesting that the National Defense Authorization Act for fiscal year 2012, this legislation will allow the military to capture and indefinitely detain any American citizen, and that the U.S. Armed Forces would be able to perform law enforcement functions on American soil because of the authority conferred under sections 1031 and 1032 of the act.

Several people have asked about my votes on the National Defense Authorization Act for fiscal year 2012. In particular, some people are wrongly suggesting that this legislation will allow the military to capture and indefinitely detain any American citizen, and that the U.S. Armed Forces would be able to perform law enforcement functions on American soil because of the authority conferred under sections 1031 and 1032 of the act. While I do have other serious concerns with this legislation, those particular assertions could not be further from the truth. I want to take this time to explain what the law actually does, and what my position is on these issues, and why I joined with Senators DEMINT, COBURN and LEE to vote for those specific sections but against cloture on the final bill.

Section 1031 of this act merely affirms the authority that the President already has to detain certain people pursuant to the current authorization for use of military force. In fact, this same section of the bill specifically states that nothing stated in section 1031 is intended to expand the President's power. In addition, this section sets specific limits on who can be detained under this act to only those people who planned or helped carry out

the 9/11 attacks on the United States or people who are a member of, or substantially support, al-Qaida, the Taliban, or their respective affiliates. There is no language that could possibly be construed as repealing the Posse Comitatus Act and allowing the U.S. military to supplant your local police department in carrying out typical law enforcement activities.

In particular, some folks are concerned about the language in section 1031 that says that this includes "any person committing a belligerent act or directly supported such hostilities of such enemy forces." This language clearly and unequivocally refers back to al-Qaida, the Taliban, or its affiliates. Thus, not only would any person in question need to be involved with al-Qaida, the Taliban, or its surrogates, but that person must also engage in a deliberate and substantial act that directly supports their efforts against us in the war on terror in order to be detained under this provision. There is nothing in this bill that could be construed in any way that would allow any branch of the military to detain a law-abiding American citizen if they go to the local gun store or grocery store. What this section of the bill does is help provide for our national security by giving clarity to the military in regard to its authority to detain people who have committed substantially harmful acts against the United States. This is extremely important given that there are al-Qaida cells currently operating within our borders. I would not leave the risk of a terrorist attack that could claim the life of a member of my family up to chance, and I will not leave that risk for your family either.

Section 1032 of this bill concerns a smaller group of people who Congress believes are required to be detained by the U.S. military because people who fit within this criteria are a more serious threat to our national security. Any person detained under section 1032 must be a member of, or part of, al-Qaida or its associates and they must have participated in the planning or execution of an attack against the U.S. or our coalition partners. Simply put, the application of this detention requirement is limited to al-Qaida members that have tried to attack the U.S. or its allies. However, this detention requirement is clearly limited by a clause that states that the requirement to detain does not extend to U.S. citizens or lawful permanent residents.

Together, these two sections do the following: They affirm the authority of the executive branch to act within our national interest, and they provide the Federal Government with the tools that are needed to maintain our national security. This bill does not overturn the Posse Comitatus Act; the military will not be patrolling the streets. This bill does not take away our rights as citizens or lawful permanent residents; the authority under this act does not take away one's habeas rights. These sections do not take

away an individual's rights to equal protection under the 14th amendment to the U.S. Constitution, nor do they take away one's due process rights afforded under the 5th or 14th. If this bill did such a thing, I would strongly oppose it.

I want to thank everyone for reaching out to the office to voice their concerns on this bill. I want to assure them that I always have, and always will, listen to their concerns and address them in a timely fashion. I know this bill is not perfect. In fact, I proposed two amendments to prevent the President from transferring foreign terrorists to the U.S. to be prosecuted in the Federal court system, and I joined with Senators DEMINT, COBURN, and LEE to vote against cloture. However, in regard to the assertions that this bill allows the U.S. military to supplant our local police departments or that it allows the Federal Government to detain otherwise law-abiding citizens for simply carrying on in their daily lives, those assertions are entirely unfounded. As always, if anyone has any other questions, please feel free to contact me.

#### MORNING BUSINESS

The PRESIDING OFFICER. The Senate will now proceed to a period of morning business for the duration of 1 hour.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. GRAHAM. I would ask to be notified when 10 minutes is up.

The PRESIDING OFFICER. The Chair will let the Senator know when 10 minutes is up.

#### DEFENSE AUTHORIZATION

Mr. GRAHAM. I would like to do a colloquy with my good friend from Connecticut.

Senator LIEBERMAN said something that I think we need to sort of absorb. As the chairman of the Homeland Security Committee, does the Senator believe the likelihood of American citizens being recruited, enlisted, and radicalized on behalf of al-Qaida is going up? Is that what the Senator is trying to tell us?

Mr. LIEBERMAN. Mr. President, I say to my friend from South Carolina, I not only believe it, but it is shown by the facts.

I wish I had the numbers exactly in front of me. But if we chart attempts at terrorist attacks on the United States—and here I am limiting it to people who are affiliated with the global Islamist extremist movement—there

were a few after 9/11, but in the last 2 or 3 years, the numbers have gone up dramatically.

I hasten to say these represent a very small percentage of the Muslim-American community. But of course it doesn't take too many people to cause great havoc. We have been effective at law enforcement and, frankly, we have been lucky that all but two of these attempts have been stopped. But I think we would find law enforcement officials, Homeland Security officials saying the toughest and most dangerous threat right now to the homeland security of the American people comes from homegrown terrorists who have been self-radicalized or radicalized by somebody else.

Mr. GRAHAM. I think that is important for us to understand. Does the Senator agree with me that when we look at the war on terror, the United States is part of the battlefield?

Mr. LIEBERMAN. Well, there is no question our enemies have declared it part of the battlefield. The very official commencement of the war against Islamist terrorism, 9/11, was an attack on America's homeland, on civilians.

Mr. GRAHAM. So let's just go with that thought for a moment.

Let's say our intelligence community, our law enforcement community, and our military/Department of Defense are all monitoring al-Qaida threats at home and abroad; does the Senator agree with that?

Mr. LIEBERMAN. Absolutely true. Al-Qaida and like Islamist terrorist groups.

Mr. GRAHAM. Under the Posse Comitatus Act, the military cannot be used for domestic law enforcement functions. Does the Senator agree with me that tracking al-Qaida operatives—citizen or not—within the United States is not a law enforcement function; it is a military function?

Mr. LIEBERMAN. It is a combination, truthfully.

Mr. GRAHAM. But our military has the ability to defend us against al-Qaida attacks at home, such as they do abroad.

Mr. LIEBERMAN. Right.

Mr. GRAHAM. So if the Department of Defense somehow intercepted information about an al-Qaida cell, let's say in Connecticut or South Carolina, could they be involved in suppressing that cell?

Mr. LIEBERMAN. I would say what has happened here since 9/11, and what we needed to have happen, is that the old stovepipes have dissolved and we have military, civilian, CIA, FBI, each with a focus, working together.

For instance, the Army doctor who killed 13 people at Fort Hood, our committee did an investigation in that case. He was actually communicating with the radical cleric Awlaki in Yemen over the Internet. That was picked up by international intelligence operatives. Part of the story is it wasn't transferred effectively to the Army so they could grab him before he

committed the mass murder at Fort Hood.

But I have to say for the record, the primary responsibility for counterterrorism now in the United States is with the FBI that has developed an extraordinary capability since 9/11. But it works very closely with the CIA, gathering international intelligence, NSA, homeland security, and the military.

Mr. GRAHAM. As a team effort.

Mr. LIEBERMAN. Right.

Mr. GRAHAM. Let's imagine a scenario next week where we find an al-Qaida cell exists that is planning a series of attacks against the United States, and within that cell we have some American citizens and we have people who have come here who are noncitizens.

Would the Senator agree with me, since Congress has designated cooperating or collaborating with al-Qaida to be an act of war, that entire cell could be held as enemy combatants and questioned by our intelligence community as to what they know about the attack and questioned on future attacks?

Mr. LIEBERMAN. That certainly should be the case, and we have had this circumstance in reality. They are all part of the same enemy. In the case the Senator posits, they have all been part of the same plot to attack the American people.

Mr. GRAHAM. So would the Senator agree with me that the current law is very clear that anytime an American citizen joins the enemy force, they can be held as an enemy combatant; that is the law?

Mr. LIEBERMAN. That is the law. As the Senator has said and Chairman LEVIN has said several times in the debate, there may be some in the Chamber who don't like it, but that is what the U.S. Supreme Court has said very clearly.

Mr. GRAHAM. If we capture an American citizen as part of this cell and we can't hold them as an enemy combatant for intelligence-gathering purposes, does domestic criminal law allow us to hold someone for an indefinite period of time to gather military intelligence?

Mr. LIEBERMAN. No.

Mr. GRAHAM. Does domestic criminal law focus on the wrongdoing of the actor, based on a specific event, when we are trying to resolve a dispute between the wrongdoer and the victim?

Mr. LIEBERMAN. Yes, it does. The Senator is making a very important point. It goes back to the colloquy the Senator from New Hampshire and I had, which is, when we capture an enemy combatant, we do so for two reasons: One is to get that enemy off the battlefield, the second is to gather intelligence. Sometimes the second purpose is more important than the first because it can lead us to other plots against the American people.

Mr. GRAHAM. Does the Senator agree with me the reason the Supreme Court has recognized that an American citizen could be held as an enemy combatant if they collaborate with an



enemy is that the Court views that as an act of war; and under the powers of the Commander in Chief, he can suppress all the enemies, foreign and domestic, that are at war with us?

Mr. LIEBERMAN. I do. There has been a lot of talk about the Constitution. The Constitution makes very clear that the primary responsibility we have in the Federal Government is to provide for the common defense, to protect the security of the American people.

Mr. GRAHAM. So our courts have recognized that during a time of hostilities, the executive branch has the authority to detain an American citizen who is helping the enemies of the Nation. The question is, Does the Congress want to change that for the first time ever?

I would like to add something that my good friend from Rhode Island got me thinking about. I have always tried to explain indefinite detention, what are we trying to do here? Clearly, in war, there is no requirement to let the enemy prisoner go back to the fight after the passage of time. We don't want to let any enemy prisoner go back to the fight because that makes no good sense. The problem with this war is, there is no definable end. That is the reason we have a habeas review, because we will never know when hostilities are over. So an enemy combatant determination could be a de facto life sentence, and that is why our Supreme Court said we want a judicial check on the executive branch.

So every enemy combatant will have their day in Federal court, and the government has to prove, by a preponderance of the evidence to an independent judge, that the decision to hold this person is warranted under the law. That was what the Hamdi case was about. I think that makes sense because it will not be the traditional war; it will be a war without a definable end.

The idea of continuing to hold them, if the judge says to the government: You are right, there is compelling evidence this person was involved with al-Qaida, tried to get involved with a hostile act; you are right, they are part of the enemy, you can hold them forever. But we have come up with an annual review process to make sure they will have a chance every year to have their case looked at.

Senator WHITEHOUSE got me thinking. In our own law, under the civil justice system—such as Hinckley, the man who shot President Reagan, he was acquitted in court, by reason of insanity, of shooting President Reagan. He has been in a psychiatric hospital ever since, and he can be held away from the community because he is a danger to himself or others.

I think what Senator WHITEHOUSE is saying is, the idea that we can hold someone—the Court has agreed with the government—as part of the enemy force as a continuing threat is not an unknown concept. We just have to have a review.

The PRESIDING OFFICER. The Senator asked to be notified at 10 minutes.

Mr. GRAHAM. I thank the President.

I would suggest to our colleagues, let's think this thing through. Let's realize that if the enemy is coming to our homeland, the enemy is recruiting American citizens; and if we find an American citizen who has, in fact, joined forces with al-Qaida, our No. 1 goal should be to gather intelligence to prevent future attacks and to find out what that person knows about what the enemy is up to. Our secondary concern should be prosecution. When we interrogate somebody as the enemy combatant, the best thing we have on our side is time. I don't want to waterboard anyone, but I want to keep them in a controlled environment where time is on our side, and I will argue that the best information we have from Guantanamo Bay detainees did not come from waterboarding, it came from the fact that we could hold them for an indeterminate period of time, and through time, they began to cooperate and tell us valuable information.

Does the Senator agree that is the concept we need to hold onto in this war?

Mr. LIEBERMAN. I thank my friend. I absolutely agree. I talked to professionals in this business of interrogation, and they say some of the most effective interrogation takes time. I have had people describe to me detainees who were totally uncooperative, and they were asked over and over for days and weeks and months, and then finally broke and began to give information that was critically important for the protection of our country. So I do agree.

I want to stress two things the Senator from South Carolina has said because it is very relevant to the attempt to give special status to Americans deemed to be enemy combatants in the contravention of existing U.S. Supreme Court rulings that say if you are an American and you are found to have joined the enemy, then you can be treated as an enemy combatant, which common sense tells you is what you are.

Here is what I want to say, and this is important to what we are here for. There are two kinds of due process that are put into the bill, the underlying language and the compromise that has been adopted on the treatment of detainees. One, for the first time there is a judicial process to determine the status of the detainee, whether evidence shows that the detainee should, in fact, be treated as an enemy combatant. The second is that while the enemy combatant is subject to indefinite incarceration, that indefinite incarceration is subject to annual review now. So we can determine, according to a stated series of standards, whether that person—

Mr. GRAHAM. Wouldn't the Senator agree that under domestic criminal law, that indefinite ability to question about enemy activity doesn't exist?

Mr. LIEBERMAN. That is absolutely right. The Senator stated earlier—and it is an important point—this is the danger we get into as we start to treat people who are terrorists as common criminals, or even uncommon criminals, which is that the criminal law aims at imposing a penalty, doing justice, incarcerating somebody as a result. The law of war is aimed at making sure that enemy combatants, prisoners of war, are taken off the battlefield—

Mr. GRAHAM. And to my colleagues—

Mr. LIEBERMAN. Until the war is over.

Mr. GRAHAM. I acknowledged in the Christmas Day Bomber case, in the Times Square attempted bombing, that they were put in Federal court. I am okay with that. I do believe in the "all of the above" approach. Our Federal courts can handle cases involving transnational terrorists and al-Qaida members and so can military commissions. The idea of reading somebody their Miranda rights may be the best interrogation technique. I know that we were able to get some good information after reading Miranda rights.

I guess the point I am trying to make is I acknowledge that the people doing the interrogation are better suited to make that decision than I am. I just don't want the Congress by legislation to say for the first time in the history of the country in this war—unlike any other war you no longer have it available to you, the U.S. Government, the ability to hold somebody as an enemy combatant if you believe that is the best way to gather intelligence. I am not saying the other system cannot be used. Let's leave it up to the professionals.

But the Senate is suggesting through the legislation being proposed that the idea of holding an American citizen who is suspected of collaborating with al-Qaida that they can no longer be held as an enemy combatant is not only changing the law, it is taking off the table a tool that I think we need now more than ever. I don't want us to lose sight of the fact of what we are doing here and what it would mean to our country and our ability to defend us. No one in World War II would have tolerated the idea that someone who collaborated with a Nazi trying to kill us on our own soil would have any other disposition than to be considered an enemy of the American people.

My question for this body is: Do you think al-Qaida is an organization that doesn't present that same kind of threat? Is it the Senate's desire to say during these times that an American citizen can collaborate with al-Qaida to kill us on our own soil and that is no longer considered an act of war? I would argue that that would be one of the most irresponsible decisions ever made in a time of war by an elected body. It not only would change the law as we know it, it would create an opportunity and a hole in our defenses at

a time when, as the Senator has indicated, the threat is growing.

I say to Senator LIEBERMAN, thank you for being a steady, stern, consistent voice along the line that since 9/11 our Nation has been in an undeclared state of war. The enemy still roams the globe. They have as their hope and dream hitting us again here at home. And, for God's sake, let's not weaken our defenses in a way that no other Congress has ever chosen to weaken the executive branch in the past. I thank the Senator for his service.

Mr. LIEBERMAN. I thank my friend from South Carolina for his expertise in this area and also his sense of principle. We have colleagues on the floor who want to speak. I want to say a final word. I know the Senator from South Carolina is particularly worried about pending amendments that would alter the way in which the underlying bill now treats enemy combatants who are citizens of the United States.

The underlying provision in the bill on detainee treatment fills a gap in our law that has been harmful and difficult for our military to deal with because there is no law about how to treat detainees. Senator GRAHAM worked very closely with Senator LEVIN and Senator MCCAIN to draft this compromise, and it is a good compromise. As he knows, if I had my preference, there would be no waiver in this because I believe anybody who is an enemy combatant is an enemy combatant and as a matter of principle ought to be held in military custody and tried by a military tribunal according to all the protocols of the Geneva Conventions, according to the Military Code of Justice.

Incidentally, if these tribunals are good enough for American men and women in the military who face charges, they ought to be good enough for enemy combatants who face charges.

But here is my point: The Levin-McCain-Graham provision in this bill on detainees is a compromise. It is a reasonable, effective, bipartisan compromise. It is the kind of compromise that doesn't happen here enough, and so I support it because even though I might have wished it would have gone further, so to speak, it is a lot better than the status quo. And I say that at this moment because I urge our colleagues who now want to come in with other amendments, to essentially undo this bipartisan compromise can do great damage. I am saying myself, yes, I wish it had not given the President the power to waive that he has under the bill and take somebody who is an enemy combatant to a normal article III Federal court, but this provision is a real step forward from the status quo, and I think if we can say that, then we ought to support it. So I hope our colleagues will think twice before trying to undo the compromise, and that if they do go forward with it, that our colleagues on the floor will defeat those amendments.

Mr. GRAHAM. Mr. President, I will wrap this up. I know we have colleagues who want to speak. Let me reiterate what Senator LIEBERMAN said. There is a stream of thought that every member of al-Qaida, American citizen or not, is an enemy of the people of the United States in a military sense, not a criminal sense, and they should be in a military tribunal. That is the way we have handled most cases in the past.

Here is what I believe: I believe that the choice of venue should lie with the executive branch, and I think there is a very robust role for article III courts. So I don't want to say from a congressional point of view that every member of al-Qaida has to be tried by a military commission all the time, because, quite frankly, sometimes article III courts could be the better venue. When it comes to telling the executive branch that you have to put a noncitizen in military custody inside the United States, I think that is the right way to do it, but I don't know enough, so if there is a reason to waive that provision, the experts can waive it.

I have been very cautious about micromanaging the executive branch because they are the ones fighting the war. We have a role to play, we have a voice to be heard, and here is what I am urging some my colleagues. This compromise is not what some of our friends wanted, such as Senator LIEBERMAN and, quite frankly, it is not what the ACLU wants, because they don't buy into the idea that al-Qaida operatives are anything other than common criminals. So you have two poles here. I believe an al-Qaida operative is not a common criminal, and if an American citizen joins al-Qaida they should be treated as an enemy combatant as one possibility. But if you want to go down the other road, you can go down that road. I just don't want us to take off the table, for the first time in the history of America, that an American citizen trying to help the enemy kill us here at home somehow can no longer be talked to by our military to gather intelligence. That is a crazy outcome.

I think we have a good bill that gives maximum flexibility to the executive branch but preserves the tools we are going to need now and into the future. And to my colleagues, please ask yourself: If in World War II we could hold an American citizen who tried to help the Nazis blow up America as an enemy combatant, why wouldn't you want to help hold an American citizen who is helping al-Qaida—which did more damage to the homeland than the Nazis—as an enemy combatant? Why would you want to take off the table the ability to hold that person, humanely interrogate them to find out why they joined, who they talked to and what they know? Because what they know and who they talked to may save thousands of lives. For us to say you cannot do that for the first time in the history of the country would be a colossal mistake.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Kansas.

#### COMMUNITIES FIRST ACT

Mr. MORAN. Mr. President, I am here to speak on another topic, but it has been my privilege to hear the discussion between the Senator from South Carolina, Mr. GRAHAM, and the Senator from Connecticut, Mr. LIEBERMAN, about what I think is a very serious debate; that is, the juxtaposition of our constitutional rights as U.S. citizens in light of our desire to make sure Americans' lives are protected. I have always struggled with trying to find that right balance, and I found tonight's conversation on the Senate floor very valuable.

I wish to turn my attention and bring to the attention of my colleagues in the Senate a pending piece of legislation, a bill I have introduced dealing with our country's economy and particularly as it relates to financial institutions and particularly our community banks.

There are, as we know, so many Americans who are looking for work. I would say our government's first priority is to defend our country, and we have been having a debate about how we do that, but we also have a significant responsibility to create an environment where businesses can grow and put people to work. I want to point out tonight a piece of legislation I have introduced that I believe is part of the solution. It is called the Communities First Act, and it is a compilation of what I would say are commonsense tax and regulatory relief ideas for our Nation's smallest financial institutions.

We constantly hear about Wall Street. I want to worry tonight about Main Street. These banks in communities across Kansas and in States across our country were not the cause of the financial crisis from which we are still struggling to emerge, but unfortunately they have become the victims. They have become casualties of the crisis on Wall Street. Hundreds of community banks have been allowed to fail, and the survivors are left waiting for the next burdensome regulation to come from Washington, DC.

Until banks are willing and able to make prudent loans to creditworthy hometown customers, job creation will remain stifled and our economic recovery will continue to lag.

The evidence seems clear to me that the current regulatory requirements impose a disproportionate burden on community banks because they do not operate on the scale to spread the legal and compliance costs. When a bank with, say, just 40 employees requires 4 compliance experts, I believe something is terribly wrong.

This expensive overregulation diminishes the ability of a community bank to attract capital and to support the credit needs of customers. What that means is that someone who wants to be

a stockholder or the owner of a community bank, because regulatory requirements increase the cost of capital, will decide there is a different way to earn a living, a different place to invest that capital. So, in short, these burdens prevent a community bank from serving the community, and they avoid, therefore, the resulting job creation that comes when a community bank invests at home.

All of the regulations being piled on community banks might be justified if the failure of a community bank could pose a serious risk to our Nation's financial system, but that is clearly not the case. It was not the failure of several hundred community banks that left our economy in such poor condition; it was the financial condition of a handful of the largest firms in America that grew so large and so complex that their failure or bankruptcy could not be tolerated and the consequences would affect every American. We need a tailored approach to regulation.

Ross Wilson, one of my constituents in LaCrosse, KS, a banker, wrote to me. He says his bank will no longer make home loans, real estate loans. This is his quote:

As a community banker, I really hate this decision, but the complexity of the new regulations have forced us to make this decision. It appears that the powers that be in Washington don't understand the importance of a small community bank.

When your hometown bank won't make a home loan to one of its customers not because the loan won't be repaid but because the regulatory costs are far too significant, our regulations have far exceeded their value.

How does the Communities First Act that I have introduced change this trend and restore some level of sanity to our financial regulations? This bill would strip away outdated and unnecessary regulations, such as the Gramm-Leach-Bliley annual privacy notice requirement. Under current law, every bank and credit union is required to disclose their privacy policies on an annual basis even if that bank's policy has never changed during the year. So you can have a customer of a bank who has been a customer forever, and the bank has a policy in place that never changes, but every year the bank has to send out a significant mailing to every customer explaining their policy in regard to privacy. While that burden maybe doesn't sound too significant, it is a costly requirement of questionable benefit.

Blake Heid of the First Option Bank in Paola, KS, tells me:

Very little of what the regulations have us do is productive or helps us take care of our customers better. Just the privacy notices alone cost our small bank in excess of \$13,000 annually. We haven't changed it . . . we never sold our customer information, and we still don't.

The Communities First Act would also address an issue regarding SEC registration by community banks. The number of shareholders which triggers a registration has not been updated in

a long time and remains a burden that discourages community bankers from raising capital and making loans.

The Communities First Act would also reform which banks are required to comply with the costly burdens of Sarbanes-Oxley. Current law exempts banks with market capitalizations under \$75 million from compliance under section 404. The benefits of that section do not appear to be worth the cost, so my legislation raises that threshold.

Another commonsense provision would encourage Americans to save by reducing the tax on longer term certificates of deposit. It would also allow for individuals under the age of 26 to invest in Roth IRAs without regard to their income level. We desperately need Americans to save money for their long-term retirement benefits.

The Communities First Act would also reform the new Consumer Financial Protection Bureau so that the National Credit Union Administration, the FDIC, the Federal Reserve, and the other regulators would have a meaningful role in the creation of consumer protection rules. Dodd-Frank provides these regulators insufficient input, and review of the CFPB and the results of poorly written regulations could mean less credit and, again, fewer jobs.

There seems to be some disagreement here in Washington, DC, today about the effects of burdensome regulations on our economic recovery. But back in Kansas, Jay Kennedy of the First National Bank of Frankfurt indicates:

Our staff of 7½ people are busy taking care of our customers and serving our communities. The extra burden from things like tracking escrow payments, sending privacy notices, and filing call reports that take a month to complete all create undue stress and busy work for us.

Kansans don't know what the words "busy work" mean.

The relief of those three things alone would allow us time to teach financial literacy that our schools can no longer afford to do and create new products to better serve our customers.

The provisions of the Communities First Act are just a first step in unleashing the ability of small banks to do what they do best—provide capital that results in jobs.

Congress has created a regulatory monster, and I urge my colleagues to join me in removing unnecessary burdens from our financial system and cosponsor S. 1600, the Communities First Act. While this legislation may directly benefit our Nation's community banks—our small financial institutions—the real beneficiaries are the entrepreneurs, the Main Street small business men and women, and farmers and ranchers who, with access to credit, can help put Americans back to work.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: Are we in morning business?

The PRESIDING OFFICER. We are.

#### BOEING CONTRACT EXTENSION

Mr. HARKIN. Mr. President, I have come to the floor this evening to congratulate the president of the International Association of Machinists union, Tom Buffenbarger, and Boeing's CEO, Jim McNerney, on their agreement today to extend their current contract for 4 years. This is a good deal. It reflects a strong and commendable commitment by Boeing to continue having their top-quality products made by top-quality workers. It provides real job security and fair treatment for the company's valued employees. It will also resolve the current labor dispute between the company and the union that is pending before the National Labor Relations Board. This settlement is a step forward for a great company—Boeing—a step forward for a great union—the machinists union—and a step forward for our great Nation. Again, I commend the CEO of Boeing, Mr. Jim McNerney, and the president of the machinists union, Tom Buffenbarger, for working out this agreement.

This agreement is also a compelling demonstration of the fact that the NLRB—the National Labor Relations Board—process works for all concerned. When an alleged unlawful activity happens, a charge is filed with the NLRB. That is what is supposed to happen. While the NLRB's process was playing out, the parties were able to sit down, negotiate, and strike a deal, which they announced today. As a matter of fact, that is what happens to most unfair labor practice charges filed at the NLRB. It is all a part of the process at that independent agency. Just as in our court system, cases settle to the benefit of both parties. That is what happened here. It also settled to the benefit of our Nation.

What should not have happened was the unprecedented level of political and congressional interference in this case. It wasn't just that Republican elected officials attempted to try this case in the press, they went far beyond that. House Republicans attempted to eliminate the board's funding entirely because of this case. Senate Republicans have blocked the nominees for the board and the General Counsel of the NLRB. House Republicans tried to subpoena the prosecutor's case file so they could obtain documents that the company had been unable to obtain in the litigation. A Member of this body called the NLRB Acting General Counsel, Mr. Lafe Solomon—an independent prosecutor and a 30-year career veteran of the agency, not a political appointee—a Member of this body called him and threatened to come after Mr. Solomon "guns ablazing" if he brought charges against Boeing. I am informed that the House Oversight Committee actually threatened to try to revoke the bar licenses—the bar licenses—of

individual career attorneys at the National Labor Relations Board because of this case.

I have never, in all my years in public office, seen such a brazen and inappropriate interference with the business of an independent agency, and I hope to never see it again. The time and attention that House Republicans have devoted to their attack campaign against the National Labor Relations Board is nothing short of astonishing.

What is even more absurd and shameful is the fact that they claim this attack campaign was intended to save jobs. What saved jobs was the negotiations between the great company, Boeing, and the great union, the machinists union. That is what saved the jobs.

I am mystified by the suggestion by some Republicans that gutting the NLRB would somehow revive our economy. In survey after survey, business leaders agree about what is hurting the economy. It is not government. It is not regulation. It is not the NLRB. It is the lack of consumer demand. Workers don't have enough money to buy things, and the economy won't pick up until they do. Weakening workers' rights and taking away their ability to speak up for fair treatment will only make the problem worse.

Attacking American workers and the agency that protects them is a poor substitute for a real job-creation strategy. Americans know that the National Labor Relations Board is not remotely responsible for our country's economic woes. Incapacitating this agency will not put food on people's tables, help them keep their homes, find jobs, or send their kids to college. It will, however, send a strong message to those few—few—unscrupulous employers who want to take advantage of this bad economy to mistreat hard-working people. Fortunately, that is not the case with Boeing. Without the NLRB, there would be no watchdog, and it would be open season on workers' rights. At a time when decent jobs, good wages, and fair treatment are getting harder and harder to find, this would be a step in the wrong direction for our country.

The National Labor Relations Board is an independent Federal agency charged with an important mission. In fulfilling that mission, the dedicated professionals at the board are doing their jobs as the law intended.

Now it is time for the Republicans in the House and the Senate to do the same. Instead of continuing to pursue this pointless and distracting partisan crusade to dismantle and do away with the National Labor Relations Board, it is time to put this episode behind us. It is time to recognize the NLRB is doing its job, that companies and unions will sit down and work things out and settle things out without the Senate and the House and Governors—and Governors—of other States trying to interfere and make it a political football.

Again, I congratulate the Boeing Company and the International Asso-

ciation of Machinists in doing what is best for America.

Mr. President, I yield the floor.  
The PRESIDING OFFICER. The Senator from Nevada.

#### EXTENDING THE PAYROLL TAX CUT

Mr. HELLER. Mr. President, I thank you for the opportunity to spend a few minutes here on the Senate floor. And I want to thank the previous speaker, Senator MORAN from Kansas, for his timely comments, specifically regarding housing, the ability for small institutions, community banks to be able to produce the capital they need to help these small businesses and these homeowners, but, specifically, for the ability to create jobs. It dovetails into what I want to talk about today; that is, solutions, solutions for the American people.

This week, Congress has an opportunity to come together to help hard-working Americans, those taxpayers, and extend the payroll tax cut holiday. No State needs Congress to put aside political bickering more than the great State of Nevada.

Right now, as a percentage, more Nevadans are looking for jobs than in any other State. Right now, more Nevadans are having difficulty holding on to their homes than in any other State. And right now, more Nevadans are filing for bankruptcy than in any other State.

There was a report released yesterday that named Nevada the toughest place in the country to find a job.

Our No. 1 priority in this Congress should be to turn this economy around and get people working again. Yet here I am standing on the U.S. Senate floor today trying to convince the majority not to raise taxes on small businesses.

I am proud of my State. I am confident that, with the right policies in place, Nevadans can find job opportunities and overcome these difficult times. But in order for that to happen, Congress must put partisanship aside and come together to pass meaningful legislation that benefits Americans who need help in this tough economy and expand opportunities for employers looking to hire.

Extending the payroll tax cut will allow Americans to hold on to wages they worked hard to earn. Under my plan, hard-working American taxpayers will not see a tax increase. Under my plan, we will prevent a tax increase on those already receiving the payroll tax credit. And under my plan, employers can continue to invest in their businesses, so they can grow, expand, and hire more workers without the fear of a tax increase.

Americans need jobs desperately. Congress should be focused on policies that create jobs and drive long-term economic growth. The legislation I have proposed allows Congress to responsibly extend the payroll tax cut and treat taxpayers' dollars appropriately.

There is no question Congress should extend the payroll tax cut. Republicans, Democrats, Independents, everyone agrees on that. But we should not do it by turning around and raising taxes on employers everywhere.

Nevadans are looking for jobs. Increasing taxes on small businesses in Nevada is bad economic policy, and taking away the capital they could use to invest makes little sense.

Rather than finding a solution for hard-working Americans, the majority has chosen to go down a path that is engineered purposely to fail. They know there is little chance a tax increase on hard-working American taxpayers and their businesses will pass the Senate, and they know there is no chance their tax increase will pass in the House. So instead of success and reaching bipartisan agreement, the majority has chosen to focus on failure and scoring political points.

Honestly, these are the games the American people are tired of: the "my way or the highway" mentality, proposals that have no chance for success, bickering at the expense of our economy.

We have a divided Congress. That means to ensure 160 million Americans receive an extension of this tax cut, we need to move beyond petty politics of this majority.

As a Senator from the State that is leading the Nation in unemployment, I am particularly disturbed by this determination to play the political game rather than focus on solutions that work for all Americans.

With a little common sense, we can pay for the payroll tax cut without raising taxes on job creators, we can reduce government spending where it is no longer needed, and require the richest Americans to pay higher premiums for Medicare. This will allow us to strengthen and preserve Medicare for those Americans who rely on the program the most. And since my colleagues on the other side of the aisle frequently talk about how the richest Americans should be doing more, I believe this is an approach that both Democrats and Republicans can support.

By voting for this alternative plan, Congress can put political gamesmanship aside and support a workable solution for all Americans. The bipartisan veterans jobs bill, along with the 3-percent withholding bill Congress passed earlier this month, is proof that when Congress has the will to work together, we can find a pathway forward.

My proposal provides Congress with another opportunity to break the political gridlock here in Washington, DC, and vote for a solution that can pass Congress and be signed into law. I am hopeful Congress can work together to extend the payroll tax cut and preserve opportunities for job growth. It is past time Congress put aside politics and focused on policies that work for Nevadans and all Americans already struggling in this difficult economic environment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### SEXUAL ASSAULT IN THE MILITARY

Ms. KLOBUCHAR. Mr. President, I rise today to speak in regard to the National Defense Authorization Act, and in particular to certain sections of that bill which target a serious but often underaddressed problem facing the men and women of our Armed Services. This is the issue of sexual assault.

I introduced this legislation on this issue in the spring with Senator SUSAN COLLINS, and I remain deeply concerned about the subject.

Many of our colleagues are aware that sexual assault is a persistent problem within our Armed Forces. In fact, reports of trauma have risen in recent years.

In March, the Department of Defense put out its annual report on sexual assault in the military. According to the estimates, there were more than 3,000 reports of sexual assault in the military last year. That includes reports by both male and female victims, exposing attacks perpetrated both by and against members of our military. And those are just the reported attacks. Since the Department of Defense estimates that only 13 percent of victims actually come forward, we can assume the real number of sexual assaults is much higher—upwards of 19,000.

The Department of Veterans Affairs has reported similarly disturbing figures: More than 20 percent of female servicemembers seen at VA medical facilities say they were sexually assaulted or harassed during their service.

Let me make this clear. We know the vast majority of the men and women serving in our military would never be involved in a sexual assault. They have the toughest jobs out there. They are on the front lines every day. But when we have a problem, we cannot put our heads in the sand and pretend it is not happening.

In 2008 alone, VA medical personnel reported nearly half a million encounters with veterans that focused on sexual assault and harassment. Our servicemembers are already dealing with the stress of battle. They are fighting two wars, and they are responding to other conflicts and needs around the globe.

The idea that an American in uniform—who is out there on the front lines, serving our country—may also suffer the physical and emotional trauma of sexual assault is simply unacceptable. It is also unacceptable that the records of that assault would be destroyed.

According to the VA, women who experience sexual assault or sexual harassment in the military have a 59-percent higher risk of developing mental health injuries.

Sexual trauma does not just hurt the victims. It can also take a huge toll on

the soldiers who serve by their sides. It has been shown to severely undermine military cohesion, team morale, and overall force effectiveness.

The Department of Defense is well aware of this problem, and over the years it has taken some positive steps to address it.

For example, the Pentagon has created positions for personnel specially trained to handle reports of sexual trauma. It has improved counseling services for victims. And it has implemented new training procedures for commanders. But despite these important improvements, the Defense Department continues to fall short in one very key area: ensuring the lifelong preservation of victims' records from reports of sexual assault.

As a former prosecutor, I know firsthand how important it is to preserve the data connected to crimes like sexual assault. That is why I am so troubled by the gaps we have seen at the Defense Department.

As of now, there is no coordinated, cross-service policy for ensuring the preservation of medical records and other information that is related to sexual assault. In this day and age, it seems a little crazy. Some of the branches have 5 years; some of them have 10 years. There is no policy, and many of these records are destroyed. These are records of sexual assault.

Across the board, these policies—or lack thereof—are bleak. In a significant number of cases of sexual assault, the data is destroyed within 1 year. It is simply shredded.

The problems this can cause for servicemembers are extensive. Within 1 year, the servicemember loses the proof that he or she experienced a sexual assault connected to their military service.

As a prosecutor, if you have someone who is maybe accused of a crime—or maybe no one followed through on it, and then later they go on and they commit an actual crime and there is a trial—you want to be able to access the records from the past.

Also, for the individual victim, it means they no longer have access to the evidence necessary for pursuing criminal action against their perpetrator.

It also means if the victim experiences depression or any other ailment, either mental or physical, relating to the assault, they may not be able to prove it was caused during their service, meaning they will not be able to seek VA disability benefits.

There are far too many examples of this out there—of servicemembers being denied compensation from the VA for disabilities caused by military sexual assault. There are far too many examples of servicemembers who have been told to “find a witness.” And when there are no witnesses, they have been told to “get their attackers to attest to the assault.” This is not the way we should be treating our servicemembers.

This year, my office was contacted by a group of Minnesota women veterans—veterans of all ages—who have bonded together to share their stories of sexual assault and to advocate for stronger protections from the Department of Defense and the VA.

These women signed up to serve. They performed well and honorably. And if in the course of their service, they experience an assault—an assault that would not have been experienced if they had not volunteered—then we owe them the basic decency of keeping their records. That is all we are talking about here.

We have appreciated that the Department of Defense is open to it, that the leaders of this bill are working with us on this issue.

I originally introduced this bill with Senator COLLINS, Senator MURKOWSKI, and Senator MCCASKILL. We were able to get 23 cosponsors on this bill, including every single woman in the U.S. Senate.

The Support for Survivors Act also is endorsed by several key veterans service organizations, including the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the Iraq and Afghanistan Veterans of America, as well as the Servicewomen's Action Network.

The Support for Survivors Act is straightforward. Quite simply, it requires the Department of Defense to ensure lifelong storage of all documents connected with reports of sexual assault and sexual harassment in the military, while also maintaining full privacy for those involved.

Likewise, the purpose and motivation of this legislation is also pretty simple. It is about supporting our veterans.

I have always believed that when we ask men and women to sacrifice for us in defense of our Nation, we make them a promise that we are going to give them the support when they come home. As Abraham Lincoln said: We need to care for those who have borne the battle.

Well, protecting our servicemembers' personal records, protecting their rights is just about that. This week, Senators are considering a critically important bill, the National Defense Authorization Act. I am happy to say this year the Defense authorization bill already includes a significant majority of the provisions of my Support for Survivors Act.

This summer, the Senate Armed Services Committee saw fit to address the issue of military sexual assault during its markup of the bill. I am grateful for the time and effort my colleagues have invested in reviewing this issue. Already, the National Defense Authorization Act requires the Department of Defense to collaborate with the Department of Veterans Affairs in developing a comprehensive policy for ensuring retention and access to sexual assault records.

Importantly, the bill ensures protection of the privacy of the records. It

also calls on the Defense Department and the VA to address access to the records not only for victims but also to the VA, law enforcement, and other entities that may need to access them. The bill also seeks to make the policy uniform across all service branches so members of the Air Force, the Army, the Navy, and the Marines are given fair treatment.

Why would you have records destroyed of sexual assault in one branch after a year and another branch after 5 years and another after 10 years? It is my position they should not be destroyed at all. The one provision which was not included in the Defense Authorization Act, which I believe is vitally important, was the requirement that records be stored throughout the life of the victim. Storing records for a person's lifetime is, in my mind, common sense. All other critical records, such as our health records, insurance records, banking records are stored throughout our lives. So I believe the case should be the same here. Unfortunately, the Defense Authorization Act does not require lifelong storage. Instead it put this question entirely in the hands of the Defense Department, requiring only that the records be stored for 5 years and otherwise allowing the agency to determine its own timing.

Five years is not enough. Yes, it is five times the length of time the records are currently stored, and in that respect it is a good step. But it is not enough, not in a modern day where we store records and we have ways of storing records in a way—and certainly the Defense Department knows how to store these records—that is private.

That is why I have filed an amendment that would ensure that almost all sexual assault records are stored for an estimated 50 years. This solution is one that I have discussed personally with Senator LEVIN. It is also something my office has worked on closely with the Department of Defense. Although 50 years is not necessarily the life of the victim, it gets us a long way and is certainly better than what we have now.

I thank Chairman LEVIN for his willingness to work with me on this important issue and for his efforts to include this amendment in the overall bill. I also thank the Republicans, the other side of the aisle, for working with us and the fact that this was a bipartisan amendment from the beginning. Again, the sponsorship on the underlying bill included the sponsorship of all women Senators in the Senate.

I urge my colleagues to support this amendment as well as the strong provisions in this bill that address sexual assault protections for military members. The problems with sexual trauma within the military are broad. But the provisions included in the bill, including my amendment, are important advancements. I intend to monitor the Defense Department's implementation of these provisions. Although I was not able to secure the full lifelong record

preservation, I am going to keep fighting this fight. But 50 years for most of the records is a pretty good result given what we have in place right now.

This year, the Department of Defense has finally placed a military officer in charge of its Sexual Assault Protection and Responsive Office, GEN Mary Kay Hertog. I believe she has not only a good grasp on the importance of preserving records but also the rank and weight necessary to forge real change in the Department's policy.

I intend to continue my communication with General Hertog, and I look forward to finding a policy that ensures that victims have lifelong access to their personal records. When our men and women signed up to serve there was not a line, and there should not be a line when they get back—not for jobs, not for education, and not to receive the medical benefits or health protection they have earned.

I see my colleagues, the leaders on this bill, Senator LEVIN and Senator MCCAIN, are here. I again thank them for working with me on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Minnesota for her strong efforts on behalf of the men and women in the military and their welfare and benefits. She is an advocate and a person who is committed to making sure that not only those who are now serving but those who have are cared for by our society and by our military and our veterans facilities.

So I thank the Senator. I appreciate the very eloquent statement she just made.

#### DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 2012—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1867.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while the Senator from Minnesota is here, let me add my voice of thanks and appreciation for what she continually is fighting for in the area of sexual assault. Her amendment makes great sense. We have cleared it on our side. We hope it gets cleared so that we can get this into a package—and we hope we can get a package that is adopted.

But I want to just commend the Senator for her intrepid effort that is awe inspiring on behalf of people who need all of the fight and all of the protection that we can give them, those are people who have been assaulted sexually. I commend the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

#### AMENDMENT NO. 1246, AS MODIFIED

Mr. MCCAIN. I send an amendment to the desk, as modified, No. 1246, and ask for its consideration.

The PRESIDING OFFICER. The amendment is already pending.

Mr. MCCAIN. Mr. President, the amendment is to require the Secretary of Defense to consult with the Armed Services Committee in commissioning an independent assessment of U.S. security interests in East Asia and in the Pacific region. It has been cleared on both sides. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. LEVIN. Before the amendment is adopted, I just wanted to indicate our support of the amendment. It is in a very significant area which has to do with our force structure in the Pacific. Senator MCCAIN has been very active wanting to look at that because we have to look at it in depth. He has agreed that this study, which will be done in consultation with people who have knowledge, can be done independently and in a prompt way with an independent study.

I think he has reached that conclusion. I think he is right. I believe Senator WEBB, if he were here, would want to indicate his strong support because the three of us have worked together for this kind of an effort.

With that, I would indicate my strong support.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1246), as modified, was agreed to, as follows:

On page 439, line 18, insert “, in consultation with the Chairman and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives,” after “Secretary of Defense”.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I would ask my friend, the chairman, if perhaps we could give our colleagues a brief update on where we are. There are not that many amendments remaining. There are a couple of rather serious amendments concerning detainees that are still outstanding. But overall I think we can tell our colleagues that we are pretty well moving along.

We still have a pending package of amendments that have been agreed to by both sides that, unfortunately, we are unable to move forward. But, hopefully, we will be able to do that.

Mr. LEVIN. Mr. President, we indeed have been making progress, No. 1. We made significant progress today both on the pending amendments that needed to be addressed by the full Senate, as well as a major package of amendments which has been cleared on both sides.

There is another package of amendments to which there has been no—they have been cleared, which means they are available to everybody, and



there is no objection by anybody to the substance of those amendments. If there is any objection, then they are not going to be cleared. They would then have to be brought up to the whole body.

Tomorrow we have a number of significant amendments to address, including the Feinstein amendments, the Menendez-Kirk amendment on Iran sanctions, just being a few of them. But there are a number of other ones as well. In a moment, what I am going to be asking for is unanimous consent that when we come in tomorrow the first amendment pending be my amendment, No. 1293, on high-speed ferries, which apparently will require a rollcall vote.

So I just want to alert everybody that while we are preparing a unanimous consent agreement laying out what the order will be for tomorrow, what we will start with, that is our intention. I have talked already, of course, to Senator McCAIN about that. He is agreeable that we start with that amendment, No. 1293.

Mr. McCAIN. Mr. President, we think we can get wrapped up tomorrow. But there are serious amendments remaining. The Menendez-Kirk amendment is a very serious amendment and one that probably is going to deserve some debate time as well as the Feinstein amendment. The Sessions amendment also is one as well. So I think our colleagues should be prepared for a pretty interesting day tomorrow.

AMENDMENT NO. 1185, AS MODIFIED

Mr. SESSIONS. Mr. President, I ask unanimous consent that my amendment No. 1185 be modified with the changes at the desk.

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

Mr. SESSIONS. This amendment would simply require the Department of Defense to include the discussion of the feasibility and advisability of establishing a missile defense site on the east coast of the United States in its Homeland Defense Hedging Strategy Review.

I hope my amendment can be accepted by voice vote. I thank Senator LEVIN and Senator McCAIN for working with me to get language I believe all can agree to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Sessions amendment, as modified, has been reviewed. I know it has cleared on this side. I am confident it has been cleared by both sides of the aisle.

The amendment would require the Department of Defense to report to Congress on the findings and conclusions of the Department's Homeland Missile Defense Hedging Strategy Review, including a discussion of the feasibility and advisability of establishing a missile defense site on the east coast of the United States.

The administration officials have committed to providing Congress with

the results of its Hedging Strategy Review. This amendment would make it clear that the Department is required to do exactly that, and I just want to thank the Senator for his amendment, for modifying it, and I hope now we can adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1185), as modified, was agreed to, as follows:

At the end of subtitle C of title II, add the following:

**SEC. 234. REPORT ON THE UNITED STATES MISSILE DEFENSE HEDGING STRATEGY.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the findings and conclusions of the homeland missile defense hedging strategy review, including a discussion of the feasibility and advisability of establishing a missile defense site on the East Coast of the United States.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Now I believe we have one other, Senator INHOFE's amendment, which now I think is agreeable on both sides.

AMENDMENT NO. 1098, AS MODIFIED

Mr. INHOFE. Mr. President, I have amendment No. 1098, as modified. I ask that it be considered.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 1098), as modified, is as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 889. REPORT ON IMPACT OF FOREIGN BOYCOTTS ON THE DEFENSE INDUSTRIAL BASE.**

(a) IN GENERAL.—Not later than October 1, 2012, the Department of Defense shall submit to the appropriate congressional committees a report setting forth an assessment of the impact of foreign boycotts on the defense industrial base.

(b) ELEMENT.—The report required by subsection (a) shall include a summary of foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) FOREIGN BOYCOTT.—The term "foreign boycott" means any policy or practice adopted by a foreign government or foreign business enterprise intended to penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense on account of the provision by that contractor or subcontractor of any product or service to the Department.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, I thank Senator INHOFE for the modification of his amendment. It is agreeable on our side.

Mr. INHOFE. Mr. President, I appreciate that. First of all, I don't recall seeing the majority and minority working so closely together and in the right way for a while. Several of my amendments have been accepted. I think they agreed to this one. It directs DOD to have a report on the effect of boycotts against our domestic contractors. It is modified, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 1098), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I believe Senator INHOFE may wish to be recognized to talk about another amendment or a couple amendments that he has. We will not take any further action on those amendments now.

I think we are perhaps, hopefully, ready soon to offer a unanimous consent on what I described a moment ago—how we will begin in the morning. We will wait for that to be prepared.

I yield the floor.

Mr. INHOFE. Mr. President, I have two amendments that I believe are very significant. However, I don't believe they will clear, and that is the reason I will not be bringing them up. But it is important we do address the problems. The Military Leasing Act prohibits military installations from receiving any revenues from mineral exploration of these lands. Exploration has taken place in Oklahoma and other places, where we have, with the new horizontal drilling, been able to get at some of these reserves. The problem is that this incurs an expense by the military operations. The one I am talking about right now happens to be the depot in McCallister, OK. Under the Mineral Leasing Act that governs oil and gas leasing on Federal lands, it gives the responsibility to the Bureau of Land Management.

The problem is, we want to explore it and accommodate others who are going after these tremendous reserves and not just in Oklahoma but elsewhere. But there is not a mechanism by which they can be paid for expenses incurred by the local installation. We are going to be working on this and coming up with some kind of a solution. I will not be offering this as an amendment.

The second one I will not be offering is one that is very significant, which is treating what we refer to as the sub-S, or subpart-S carriers, nonscheduled carriers, that are currently taking materiel and personnel into areas such as Afghanistan. We have crew rest responsibilities, saying they cannot be—a

crew cannot be working for more than 15 hours. The problem is this: 95 percent of the military personnel going into Afghanistan and some of these other areas go in by subpart-S operators. They are exempt from the crew rest. Right now, there is legislation that is pending that would make them fall under the crew rest requirements.

Military can take them in, but military doesn't have the capacity. That is why 40 percent of all materiel and 95 percent of personnel are being brought into these zones. As an example, if they are going from the logical place, which would be in Germany to go into Afghanistan, they would carry it in, but they would not be able to offload whatever cargo or personnel and then get back and go to Stuttgart or whatever location it is in Germany because that would exceed crew rest.

On the other hand, they are precluded from having civilian aircraft staying in places such as Afghanistan. So there is no solution to it. We want to address this. We are going to try to do it. We feel this will not clear as it is now. So I will not be offering it tonight, but it is one I think is very significant.

With that, I yield the floor.

AMENDMENTS NOS. 1094, 1095, 1096, AND 1101  
WITHDRAWN

Mr. LEVIN. Mr. President, I wonder if while the Senator from Oklahoma is here—we are trying to get a current list of amendments. Is it his intent to withdraw amendment No. 1101 on C-12 aircraft?

Mr. INHOFE. I don't have that one with me. I would rather wait until I get the amendment. There is one other I will want to have passed—several amendments are on Guantanamo Bay detention. This is on long-term, high-value detainees. It is my intention to offer that tomorrow.

I have currently four amendments that I will withdraw at this time so we can unclog some of this.

I ask unanimous consent to withdraw amendments Nos. 1094, 1095, 1096 and 1101.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Oklahoma for helping us to get our list of amendments whittled down to where we can hopefully have a manageable group for tomorrow. We are going to have a very busy day tomorrow. We have a lot of amendments to address and dispose of. It is doable because we have had the cooperation of Senators. It is our goal—we must finish this by 6 o'clock.

Everybody has a right to a vote if their amendment is germane. We hope we will have a chance to debate all these amendments as well as vote on them. I believe we will be coming in at 9:30. That is the current plan, and we will be back on the bill at 11. We have to start off immediately. I hope we will

vote on my amendment within a few minutes after it is offered. There will be some debate in opposition to my amendment, I understand.

Hopefully, the Senators who oppose it will be notified tonight that my amendment is first up and we are going to be prepared to debate this at 11 o'clock.

Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 1867, the Defense authorization bill, tomorrow, December 1, 2011, the pending amendment be the Levin amendment No. 1293, relative to high-speed ferries.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I thank the chairman for the progress we have made and also again point out that we have some very serious issues that deserve debate and discussion. But when cloture expires—the 30 hours—there will be an automatic vote triggered at that time. We look forward to working with our colleagues to make sure they have sufficient time to debate the amendments.

It would be regrettable, as important as some of these amendments are, that we back up to the expiration of the cloture time and that would trigger an automatic vote. I am sure we will get the cooperation of all our colleagues.

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

#### MORNING BUSINESS

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

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

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RETIREMENT OF SYLVIA GILLESPIE

Mr. DURBIN. Mr. President, I want to take a few moments to thank a remarkable woman on my staff. Sylvia Gillespie, in my Springfield office, is retiring after 12 years. When you walk into that office in Springfield, Sylvia is the first person you see, and her smile has made thousands of people feel welcome. Her heart is as warm as her smile.

Sylvia is from the South Side of Chicago. She likes to say, "The same as Michelle Obama." She went to Austin O. Sexton Elementary School on South Langley Avenue and grew up on the

same streets where that infamous street gang, the Blackstone Rangers, made a lot of trouble. But she survived that experience and went on to make a life in the service of others.

When she looks back at her life, Sylvia gets a little choked up and she says, how did I go from being that little girl from the ghetto to working for a Senator. Well, the answer is very simple. Sylvia Gillespie cares about other people. She has helped countless people during the 12 years she has worked in my office. From helping people get their passports so they wouldn't miss a family wedding in some foreign country to speaking on behalf of constituents who ran into trouble with Federal agencies such as the Internal Revenue Service, Sylvia has been such a positive force in the lives of so many people.

The work she is most proud of, and the one thing she will talk to you about, is what she has been working on for the last 2 years—helping families in Illinois stay in their homes. Sylvia has helped dozens of families stay in their homes during the mortgage crisis when they thought they had lost everything through foreclosure. She would sit on conference calls with banks for hours at a time, refusing to take no for an answer. You don't want to cross Sylvia Gillespie when she is fighting for someone she believes in.

Ask her why and she explains:

I just felt like we just couldn't lose one more home. If I can prevent a family from losing their home by being on the phone with the bank for 3 hours, I would do it.

And she would do it. Sometimes she would persevere long after the homeowners had given up. In one particular case, a hardworking mom with two kids had done everything right.

She played by the bank's rules, but she was still only days away from watching the home she loved be auctioned off, and she was ready to give up. But Sylvia wasn't. Sylvia asked:

Have you ever seen a mustard seed? That's all you need: Faith the size of a mustard seed to get through this.

That was Sylvia. And after a long and grueling process, guess what. Sylvia prevailed. The woman received her loan modification. With Sylvia's help, that mother and her children will be spending this holiday season right where they want to be—in their own home.

That mom is just one of the many Illinoisans who are going to join me in being sad when Sylvia decides to retire.

When Sylvia is not working hard in my office, she spends a lot of time at the Abundant Faith Christian Church. She loves that church. She has invited me there on Sundays, and she really gets into it. She is a woman of faith, and she is a great singer. She throws herself, heart and soul, into their services. Every Sunday morning she and a few others cook up a breakfast for the community people who live near the

church. They serve the families of patients in a nearby hospital and homeless people who come over from the neighborhood shelters.

Let me tell you another thing about Sylvia. She is a great cook and a great baker. If you ask anyone in my Springfield office, they will tell you that her cookies and cakes are the best.

We have seen Sylvia dressed up in full regalia as a clown, which she does once a while to bring cheer and fun to parties and events in her community. She is a happy person and it is a joy to be around her.

She also has a great talent for decorating. One of her last responsibilities in my office, before her official last day before retirement, was setting up the Christmas decorations. Thanks to her, our office in Springfield is in full swing for the holidays.

We are going to miss Sylvia in our office. I speak for everyone there and countless people when I thank Sylvia for the outstanding 12 years of service she has dedicated to helping people in Illinois.

Sylvia is the mother of two beautiful grown daughters, Danette and Genaire. She is a proud grandmother of three grandchildren, ages 15, 13, and 11. She now has to make the tough choice of which daughter she will join and live with. They both want her. She has to decide whether to go with Danette in Portland, OR, or stay with Genaire in Davenport, IA. Whatever her choice, she told me there is one thing she wants to make sure of—that she has a reservation for the ticket of Barack Obama's second inaugural. She made the first, and she wants to be at the second one too. I made that promise to her.

Wherever she goes, I know Sylvia Gillespie will continue to be an inspiration to everyone she meets, and will, as long as she lives, reach out a helping hand to people who need a little assistance, a little encouragement, and that great Sylvia Gillespie smile.

Sylvia, thanks for 12 years of wonderful service in our office in Springfield. I wish you and your family the very best for many years to come.

#### TRIBUTE TO HELEN J. STEWART

Mr. REID. Mr. President, I rise today to honor Helen J. Stewart, a brave and extraordinary Nevadan who lived during the early days of Las Vegas. On December 3, 2011, there will be a dedication of the statue erected in her honor at the Old Las Vegas Mormon Fort State Historic Park.

In 1882, Helen arrived in the Las Vegas Valley with her husband Archibald and their three young children. After her husband died of a gunshot wound in 1884, she managed their isolated ranch while caring for five young children. A business-savvy woman, Helen sold 1,832 acres of the ranch to the railroad in 1902 for \$55,000. This land became the area from which the City of Las Vegas developed.

Helen had a pioneering spirit, and she is considered to be the "First Lady of Las Vegas." Among her numerous accomplishments in the community, she was the first Postmaster, the first woman to serve on a School District Board, and the first woman to serve on a jury. In addition, she was an advocate of women's rights, a charter member of the Mesquite Club, one of the founders of the Christ Episcopal Church, and the president of the Las Vegas chapter of the Nevada Historical Society.

Helen also developed strong friendships with the Southern Paiutes. They were her neighbors and some were workers on her ranch. In 1911, she deeded 10 acres of her land to the Federal Government for use as an Indian school. That land established what is now known as the Las Vegas Indian Colony for the Las Vegas Paiute Tribe.

I am pleased to stand today to recognize Helen's outstanding achievements. She was a remarkable mother, rancher, businesswoman, and community leader, and she serves as an inspiration to us all.

#### HOLD ON H.R. 3012

Mr. GRASSLEY. Mr. President, I rise to inform my colleagues that I am placing a hold on H.R. 3012, the Fairness for High-Skilled Immigrants Act. This bill would eliminate the per-country numerical limitations for employment-based visas and increase the numerical cap for family-based immigrants. I have concerns about the impact of this bill on future immigration flows, and am concerned that it does nothing to better protect Americans at home who seek high-skilled jobs during this time of record high unemployment.

#### TRIBUTE TO THOMAS H. MILLER

Mrs. MURRAY. Mr. President, I would like to recognize and honor the service of Thomas H. Miller as he retires as the executive director of the Blinded Veterans Association. Mr. Miller has been an outstanding servant to his country and an advocate for his fellow veterans. He is truly an example of courage and perseverance. He has demonstrated throughout his career that the blindness he sustained through combat injuries does not impede his ability to have an impact here at home.

Mr. Miller served his country honorably in Vietnam and lost his eyesight during a 1967 combat mission. He was honorably discharged a year later and returned home to find limited resources for veterans suffering from blindness. Following his own struggle to adjust to life at home, Mr. Miller dedicated himself to ensuring that all blinded veterans share in the resources, services, and support than can bring new hope and opportunities.

As executive director of the Blinded Veterans Association, Mr. Miller

helped dramatically improve the lives of blinded veterans nationwide. In 2006 he helped launch Operation Peer Support a program aimed at ending the isolation suffered by many blinded veterans returning from combat in Iraq and Afghanistan. This program provides veterans with valuable information regarding rehabilitation, employment, and self-help activities. Most importantly, Operation Peer Support has provided many blinded veterans with the opportunity to interact with one another and make lifelong friendships here at home.

Mr. Miller was also instrumental in raising awareness for blinded veterans. During his time with the Blinded Veterans Association, Mr. Miller worked with the Veterans Health Administration to improve care for the vision impaired. He testified before the House Committee on Veterans' Affairs about the challenges facing blind veterans and served as the chair of the Federal Advisory Committee on Prosthetics and Special Disabilities Programs. In 17 years of leadership, the Blinded Veterans Association made vital contributions to legislation that has greatly expanded benefits and services for vision impaired veterans.

Our Nation is fortunate to have veterans as selfless and dedicated as Mr. Miller. While he could have allowed his combat injuries to slow his career, Mr. Miller instead saw his experience as an opportunity to help improve the lives of thousands of his fellow veterans. He has given honest and faithful service to his country and those wounded veterans transitioning to life back at home.

#### WALL STREET PROTESTS

Mr. LEE. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Mallory Factor and published in Forbes magazine.

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

#### OCCUPY WALL STREET . . . NEXT STOP, ATHENS?

In the past few weeks Americans have watched with interest, bemusement and anger as protests and sit-ins on Wall Street have sparked similar demonstrations around the country. With vague goals of combating corporate greed and calls to rectify all manner of social and economic inequality, this movement seems, to the press at least, to capture a mood of deep discontent among the American people.

But if you think a thousand protesters on Wall Street is a trouble sign for our nation, wait until you see the civil unrest that follows the reforms and cuts to government programs needed to bring our national debt under control. Just look at Greece, where government is being reformed, drastic cuts are being made—and the society is unraveling. In Greece a series of severe austerity measures has been imposed as conditions for recent bailouts by the International Monetary Fund and the other members of the single European currency, the euro. Yet the economy continues to spiral downward.

And with each new round of reforms in Greece, misery and unrest are on the rise. Strikes and angry street protests are a daily occurrence, as unions fight decreases in pay and benefits for their workers, students protest the lack of opportunity and ordinary citizens resist reforms and tax increases. The confrontation with authorities is impeding business and destroying tourism, deepening the crisis further.

Some of that struggle is for naught. The Greek government couldn't reduce austerity measures if it wanted to. Fiscal policy is now out of its hands and likely to remain so for decades, perhaps generations.

And while most Greeks agree the bloated state must be streamlined, they're stiffening their resistance to reform. That's why many in the euro zone believe Greece must default in order to rebuild a more efficient government.

America isn't in that predicament—yet. But there are cautionary lessons to be lifted from the outraged streets of Athens. As the Greek example shows, government largesse is easy to expand but difficult to cut back without inflaming people.

For years our politicians have framed increases to government benefits as compassionate and obligatory. Now all that overspending must be pared back and government programs reformed to curb the federal deficit. But each round of needed cuts and reforms will likely cause misery—in an amount substantially greater than the happiness generated by spending increases.

Behavioral economics, which uses social and psychological factors to predict a population's decision-making behavior, captures this paradox in two fundamental principles.

First, the principle of "loss aversion" explains that people hate to lose something more than they value receiving something. So, even if many Americans don't value existing government programs and spending very highly, they will likely be very unhappy about the loss of those same goods and services.

Second, even if you streamline our government and make programs more efficient, the "endowment effect" predicts that people will still oppose changes to the benefits they receive. This is because people tend to value the goods and services they have more than they do equivalent replacement goods and services. The endowment effect makes it very difficult to exchange existing benefits for new ones and thus to "reform" government programs.

Whether we cut spending and make reforms now or later, course correction will be difficult and even potentially dangerous to our nation's stability. Just look at the resistance of public employees in Wisconsin, Indiana and elsewhere to relatively minor cuts to see how people will contest vigorously any decreases to their benefits and programs.

Behavioral economics teaches us that any time we make changes and reduce government benefits and programs, we can expect people to be very upset about those decisions—and likely resist them. Still, we need significant reforms and deep cuts to put the U.S. on track toward a balanced budget.

Paring back government will undoubtedly cause misery and social dislocation. However, "death" by a thousand small cuts will intensify civil unrest and may produce revolutionary fervor unlike anything we've seen in America in our lifetime. Our nation will be better off by reforming our system radically, in a single dramatic turn, rather than piecemeal—or face something very like the furious streets of Athens.

## PREMATURITY AWARENESS MONTH

Mr. BROWN of Ohio. Mr. President, November is Prematurity Awareness Month, but as the month comes to an end, our fight against preterm births and complications caused by prematurity continues daily in hospitals, homes, and research facilities across the country.

Each year in the United States, more than half a million babies are born prematurely. More startling, over the last 25 years, the rate of preterm birth has increased more than 36 percent. Today, prematurity is the leading cause of newborn death in the United States.

Additionally, a preterm baby is four times more likely to have at least one medical condition, such as cerebral palsy and learning and behavioral problems. And the life-long health complications caused by pre-term birth also have a serious financial burden on the child and parent. A premature birth costs, on average, \$51,000 in the first year alone; premature births cost our nation \$26 billion annually. Yet, despite the costs in lives lost and families burdened, medical research and innovation continues find new cures and therapies.

On the Federal level, beginning in 2003, the National Institutes of Health (NIH) invested approximately \$21 million in research for a drug—progesterone or 17P—to prevent preterm birth. 17P was found to reduce preterm births by 37 percent in high-risk pregnancies, and compounding pharmacists were able to provide compounded 17P to women for a mere \$10–\$20 a dose. Earlier this year, however, a pharmaceutical company received exclusive rights to manufacture the drug and increased the price by 14,900 percent to \$1,500 a dose. But because of the advocacy of Ohio's leading children's hospitals from Cleveland to Cincinnati—because of the stories of pregnant women I met in airports and community halls, we raised the public's awareness to the astronomical price gauge and increased public demand against the company to reconsider its pricing. The company eventually reduced the cost of its branded version of 17P, Makena, from \$1,500 a dose to \$690—still significantly more expensive than the compounded version. Given the public and Congressional outcry and the importance of the medication to pregnant women and their babies, the Food and Drug Administration (FDA) announced that compounding pharmacies would still be able to offer women the more affordable version of 17P. Our work continues to make such a life-saving drug more affordable and available to millions of women who depend on it.

But despite the success of 17P in preventing preterm births, more needs to be done. Every year March of Dimes grades each state on their rates of premature birth. While Ohio is improving, the current 12.3 percent premature birth rate—or 500,000 children annu-

ally—leaves Ohio with a C grade. Fortunately, hospitals, patients groups, and public-private partnerships are working to reduce preterm births in Ohio.

In 2009, central Ohio's four hospital systems—Nationwide Children's Hospital, The Ohio State University Medical Center, OhioHealth, and Mount Carmel Health System—as well as the Columbus Public Health Department, Franklin County's Board of Commissioners, and non-profit groups came together through Ohio Better Birth Outcomes (OBBO) to reduce the number of preterm births in Franklin County. OBBO's efforts include home nurse visits to low-income mothers from the 28th week of gestation through the child's second birthday and education and counseling for mothers about "safe spacing" of pregnancies. By allowing their bodies at least 18 months to fully heal between pregnancies, their subsequent pregnancies will be healthier. Through this work, OBBO was able to increase gestation time by an average of six weeks and two days. For each week a woman is able to carry her baby between 36 weeks and 39 weeks, the baby has a 23 percent decrease in respiratory diseases, seizures, brain hemorrhages, and other complications.

Ohio is also home to the Ohio Perinatal Quality Collaborative, which consists of 45 clinical teams from 25 Ohio hospitals. The Collaborative, based at Cincinnati Children's Hospital Medical Center, includes all of Ohio's children's hospitals as well as regional hospitals such as Akron's Summa Health System, the Toledo Hospital, the Mount Carmel Hospital System, St. Elizabeth's Health Center in Youngstown, and Miami Valley Hospital in Dayton. Twenty-four teams are focusing on reducing catheter associated infections in preterm babies and the other 21 teams are focusing on reducing the number of deliveries that occur between 29 and 36 weeks gestation.

In my hometown of Mansfield in Richland County, Ohio, the Community Health Access Project (CHAP) stepped in after discovering that certain groups of women were three times more likely to give birth to a low birth weight infant. Through a series of community outreach initiatives, CHAP community health workers and local volunteers were able to identify and break down barriers, such as transportation needs and cultural differences, to better address the health needs of at-risk pregnant women. In its first three years, the number of low birth weight babies in the region showed a decline from 22.7 percent to 8 percent and CHAP has become a national model in community health services.

At University Hospitals (UH) in Cleveland, the MacDonald Women's Hospital and Rainbow Babies & Children's Hospital implemented a Centering Pregnancy Program in 2010. This unique, group-based program targets socially at-risk women who are least likely to receive consistent prenatal

care and have the greatest risk of having a low birth weight baby or delivering prematurely. The program has enabled UH to dramatically reduce incidences of preterm births and low birth weight babies by 8 percent and 8.7 percent below the national average respectively.

November has come to an end, but I look forward to continue working with organizations and health systems in Ohio and across the country to reduce premature births and ensure a healthy start in life for our Nation's children.

#### ADDITIONAL STATEMENTS

##### REMEMBERING JIM CAPOOT

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the life of James "Jim" Capoot, a dedicated husband, proud father, loving son, devoted friend, and respected colleague. Officer Capoot lost his life in the line of duty while serving the Vallejo Police Department on November 17, 2011. He was 45 years old.

Jim Capoot was originally from Little Rock, AR and served in the U.S. Marine Corps and as a California highway patrol officer before joining the Vallejo Police Department in 1992. Officer Capoot was a highly decorated officer having received the Vallejo Police Department Officer of the Year Award, the Medal of Merit, the Life Saving Medal, and twice awarded the Medal of Courage. In addition to his work with the police department, Officer Capoot was the volunteer coach of the Vallejo High School girls' basketball team and led the team to a section championship in 2010.

Officer Jim Capoot, like all those who serve in law enforcement across California, put his life on the line to protect his community. I extend my deepest condolences to his loving wife Jessica and three daughters. My thoughts and prayers are with them. We are forever indebted to him for his courage, service, and sacrifice.●

##### TRIBUTE TO RANCOURT & CO. SHOECRAFTERS

• Ms. SNOWE. Mr. President, my home State of Maine boasts countless entrepreneurs who are working to ensure that our State and Nation have a vibrant, growing economy for years to come. Michael and Kyle Rancourt, a dynamic father and son duo, exemplify this vibrant entrepreneurial spirit. Through ingenuity and hard work, they have developed and maintained a thriving shoemaking business based in the central Maine city of Lewiston, which was once a hub for the industry. Today I wish to commend and recognize the founders of Rancourt & Co. Shoecrafters for their success and commitment to their business and local community.

The Rancourt family has provided superb quality shoes for three genera-

tions. The family began its business in 1964. However, 11 years ago, Mike Rancourt sold the small family shoe business to Allen-Edmonds, which at the time was its largest client. Soon after, due to a struggling economy, the U.S. shoe industry experienced tremendous difficulties, and it became necessary for Allen-Edmonds to reduce its staff and close the Lewiston factory originally owned by the Rancourts.

Aware of these developments and reluctant to see the shoe factory which provided so many throughout the community with jobs, Michael and Kyle Rancourt decided to buy the factory back from Allen-Edmonds in 2009, reviving their passion for shoe making. The Rancourts began anew with just 20 employees but quickly found success in what many considered to be a dying domestic industry as more shoe manufacturers expanded overseas. A shifting demand for domestically made, quality products provided the company with a growing consumer base and a steady source of revenue.

This small business uses resources purchased from around the world to hand-make men's dress and casual shoes using the traditional method known as "last." This meticulous process involves employees hand-fitting leather into a shoe form, tacking the leather pieces in place, and then hand-stitching them with waxed threads and needles. The result of this process is a shoe that is recognized around the world for its superior quality and genuine comfort.

Looking at the new Rancourt & Co. today, it is difficult to imagine that it once faced extinction. The company has grown to over 50 employees today and has increased the number of men's shoes it manufactures on a weekly basis from 250 to 1,000. These fine-crafted products are sold throughout the United States as well as in international locations such as Hong Kong, India, the United Arab Emirates, and Japan. This small firm continues to expand, and in July, the company launched an online store which already grosses between \$8,000-\$10,000 each week.

Small businesses like Rancourt & Co. Shoecrafters are critical to the economic health of our country and our local communities. During a time of heightened global competitiveness, Michael and Kyle Rancourt were able to revive and renew their business and compete in an environment that many thought was simply too difficult and taxing for domestic manufacturers. As a result of their efforts, the company has prospered, preserving jobs in a local Maine community while showing the world what American small businesses are truly capable of. I congratulate everyone at Rancourt & Co. Shoecrafters for their remarkable success and wish them many more years of accomplishment.●

#### RECOGNIZING BENTON COUNTY DRUG COURT

• Mr. WYDEN. Mr. President, the Benton County Drug Treatment Court is a shining example of our Nation's drug court system. As one of only 10 mentor courts in the Nation, the Benton County Drug Treatment Court serves as a model program for the over 2,500 treatment courts in the United States. This achievement is especially significant given that the Benton County Drug Treatment Court started as an ambitious pilot program only 10 years ago.

The positive impact drug treatment courts have on individuals, families, and communities throughout our country is remarkable. Due to tireless efforts underway since the first drug court was established over 20 years ago, there is now a system in place which, if completed, reduces the likelihood of drug relapse for individuals, provides increased housing stability, and brings families together. The positive outcomes from completion of drug courts are well documented and benefit those outside the system as well by reducing costs to the taxpayer.

Congratulations to the Benton County Drug Court on their 10th anniversary. Because of innovative solutions like drug courts, our country is one step closer to breaking the cycle of addiction which has plagued our country for far too long.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1801. An act to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

H.R. 2192. An act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

H.R. 2465. An act to amend the Federal Employees' Compensation Act.

H.R. 3012. An act to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

#### MEASURES REFERRED

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

H.R. 1801. An act to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces; to the Committee on Commerce, Science, and Transportation.

H.R. 2465. An act to amend the Federal Employees' Compensation Act; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1930. A bill to prohibit earmarks.

S. 1931. A bill to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes.

S. 1932. A bill to require the Secretary of State to act on a permit for the Keystone XL pipeline.

The following joint resolutions were read the first time:

S.J. Res. 30. Joint resolution extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011.

S.J. Res. 31. Joint resolution applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011.

S.J. Res. 32. Joint resolution to provide for the resolution of the outstanding issues in the current railway labor-management dispute.

#### EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-4082. A communication from the Administrator, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Supplemental Nutrition Assistance Program: Quality Control Error Tolerance Threshold" (RIN0584-AE24) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4083. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Christmas Tree Promotion, Research, and Information Order, Referendum Procedures" (Docket No. AMS-FV-10-0008-FR-1A) received during adjournment of the Senate in the Office of the President of the Senate on

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

EC-4084. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Resolution Plans Required" (RIN3064-AD77) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4085. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-4086. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was originally declared in Executive Order 12938 of November 14, 1994, with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC-4087. A communication from the Acting Administrator of the U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Review 2010"; to the Committee on Energy and Natural Resources.

EC-4088. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: South Carolina; Negative Declarations for Applicability of Groups I, II, III and IV Control Techniques Guidelines; and Applicability of Reasonably Available Control Technology for the Portion of York County, South Carolina within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Non-attainment Area" (FRL No. 9495-7) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4089. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Atlanta; Determination of Attaining Data for the 1997 Annual Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9496-3) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2011; to the Committee on Environment and Public Works.

EC-4090. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "User Fee to Take the Registered Tax Return Preparer Competency Examination" ((RIN1545-BK24) (TD 9559)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC-4091. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological and Ethnological Material from Bolivia" (RIN1515-AD83) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC-4092. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Import Restrictions Imposed on Certain Archaeological and Ethnological Material from Greece" (RIN1515-AD84) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC-4093. A communication from the Program Manager, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Privacy Act; Exempt Record System" (RIN0906-AA891) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4094. A communication from the Program Manager, Office of the National Coordinator for Health Information Technology, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Permanent Certification Program for Health Information Technology; Revisions to ONC-Approved Accreditor Processes" (RIN0991-AB77) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4095. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4096. A communication from the Secretary of Labor, transmitting, pursuant to law, the fiscal year 2011 Agency Financial Report for the Department of Labor; to the Committee on Health, Education, Labor, and Pensions.

EC-4097. A communication from the Managing Director and Chief Financial Officer, Federal Maritime Commission, transmitting, pursuant to law, the Commission's fiscal year 2011 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4098. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4099. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4100. A communication from the Budget Officer, Office of the Treasurer, National Gallery of Art, transmitting, pursuant to law, the financial statements for the National Gallery of Art for the year ended September 30, 2011 and the auditor's report thereon; to the Committee on Homeland Security and Governmental Affairs.

EC-4101. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs 2011 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-4102. A communication from the Assistant General Counsel for Regulatory Affairs,



Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Testing and Labeling Pertaining to Product Certification" (RIN3041-AC71) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4103. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Montgomery, Alabama" (MB Docket No. 11-137; RM-11637) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4104. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bastrop, Louisiana)" (MB Docket No. 11-87, RM-11628) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4105. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Designation of Critical Habitat for the Southern Distinct Population Segment of Eulachon" (RIN0648-BA38) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4106. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-1162)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4107. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; SOCAT A Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0868)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4108. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. (Agusta) Model AB139 and AW139 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2011-1036)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4109. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model MBB-BK 117 C-2 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2011-1075)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4110. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. (Bell), Model 205A-1, 205B, 210, and 212 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2011-1182)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4111. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sicom Aero Seat Passenger Seat Assemblies, Installed on, but not Limited to, ATR-GIE Avions de Transport Regional Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-1163)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4112. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0031)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4113. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company Turboshift Engines" ((RIN2120-AA64)(Docket No. FAA-2011-0942)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4114. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211-524 Series, RB211-Trent 700 Series, and RB211-Trent 800 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0993)) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ROBERTS (for himself and Mr. MORAN):

S. 1924. A bill to authorize States to enforce pipeline safety requirements related to wellbores at interstate storage facilities; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself and Mr. CRAPO):

S. 1925. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself, Ms. STABENOW, Mr. HARKIN, Mr. TESTER, Mr. FRANKEN, Mr. CASEY, Mr. SANDERS, Mr. LAUTENBERG, Mr. SCHUMER, Mr. BROWN of Ohio, and Mr. MERKLEY):

S. 1926. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PAUL (for himself and Mr. GRAHAM):

S. 1927. A bill to modify the criteria used by the Corps of Engineers to dredge small ports; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself and Mrs. HUTCHISON):

S. 1928. A bill to provide criminal penalties for stalking; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Mr. LIEBERMAN, Mrs. MCCASKILL, Mr. BLUNT, Mr. SCHUMER, Mrs. GILLIBRAND, and Mrs. FEINSTEIN):

S. 1929. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TOOMEY (for himself and Mrs. MCCASKILL):

S. 1930. A bill to prohibit earmarks; read the first time.

By Mr. HELLER:

S. 1931. A bill to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes; read the first time.

By Mr. LUGAR (for himself, Mr. HOEVEN, Mr. VITTER, Ms. MURKOWSKI, Mr. MCCONNELL, Mr. JOHANNES, Mr. ROBERTS, Mr. BARRASSO, Mr. COATS, Mr. RUBIO, Mr. ISAKSON, Mr. CORNYN, Mr. WICKER, Mr. INHOFE, Mr. MORAN, Mr. THUNE, Mr. JOHNSON of Wisconsin, Mr. CRAPO, Mr. GRAHAM, Mr. BLUNT, Mr. SESSIONS, Mr. ENZI, Mr. ALEXANDER, Mrs. HUTCHISON, Mr. RISCH, Mr. CHAMBLISS, Mr. KIRK, Mr. PORTMAN, Mr. BURR, Mr. SHELBY, Mr. LEE, Mr. BOOZMAN, Mr. COBURN, Mr. COCHRAN, Mr. GRASSLEY, Mr. HELLER, Mr. CORKER, and Mr. TOOMEY):

S. 1932. A bill to require the Secretary of State to act on a permit for the Keystone XL pipeline; read the first time.

By Mr. REID:

S.J. Res. 30. A joint resolution extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011; read the first time.

By Mr. REID:

S.J. Res. 31. A joint resolution applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011; read the first time.

By Mr. ENZI:

S.J. Res. 32. A joint resolution to provide for the resolution of the outstanding issues in the current railway labor-management dispute; read the first time.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BROWN of Massachusetts:

S. Res. 340. A resolution to amend the Standing Rules of the Senate to prohibit a Member, officer, or employee of the Senate from disclosing or using any material non-public information learned during the course of his or her service for personal gain; to the Committee on Rules and Administration.

By Mr. MERKLEY (for himself, Mr. BURR, Ms. SNOWE, Mr. WYDEN, Mrs.

MURRAY, Mrs. FEINSTEIN, Mr. CASEY, Ms. CANTWELL, and Ms. COLLINS):

S. Res. 341. A resolution designating the first full week of December in 2011 as "National Christmas Tree Week"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 156

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of S. 156, a bill to amend the Energy Policy and Conservation Act to provide a uniform efficiency descriptor for covered water heaters.

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 156, supra.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 834

At the request of Mr. CASEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 905

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 905, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 987

At the request of Mr. FRANKEN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 987, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1369

At the request of Mr. CRAPO, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1558

At the request of Mr. SANDERS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1558, a bill to amend the Internal Revenue Code of 1986 to apply payroll taxes to remuneration and earnings from self-employment up to the contribution and benefit base and to remuneration in excess of \$250,000.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1691

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1691, a bill to amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions.

S. 1692

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1692, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

S. 1792

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1792, a bill to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

S. 1853

At the request of Mr. SANDERS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1853, a bill to recalculate and restore

retirement annuity obligations of the United States Postal Service, eliminate the requirement that the United States Postal Service pre-fund the Postal Service Retiree Health Benefits Fund, place restrictions on the closure of postal facilities, create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 1868

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1886

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1886, a bill to prevent trafficking in counterfeit drugs.

S. 1900

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1900, a bill to amend title XVIII of the Social Security Act to preserve access to urban Medicare-dependent hospitals.

S. 1903

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and Congratulating Girl Scouts of the USA on its 100th anniversary.

AMENDMENT NO. 1046

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of amendment No. 1046 intended to be proposed to H. R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1066

At the request of Ms. AYOTTE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 1066 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1072

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 1072 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1114

At the request of Mr. BEGICH, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1114 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1115

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 1115 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1120

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 1120 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1125

At the request of Mrs. FEINSTEIN, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 1125 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1126

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. KIRK), the Senator from Iowa (Mr. HAR-

KIN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 1126 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1132

At the request of Mr. CORKER, his name was added as a cosponsor of amendment No. 1132 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1134

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1134 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1143

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 1143 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1168

At the request of Mr. WARNER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1168 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1172

At the request of Mr. CORKER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 1172 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1199

At the request of Mrs. HUTCHISON, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from

Oregon (Mr. MERKLEY), the Senator from Texas (Mr. CORNYN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1199 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1202

At the request of Mr. UDALL of New Mexico, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1202 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1206

At the request of Mrs. BOXER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 1206 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1207

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 1207 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1215

At the request of Mr. CASEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1215 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1227

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 1227 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1229

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 1229 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1237

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 1237 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1257

At the request of Mr. MERKLEY, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 1257 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1279

At the request of Mr. HOEVEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1279 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1286

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1286 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1287

At the request of Ms. MURKOWSKI, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1287 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1296

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1296 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1317

At the request of Mr. PORTMAN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1317 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1320

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1320 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1332

At the request of Mr. LIEBERMAN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1332 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1344

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1344 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1346

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1346 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1387

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1387 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1414

At the request of Mr. MENENDEZ, the names of the Senator from Maine (Ms. COLLINS), the Senator from Maine (Ms. SNOWE), the Senator from Idaho (Mr. CRAPO), the Senator from Missouri (Mr. BLUNT), the Senator from Kansas (Mr. MORAN), the Senator from Oregon (Mr. MERKLEY), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from South Carolina (Mr. GRAHAM), the Senator from Maryland (Ms. MIKULSKI), the Senator from Idaho (Mr. RISCH), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER), the Senator from Delaware (Mr. COONS), the Senator from Oregon (Mr. WYDEN), the Senator from Utah (Mr. HATCH) and the Senator from Utah (Mr. LEE) were added as cosponsors of amendment No. 1414 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1415

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1415 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1421

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1421 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1436

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1436 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1444

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1444 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 1446

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1446 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of amendment No. 1446 intended to be proposed to S. 1867, *supra*.

## AMENDMENT NO. 1448

At the request of Mr. CHAMBLISS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 1448 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. CRAPO):

S. 1925. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to introduce the bipartisan Violence Against Women Reauthorization Act of 2011 and to be joined by Senator CRAPO in doing so. For almost 18 years, the Violence Against Women Act, VAWA, has been the centerpiece of the Federal Government's commitment to combat domestic violence, dating violence, sexual assault, and stalking. We should reauthorize and strengthen these programs.

Since VAWA'S passage in 1994, no other law has done more to stop domestic and sexual violence in our communities. The resources and training provided by VAWA have changed attitudes toward these reprehensible crimes, improved the response of law enforcement and the justice system, and provided essential services for victims struggling to rebuild their lives. It is a law that has saved countless lives, and it is an example of what we can accomplish when we work together.

As a prosecutor in Vermont, I saw firsthand the destruction caused by do-

mestic and sexual violence. Those were the days before VAWA, when too often people dismissed these serious crimes with a joke, and there were few, if any, services for victims. We have come a long way since then, but there is much more we must do.

Over the last few years, the Senate Judiciary Committee has held several hearings on VAWA in anticipation of this reauthorization. We have heard from people from all around the country, and they have told us the same thing I hear from service providers, experts, and law enforcement officers in Vermont: While we have made great strides in reducing domestic violence and sexual assault, these difficult problems remain, and there is more work to be done.

The victim services funded by VAWA play a particularly critical role in these difficult economic times. The economic pressures of a lost job or home can add stress to an already abusive relationship and can make it even harder for victims to rebuild their lives. At the same time, state budget cuts are resulting in fewer available services. Just this summer, Topeka, Kansas, took the drastic step of decriminalizing domestic violence because the city did not have the funds needed to prosecute these cases. We can and must do better than that. Budgets are tight, but we cannot simply turn our backs on these victims. For many, the programs funded through the Violence Against Women Act are nothing short of a life line.

In Vermont, VAWA funding helped the Vermont Network Against Domestic and Sexual Violence provide services to more than 7,000 adults and nearly 1,400 children last year alone. These women and men, and girls and boys, received shelter, counseling, legal advocacy and access to transitional housing—lifesaving services to help them recover from unspeakable trauma and abuse.

In one case, a mother of three children living in rural Vermont endured a long and abusive marriage in which she was not allowed to get an independent job or even a driver's license. For most of her adult life, she was subjected to physical, sexual and emotional abuse by her husband. After she summoned the courage to call a domestic violence hotline, her husband was arrested. Advocates helped her find temporary housing and gain access to a lawyer who helped her navigate the criminal process and establish supervised visitation for her children. Because of funding provided by VAWA, she and her children are safe and living independently. The lives of this woman and her children are just a few examples of how VAWA is having a real impact in our communities.

I have heard stories like this time and again from victims and advocates in Vermont and across the country. Without this critical funding, state and local programs like the Vermont Network Against Domestic and Sexual Vi-

olence will not be able to provide their services to victims in desperate need.

The reauthorization bill that I am introducing with Senator CRAPO reflects Congress's ongoing commitment to end domestic and sexual violence. It seeks to expand the law's focus on sexual assault, to ensure access to services for all victims of domestic and sexual violence, and to address the crisis of domestic and sexual violence in tribal communities, among other important steps. It also responds to these difficult economic times by consolidating programs, reducing authorization levels, and adding accountability measures to ensure that Federal funds are used efficiently and effectively.

The Violence Against Women Act has been successful because it has consistently had strong bipartisan support for nearly two decades. Today, we build on that foundation. I hope that Senators from both parties will join us to quickly pass this critical reauthorization, which will provide safety and security for victims across America.

By Mr. REID:

S.J. Res. 30. A joint resolution extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011; read the first time.

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

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

S.J. RES. 30

Whereas the labor dispute between numerous rail carriers that are common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations, threatens to interrupt essential freight rail services of the United States;

Whereas it is essential to the national interest that essential freight rail services be maintained;

Whereas Congress finds that emergency measures are essential to maintaining the security and continuity of freight rail services;

Whereas the President, by Executive Order 13586 of October 6, 2011, and pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), created Presidential Emergency Board 243 to investigate the dispute and report findings;

Whereas the recommendations of the Emergency Board 243 issued on November 5, 2011, have been exhausted and have not resulted in settlement of the dispute;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential freight rail services; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF COOLING-OFF PERIOD.**

With respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011, the time period described in the third paragraph of section 10 of the Railway Labor Act

(45 U.S.C. 160) shall be extended until 12:01 a.m. on February 8, 2012, so that no change, except by agreement, shall be made by the rail carriers represented by the National Carriers' Conference Committee or by the employees of such carriers represented by labor organizations that are a party to such dispute, in the conditions out of which the dispute arose as such conditions existed prior to 12:01 a.m. on December 6, 2011.

By Mr. REID:

S.J. Res. 31. A joint resolution applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011; read the first time.

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

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

S. J. RES. 31

Whereas the labor dispute between numerous rail carriers that are common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations, threatens to interrupt essential freight rail services of the United States;

Whereas it is essential to the national interest that essential freight rail services be maintained;

Whereas Congress finds that emergency measures are essential to maintaining the security and continuity of freight rail services;

Whereas the President, by Executive Order 13586 of October 6, 2011, and pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), created Presidential Emergency Board 243 to investigate the dispute and report findings;

Whereas the recommendations of the Emergency Board 243 issued on November 5, 2011, have been exhausted and have not resulted in settlement of the dispute;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential freight rail services; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REQUIRED CONDITIONS.

The following conditions shall apply to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act (45 U.S.C. 160) beyond 12:01 a.m. on December 6, 2011:

(1) The parties to such dispute shall take all necessary steps to restore or preserve the conditions out of which such dispute arose as such conditions existed before 12:01 a.m. on December 6, 2011, except as provided in paragraphs (2) and (3).

(2) The report and recommendations of the Emergency Board 243 shall be binding on the

parties upon the enactment of this joint resolution and shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.), except that nothing in this joint resolution shall prevent a mutual written agreement to any terms and conditions different from those established by this joint resolution.

(3)(A) If there are unresolved implementing issues remaining with respect to the report and recommendations or agreement under paragraph (2) after 10 days after the date of enactment of this joint resolution, the parties to the dispute shall enter into binding arbitration to provide for a resolution of such issues.

(B) The National Mediation Board established by section 4 of the Railway Labor Act (45 U.S.C. 154) shall appoint an arbitrator to resolve the issues described in subparagraph (A). Except as provided in this joint resolution, such arbitration shall be conducted as if it were under section 7 of such Act, and any award of such arbitration shall be enforceable as if under section 9 of such Act.

(4) Within thirty days after the date of enactment of this joint resolution, the binding arbitration entered into pursuant to paragraph (3) shall be completed.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 340—TO AMEND THE STANDING RULES OF THE SENATE TO PROHIBIT A MEMBER, OFFICER, OR EMPLOYEE OF THE SENATE FROM DISCLOSING OR USING ANY MATERIAL NONPUBLIC INFORMATION LEARNED DURING THE COURSE OF HIS OR HER SERVICE FOR PERSONAL GAIN

Mr. BROWN of Massachusetts submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 340

*Resolved,*

#### SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraph 15 as paragraph 16; and

(2) inserting after paragraph 14 the following:

“15. A Member, officer, or employee of the Senate shall not disclose or use any material nonpublic information learned during the course of his or her service for personal gain.”

SENATE RESOLUTION 341—DESIGNATING THE FIRST FULL WEEK OF DECEMBER IN 2011 AS “NATIONAL CHRISTMAS TREE WEEK”

Mr. MERKLEY (for himself, Mr. BARR, Ms. SNOWE, Mr. WYDEN, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. CASEY, Ms. CANTWELL and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 341

Whereas Christmas trees are grown in all 50 States;

Whereas Christmas trees have been sold commercially in the United States since about 1850;

Whereas Edward Johnson, assistant to Thomas Edison, came up with the idea of electric lights for Christmas trees in 1882;

Whereas President Calvin Coolidge started the National Christmas Tree Lighting ceremony on the White House lawn in 1923;

Whereas there are close to 15,000 farms growing Christmas trees in the United States;

Whereas there are approximately 100,000 people employed full or part-time in the Christmas tree industry;

Whereas Christmas tree farms in the United States planted approximately 35,000,000 Christmas trees in 2011 to replace those harvested in 2010; and

Whereas growing Christmas trees preserves green space and small family-owned farms, provides habitats for wildlife, and sequesters carbon dioxide: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the first full week of December in 2011 as “National Christmas Tree Week”;

(2) encourages the celebration of Christmas trees during that week;

(3) recognizes the role Christmas trees have played in the history of the United States;

(4) reaffirms the environmental benefits of Christmas tree farms and recycled Christmas trees;

(5) encourages the recycling of Christmas trees after the holiday season; and

(6) celebrates the joy Christmas trees bring to families across the United States.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1452. Mrs. HUTCHISON (for herself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1246 submitted by Mr. MCCAIN to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1453. Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1183 proposed by Mr. SESSIONS to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1454. Mr. JOHNSON, of South Dakota (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1452.** Mrs. HUTCHISON (for herself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 1246 by Mr. MCCAIN to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:



**SEC. 1088. COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.**

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the “Commission”).

(2) COMPOSITION.—

(A) IN GENERAL.—The Commission shall be composed of eight members of whom—

(i) two shall be appointed by the Majority Leader of the Senate;

(ii) two shall be appointed by the Minority Leader of the Senate;

(iii) two shall be appointed by the Speaker of the House of Representatives; and

(iv) two shall be appointed by the Minority Leader of the House of Representatives.

(B) QUALIFICATIONS.—Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(C) DEADLINE FOR APPOINTMENT.—Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(D) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(3) TENURE; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(B) CALLING OF THE CHAIRMAN.—The Commission shall meet at the call of the Chairman.

(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(b) DUTIES.—

(1) STUDY OF OVERSEAS MILITARY FACILITY STRUCTURE.—

(A) IN GENERAL.—The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

(B) SCOPE.—In conducting the study, the Commission shall—

(i) assess the number of forces required to be forward based outside the United States;

(ii) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(iii) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(iv) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas;

(v) consider the findings of the February 2011 Government Accountability Office report, “Additional Cost Information and Stakeholder Input Necessary to Assess Military Posture in Europe”, GAO-11-131; and

(vi) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after holding its final public hearing, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(B) PROPOSED OVERSEAS BASING STRATEGY.—In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department, taking into account heightened fiscal constraints.

(C) FOCUS ON PARTICULAR ISSUES.—The report shall focus on current and future geopolitical posturing, operational requirements, mobility, quality of life, cost, and synchronization with the combatant commands.

(c) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION SHARING.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

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

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

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL.—

(A) EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this section.

(B) MILITARY AIRCRAFT.—Members and staff of the Commission may receive transportation on military aircraft to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(3) STAFFING.—

(A) EXECUTIVE DIRECTOR.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

(B) STAFF.—The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

(C) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAILS.—Any employee of the Department of Defense, the Department of State, or the Government Accountability Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) SECURITY.—

(1) SECURITY CLEARANCES.—Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

(2) INFORMATION SECURITY.—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

(f) TERMINATION.—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

**SA 1453.** Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1183 proposed by Mr. SESSIONS to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**SEC. 3104. AUTHORIZATION OF TRANSFER OF AMOUNTS FROM DEPARTMENT OF DEFENSE TO NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) IN GENERAL.—Subject to subsection (b), if the amount appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2012 is less than the amount authorized to be appropriated for those activities for that fiscal year by this title, the Secretary of Defense may transfer, from amounts appropriated for

the Department of Defense for fiscal year 2012 pursuant to an authorization of appropriations under this Act, to the Secretary of Energy for the weapons activities of the National Nuclear Security Administration an amount up to \$125,000,000.

(b) **APPLICABILITY OF NOTIFICATION PROCEDURES.**—The transfer authorized under subsection (a) shall be subject to the notification procedures under section 1001 of this Act and section 8005 of the Department of Defense Appropriations Act, 2012.

(c) **TRANSFER AUTHORITY.**—The transfer authority provided under this section is in addition to any other transfer authority provided under this Act.

**SA 1454.** Mr. JOHNSON of South Dakota (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title II of division A, at the end of the sections under the heading "GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR", add the following:

Sec. \_\_\_\_\_. Any funds available to carry out the Oglala Sioux Rural Water Supply System authorized by section 3(a) of the Mni Wiconi Project Act of 1988 (Public Law 100-516; 102 Stat. 2566; 108 Stat. 4539) shall also be available for the Secretary of the Interior to plan, design, construct, operate, maintain, and replace the Oglala Sioux Rural Water Supply System within the entire boundary of the Pine Ridge Indian Reservation, including the tract of land in the State of Nebraska set aside as part of the Pine Ridge Indian Reservation by the Executive order dated February 20, 1904.

#### NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to H.R. 3012, a bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, dated November 30, 2011.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 30, 2011, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on November 30, 2011. The Committee will

meet in room 418 of the Russell Senate Office Building beginning at 10 a.m.

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

##### SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND HUMAN RIGHTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights, be authorized to meet during the session of the Senate, on November 30, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "A Balanced Budget Amendment: The Perils of Constitutionalizing the Budget Debate."

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

##### SPECIAL COMMITTEE ON AGING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on November 30, 2011, at 2 p.m., in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled: "Overprescribed: The Human and Taxpayers' Costs of Antipsychotics in Nursing Homes."

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

#### PRIVILEGES OF THE FLOOR

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that Stefanie Peterson, an Air Force major who is a military fellow in my office, be granted the privilege of the floor during the debate on S. 1867.

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

#### FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

Mr. DURBIN. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 394.

The Chair laid before the Senate the following message:

H.R. 394

*Resolved*, That the House agree to the amendment numbered 1 of the Senate to the bill (H.R. 394) entitled "An Act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes," and be it further

*Resolved*, That the House agree to the amendment numbered 2 of the Senate to the aforementioned bill, with the following House Amendment to Senate Amendment:

Add at the end of the Senate engrossed amendment numbered 2 the following:

*Redesignate section 104 as section 105 and insert the following after section 103:*

##### SEC. 104. TECHNICAL AMENDMENT.

*Section 1446(g) of title 28, United States Code, is amended by striking "subsections (b) and (c)" and inserting "subsection (b) of this section and paragraph (1) of section 1455(b)".*

*Amend the table of contents of the House engrossed bill by striking the item relating to section 104 and inserting the following:*

*Sec. 104. Technical amendment.*

*Sec. 105. Effective date.*

Mr. DURBIN. I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

#### NATIONAL CHRISTMAS TREE WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 341 submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 341) designating the first full week of December in 2011 as "National Christmas Tree Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any related statements be printed in the record as if read.

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

The resolution (S. Res. 341) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 341

Whereas Christmas trees are grown in all 50 States;

Whereas Christmas trees have been sold commercially in the United States since about 1850;

Whereas Edward Johnson, assistant to Thomas Edison, came up with the idea of electric lights for Christmas trees in 1882;

Whereas President Calvin Coolidge started the National Christmas Tree Lighting ceremony on the White House lawn in 1923;

Whereas there are close to 15,000 farms growing Christmas trees in the United States;

Whereas there are approximately 100,000 people employed full or part-time in the Christmas tree industry;

Whereas Christmas tree farms in the United States planted approximately 35,000,000 Christmas trees in 2011 to replace those harvested in 2010; and

Whereas growing Christmas trees preserves green space and small family-owned farms, provides habitats for wildlife, and sequesters carbon dioxide; Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the first full week of December in 2011 as "National Christmas Tree Week";

(2) encourages the celebration of Christmas trees during that week;

(3) recognizes the role Christmas trees have played in the history of the United States;

(4) reaffirms the environmental benefits of Christmas tree farms and recycled Christmas trees;

(5) encourages the recycling of Christmas trees after the holiday season; and

(6) celebrates the joy Christmas trees bring to families across the United States.

MEASURES READ THE FIRST TIME—S.J. RES. 30, S.J. RES. 31, S.J. RES. 32, S. 1930, S. 1931, S. 1932

Mr. DURBIN. Mr. President, I understand there are six measures at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time en bloc.

The legislative clerk read as follows:

A resolution (S.J. Res. 30) extending the cooling-off period under section 10 of the Railway Labor Act with respect to the dispute referred to in Executive Order No. 13586 of October 6, 2011.

A resolution (S.J. Res. 31) applying certain conditions to the dispute referred to in Executive Order 13586 of October 6, 2011, between the enumerated freight rail carriers, common carriers by rail in interstate commerce, and certain of their employees represented by labor organizations that have not agreed to extend the cooling-off period under section 10 of the Railway Labor Act beyond 12:01 a.m. on December 6, 2011.

A resolution (S.J. Res. 32) to provide for the resolution of the outstanding issues in the current railway labor-management dispute.

A bill (S. 1930) to prohibit earmarks.

A bill (S. 1931) to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes.

A bill (S. 1932) to require the Secretary of State to act on a permit for the Keystone XL pipeline.

Mr. DURBIN. Mr. President, I ask for the second reading and object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the measures will be read for a second time on the next legislative day.

S.J. RES. 32

Mr. ENZI. Mr. President, I have introduced this resolution to prevent the labor dispute between our Nation's railroads and their labor unions from delivering a knockout punch to the U.S. economy just before the holiday season. The contract renegotiation that has been ongoing for some time has been through the National Mediation Board process and recommendations put forth by the Presidential Emergency Board selected by President Obama have been accepted by the majority of the unions. In fact, 10 of the 13 unions have reached agreement, and I congratulate both sides for coming to the table and working it out. Unfortunately, the threat of a nationwide rail strike still remains and that is something our economy simply cannot bear at this time.

I have heard from numerous U.S. manufacturers about the negative consequences this strike will have on them. They are concerned not just for their companies but for the employees who may have to be laid off if they are unable to ship product and for the customers who will not be able to get supplies they need. A rail strike may start on December 6, but the impact of this threat is already being felt. As someone who comes from a State that relies on commercial rail for much of its economy, I know how serious this is

and that is why I have introduced this resolution.

I urge the Senate, the House and the President to act quickly to avert this manmade national disaster.

#### APPOINTMENT

THE PRESIDING OFFICER. The Chair, on behalf of the Republican leader, after consultation with the Vice Chairman of the Select Committee on Intelligence, and pursuant to the provisions of Public Law 107-306, as amended by Public Law 111-259, announces the appointment of the following individual to serve as a member of the National Commission for Review of Research and Development Programs of the United States Intelligence Community: John J. Young of Virginia.

#### ORDERS FOR THURSDAY, DECEMBER 1, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 1, 2011; that following the prayer and Pledge of Allegiance, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 1867, the Department of Defense Authorization Act postcloture; finally, that all time during adjournment and morning business count postcloture on S. 1867.

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

#### PROGRAM

Mr. DURBIN. Mr. President, we expect to complete action on the Defense authorization bill during tomorrow's session. Additionally, the majority leader filed cloture on the motion to proceed to S. 1917, the Middle Class Tax Cut Act of 2011. If no agreement is reached, this vote will be Friday morning.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Thursday, December 1, 2011, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### SOCIAL SECURITY ADMINISTRATION

MARIE F. SMITH, OF HAWAII, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2016. VICE DANA K. BILYEU, TERM EXPIRED.

##### DEPARTMENT OF ENERGY

ARUNAVA MAJUMDAR, OF CALIFORNIA, TO BE UNDER SECRETARY OF ENERGY, VICE KRISTINA M. JOHNSON, RESIGNED.

##### DEPARTMENT OF STATE

FREDERICK D. BARTON, OF MAINE, TO BE AN ASSISTANT SECRETARY OF STATE (CONFLICT AND STABILIZATION OPERATIONS), VICE BRADFORD R. HIGGINS.

FREDERICK D. BARTON, OF MAINE, TO BE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION. (NEW POSITION)

##### THE JUDICIARY

TIMOTHY S. HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS, VICE NANCY GERTNER, RETIRED.

ROBIN S. ROSENBAUM, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE ALAN S. GOLD, RETIRED.

ROBERT J. SHELBY, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH, VICE TENA CAMPBELL, RETIRED.

##### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

##### To be vice admiral

VICE ADM. JOHN P. CURRIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

##### To be vice admiral

REAR ADM. PAUL F. ZUKUNFT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

##### To be vice admiral

VICE ADM. MANSON K. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

##### To be vice admiral

REAR ADM. PETER V. NEFFENGER

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

LT. GEN. FRANK GORENC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. SEAN L. MURPHY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. CHARLES E. POTTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be brigadier general

COL. BRIAN E. DOMINGUEZ

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### To be brigadier general

COL. JOHN P. CURRENTI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COLONEL JOHN D. BANSEMER  
COLONEL DAVID B. BEEN  
COLONEL MICHAEL T. BREWER  
COLONEL THOMAS A. BUSSIÈRE

COLONEL CLINTON E. CROSIER  
 COLONEL ALBERT M. ELTON II  
 COLONEL MICHAEL A. FANTINI  
 COLONEL TIMOTHY G. FAY  
 COLONEL EDWARD A. FIENGA  
 COLONEL STEVEN D. GARLAND  
 COLONEL THOMAS W. GEARY  
 COLONEL CEDRIC D. GEORGE  
 COLONEL BLAINE D. HOLT  
 COLONEL SCOTT A. HOWELL  
 COLONEL RONALD L. HUNTLEY  
 COLONEL ALLEN J. JAMERSON  
 COLONEL JAMES C. JOHNSON  
 COLONEL MARK D. KELLY  
 COLONEL SCOTT A. KINDSVATER  
 COLONEL DONALD E. KIRKLAND  
 COLONEL RICKY J. LOCASTRO  
 COLONEL BRUCE H. MCCLINTOCK  
 COLONEL MARTHA A. MEEKER  
 COLONEL JOHN E. MICHEL  
 COLONEL CHARLES L. MOORE, JR.  
 COLONEL GREGORY S. OTEY  
 COLONEL JOHN T. QUINTAS  
 COLONEL MICHAEL D. ROTHSTEIN  
 COLONEL KEVIN B. SCHNEIDER  
 COLONEL SCOTT F. SMITH  
 COLONEL BRADLEY D. SPACY  
 COLONEL FERDINAND B. STOSS  
 COLONEL JACQUELINE D. VAN OVOST  
 COLONEL JAMES C. VECHERY  
 COLONEL CHRISTOPHER P. WEGGEMAN  
 COLONEL KEVIN B. WOOTON  
 COLONEL SARAH E. ZABEL

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. MICHAEL X. GARRETT

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be colonel*

KEITH ALLEN ALLBRITTEN  
 CRAIG E. ASH  
 TODD M. AUDET  
 JEREMY O. BAENEN  
 GARRY JAMES BEAUREGARD  
 DAVID ARTHUR BROOKS  
 THOMAS W. BROWN, JR.  
 RAFAEL CARRERO  
 CHRISTOPHER C. CASSON  
 MARK A. CHIDLEY  
 SHAWN MICHAEL COCO  
 MICHAEL VINCENT COMELLA  
 TIMOTHY J. CONKLIN  
 DOUGLAS B. COX  
 JASON ROOSEVELT CRIPPS  
 JUDY KAREN DAILEY  
 VICKI L. DOSTER  
 STEPHEN A. DUNAI  
 MEGAN H. ERICKSON  
 MARK E. FISCHER  
 PETER S. GAUCER  
 WILLIAM KEVIN GIEZIE  
 RAINER G. GOMEZ  
 DAVID M. HALTER  
 FRANK G. HALUSKA  
 DUANE DARNELL HAYDEN  
 WILLIAM FREDRICK HEFNER  
 CLARK ALLAN HIGSTRETE  
 REYNOLD T. HOKI  
 WALLACE RAY HOUSER  
 LOREN MATTHEW HUBERT  
 GENE W. HUGHES, JR.  
 ADAM H. JENKINS  
 SCOTT K. JOHNSON  
 BRIAN J. KAMP  
 JANEL L. KEIZER  
 GARY VERNON KELLOGG  
 HAROLD I. E. KINGDON, JR.  
 KEIR D. KNAPP  
 LEE A. KNOWLTON  
 RITA M. KUREK  
 JULIA ANN KYRAZIS  
 HARRISON JOHN LIPPERT  
 ANDREW JOHN MACDONALD  
 CARL M. MAGNELL  
 STUART K. MATTHEW  
 SHERRIE LYNN MCCANDLESS  
 DANIEL H. MCCARTHY  
 GERALD E. McDONALD  
 NAHAKU A. MCFADDEN  
 KEVIN T. MCMANAMAN  
 ROBERT B. MCMANIS  
 CHICO CLAUDE MESSER  
 SCOTT R. MILLER  
 KURT A. MINNE  
 MICHAEL F. MITCHELL  
 ROBERTO MORAFIGUEROA  
 JAMES JOSEPH MOY  
 GORDON E. NIEBERGALL  
 DAVID P. OSBORNE  
 GILBERT L. PATTON III  
 ERIC K. PAJER  
 PAULA FRANCIS PENSON  
 GARY J. PRESCOTT  
 CHRISTOPHER JOSEPH QUINN  
 PAUL ROBERT QUIRION

MATTHEW DANIEL RATHSACK  
 SCOTT EDWARD REED  
 MICHAEL L. REID  
 PATRICK R. RENWICK  
 RAYMOND S. ROBINSON IV  
 KEVIN ROGERS  
 JEFFREY BRYAN SAMUEL  
 MARCOS G. SANTILLAN  
 KRIS R. SCHAUMANN  
 ROBERT J. SCHUETT  
 JOSEPH W. SCHULZ  
 RICHARD J. SCHUMAN  
 KIMBERLY A. SENCINDIVER  
 MICHAEL JOHN SHANAHAN  
 PHILIP ROGER SHERIDAN  
 RAYMOND HENRY SIEGFRIED III  
 THOMAS R. SIMS  
 JAMES R. SMITH, JR.  
 GREGORY J. STAUT  
 CHARLIE DON THIGPEN  
 DAVID ROGER THOMAS  
 NATHAN D. THOMAS  
 VICTOR A. TORANO  
 JOSE D. TORRESLABOY  
 JOHN L. TRAIETTINO  
 AARON MATTHEW VANCE  
 MICHAEL KURFEES VONHOFFMAN  
 DANIEL A. WALTER  
 LARRY A. WARMOTH  
 MARIE E. WAUTERS  
 MARK A. WEBER  
 SAMMIE WILLINGHAM, JR.  
 GREGORY S. WOODROW

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

CHRISTON MICHAEL GIBB  
 VANESSA E. MAHAN  
 LUIS E. MARTINEZ  
 THAD M. REDDICK

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

MICHAEL S. FUNK  
 ROBERT W. INTRESS  
 EDWIN W. LARKIN  
 JOHN W. RUBGER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

JARROD W. HUDSON  
 CHARLES B. WAGENBLAST

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE REGULAR ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

KARI L. CRAWFORD

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

HENRY H. BEAULIEU  
 SCOTTIE L. DOOLITTLE  
 ERIC K. LITTLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

DONALD B. ABSHER  
 MATTHEW D. ANGOVE  
 DANIEL M. ARKINS, JR.  
 MICHAEL J. ARRINGTON  
 WILLIAM ARTHUR  
 JAMES C. ASHING  
 HAROLD W. ASKINS III  
 SHARON L. AUT  
 MATTHEW V. BAKER  
 EDMOND G. BARTON  
 GARY J. BARWIKOWSKI  
 KEITH M. BELANGER  
 RUPERTO BETANCOURT  
 JAMES D. BISCHOFF  
 MARK E. BLACK  
 KIMBERLY A. BODOH  
 RANDALL J. BOLZ  
 RANDALL J. BOSTWICK  
 BLAKE C. BOWEN  
 DAVID BOWEN  
 BOWLMAN T. BOWLES III  
 JOHN A. BOYD  
 JOSEPH L. BRAZELL  
 KEITH P. BRELLA  
 JAMES A. BROOKS  
 JERRY E. BROOKS  
 OLIVER L. BROOKS, JR.  
 PATRICK M. BROWN  
 RANDALL W. BURKE  
 JOYCE M. BUSCH  
 ROBERT S. CABELL

MICHAEL M. CALAMITO  
 HARRY D. CALLICOTTE  
 JEFFREY A. CALVERT  
 LARRY CAMPBELL  
 THOMAS W. CANNINGTON  
 ANTHONY N. CAPPETTA  
 CRIZALDEH M. CARAANG  
 PAUL T. CARRUTHERS  
 KELLYMARIE H. CARTER  
 JAMES M. CHATFIELD, JR.  
 GREGORY W. CHERRY  
 ANTHONY H. CHOI  
 ELLEN S. CLARK  
 AMY L. CONNELLY  
 TIMOTHY P. CONNORS  
 BRIAN R. COOK  
 WILLIAM W. COOK  
 GEORGE M. CORBIN  
 ROBERT C. CRAFT  
 DAVID R. CRAINE  
 EDWARD H. CUMMINGS, JR.  
 JOHN C. CURWEN  
 PATRICK J. CUSICK  
 GREGORY S. J. DALFERES  
 MARY C. DANNER  
 MICHAEL A. DASCANIO  
 MILES A. DAVIS  
 JOSEPH DCOSTA  
 DIANNE M. DEL ROSSO  
 BRIAN T. DIXON  
 NELS T. DOLAN  
 ANDREA L. DOLLAR  
 JOEL B. DROBA  
 ANTHONY G. DUPREE  
 WALTER M. DUZZNY  
 WALTER D. EASTER, JR.  
 ERIC E. EDIN  
 JEFFERY ELLICK  
 JULIE A. ENGDALH  
 ERIC C. ENGELMEIER  
 MARK S. EUBANK  
 MARTIN C. EWALD  
 PAUL H. FALL II  
 RICHARD L. FERNSWORTH  
 BRENNAN E. FERNELIUS  
 ALEX B. FINK  
 FRANCIS T. FLANAGAN  
 BARRY J. FLYE  
 CORDELL J. FOX  
 BRYAN S. FRANKLIN  
 MICHAEL C. FREEMAN  
 JUAN R. GARCIA  
 JOHN T. GARITY III  
 PAUL R. GASS  
 WILLIAM M. GAZIS  
 HOWARD C. W. GECK  
 RICHARD E. GILES  
 CHRISTOPHER P. GOVEKAR  
 JOSEPH A. GREGG  
 JOHN J. GUIDY, JR.  
 RICKIE N. HAGAN  
 AHRON R. HAKIMI  
 MARK A. HANDY  
 WILLIAM C. HARDEE  
 FRED R. HARMON, JR.  
 STEPHEN H. HARMON III  
 DANIEL A. HARMUTH  
 THOMAS V. HARPER  
 JOHN W. HARRINGTON, JR.  
 DONALD S. HARRIS  
 RICHARD J. E. HETTKAMP  
 SCOTT A. HILL  
 SETH M. HOFFER  
 ERIC T. HOLMES  
 ROBERT D. HOOD  
 GREGORY D. HOPKINS  
 DONALD C. HOUK  
 CHRISTOPHER S. HOUSTON  
 VIVIAN S. HUGHES  
 GREGORY M. JACKSON  
 KEITH W. JANOWSKI  
 JEFFREY J. JARVENSIVU  
 STEVEN C. JOHNSON  
 TODD L. JOHNSTON  
 J. L. JONES  
 ROBIN H. N. JONES  
 ANDREW JUKNELIS  
 JOYCE B. JUNIOR  
 KIPLING KAHLER  
 KEVIN J. KALEY  
 JOHN M. KANALEY  
 ALAN D. KATZ  
 KEVIN L. KEEN  
 ROBERT M. KELLY  
 ALICE A. KERR  
 KELLY G. KILHOFFER  
 WILLIAM KLAUS  
 PHYLLIS KNOX  
 ROBERT E. KOCH  
 TIMOTHY KOHN  
 DAVID A. KONTRY  
 MICHAEL G. KOSALKO  
 DEBORAH L. KOTULICH  
 SUSIE S. KUILAN  
 ANGELA M. LARSEN  
 THOMAS S. LAVENDER  
 KENNETH R. LAWRENCE, JR.  
 MICHAEL D. LEMIEUX  
 MICHAEL E. LONIGRO  
 KENNETH W. LUCAS  
 EDWIN F. LUGO  
 JOHN M. MACDONALD  
 MARION M. MANUTA  
 GARY J. MAROUN  
 PEGGY A. MASTERTON  
 HAROLD B. MAYES  
 MARK H. McDONALD

EDWARD C. MCFADDEN  
 BARNARD MCINTOSH  
 PAUL J. MCKENNEY  
 RONALD S. MEREDITH  
 KENNETH S. MERWIN  
 MICHAEL W. MILLER  
 BETTINA R. MONCUS  
 HECTOR M. MORAN  
 AUDRIE J. MORGAN  
 WILLIAM R. MORGAN, JR.  
 RICHARD L. NASH  
 RANDALL D. NEWTON  
 CHRISTINE M. NICHOLS  
 PAUL H. NOBLIN, JR.  
 ANDREW L. NORD  
 JAMES L. OAKES, JR.  
 CHRISTOPHER J. OCONNOR  
 THOMAS M. ODOGNOHUE  
 JOHN S. OLESH  
 JOHN R. OLSON  
 RONALD ORTIZ  
 JACK A. OTTESON  
 BARRETT K. PARKER  
 NICOLE S. PARKER  
 MICHAEL H. PASCO  
 JOHN E. PENN, JR.  
 BRADLEY G. PERRIER  
 CHAUNDRA D. PERRY  
 WILLIAM T. PETERSON  
 JOHN C. PISTONE  
 GREGORY A. POLITOWICZ  
 JEFFREY C. PONKRATZ  
 JOHN L. POWELL  
 MARK P. PRICE  
 MICHAEL F. REIDY  
 JOSE J. REYES  
 FRANCIS L. REYNOLDS  
 JAMES H. REYNOLDS, JR.  
 MARK J. RICCHIAZZI  
 STEVEN E. RILEY  
 JOHN G. ROGERS  
 RALPH S. ROPER, JR.  
 DAVID A. ROSENBLUM  
 JENNIFER E. RYAN  
 DANNY W. SAMPLE, JR.  
 KENNETH R. SARDEGNA  
 DAVID W. SCHIMSA  
 ALLAN SCHROEDER  
 TIMOTHY R. SCHULGEN  
 GERARD L. SCHWARTZ  
 ANTHONY P. SCIOLI  
 NICHOLAS SCOPELLITE  
 JOHN R. SEELEY  
 APRIL L. SELBYCOLE  
 JEFFREY T. SICKINGER  
 CHARLES R. SIMMONS  
 JAMES G. SIMPSON  
 JEFFREY T. SIMS  
 WILLIAM R. SIMS  
 TERENCE W. SINGLETON  
 JOSEPH S. SKARBOWSKI  
 ANDREW M. P. SMITH  
 JOHNNY R. SPRUIEL  
 CHARLES R. STACHOWSKI  
 ROBERT C. STACK  
 MICHAEL S. STOCKS  
 RICKY A. STORY  
 STEPHEN E. STRAND  
 WILLIAM D. STRATTON  
 DOUGLAS H. STUBBE  
 JEFFREY P. SWAN  
 JOHN F. SWEENEY  
 DEAN M. SWICK  
 CLIFFORD G. TEBBITT  
 JACK J. THEBAU  
 ROY THERRIEN  
 JOHN A. THOMPSON  
 ROBERT F. THOMPSON, JR.  
 GREGORY A. TOWNLEY  
 EVAN J. TRINKLE  
 KIRSTI M. TRYGSTAD  
 MICHAEL A. TURNER  
 JOHN C. UPTMOR  
 JOHN W. VELLIQUETTE, JR.  
 EDWARD J. VILLACRES  
 BRENDT J. VITALE  
 SAMUEL F. WAGNER  
 JOHN J. WALDRON, JR.  
 PAUL M. WALENESKY  
 HARLAN T. WARE  
 DAVID P. WARSHAW  
 MARIO R. WILHELM  
 JEFFREY C. WISER  
 JEFFREY L. WOODIE  
 SHELWILBED WRAY  
 TONY L. WRIGHT  
 ALAN E. ZENTAR  
 IRENE M. ZOPPI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JAMES S. ARANYI  
 WILLIAM L. AYERS  
 SHELLY L. BALDERSON  
 MICHAEL G. BARGER  
 DARRELL J. BENNIS  
 SCOTT N. BERGUM  
 MICHAEL D. CAMPBELL  
 PEDRO J. COLON  
 ROBERT S. DAVIDSON  
 DAWN D. DEVINE  
 ANDREW D. DOHRING  
 JEFFERY A. DOLL  
 BRADLEY A. DUFFEY

JUDY V. ELLIS  
 DALE D. FAIR  
 DANIEL G. FOULKROD  
 MICHAEL P. FRIEND  
 CHRISTOPHER B. FRY  
 PAUL T. GAULT  
 JAMES E. GIBSON  
 PAUL S. GUILLOT  
 ERIC S. HAALAND  
 GEORGE G. HADRICK  
 CHARLES G. HAHN  
 HAROLD M. HINTON, JR.  
 DAVID L. HUBBARD  
 ROBERT B. HUMPHREY  
 MICHAEL E. KIENE  
 MATTHEW W. LUCAS  
 TIMOTHY J. LYNCH  
 STEVEN P. MARCH  
 ELMER R. MASON  
 STEVEN A. MATAYOSHI  
 CYNTHIA S. MCCARTY  
 CHARLES H. MEADOWS  
 JAMES E. MORRISON  
 LAWRENCE E. MOSLEY  
 ROBERT M. NOTCH  
 SHAWN P. OSBORNE  
 CESAR A. PADILLA  
 MARTIN E. PANGELINAN  
 GRANT R. PORTER  
 MARK E. QUARTULLO  
 KEL LEB RAUCH  
 ROBERT D. REED  
 JAY D. RIEGER  
 BILLY W. ROGERS  
 MARGARET A. ROOSMA  
 MARK A. RUSHING  
 EDWARD G. SALAZ, JR.  
 STEVEN R. SCHWEICHLER  
 RICHARD K. SELE  
 STEPHEN G. SHERBONDY  
 DEBORAH A. STOLZE  
 WILLIAM S. STORY  
 DAVID H. TAVASSOLI  
 SCOTT R. WEST  
 DONNA R. WILLIAMS  
 ROBIN L. WILLIAMS  
 JOHN K. WORTHINGTON  
 MARK A. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

MITCHELL J. ABEL  
 JOHN J. ABELING  
 JOHN W. ALTEBAUMER, JR.  
 PETER K. ANDERSON  
 CURT E. ASHBY  
 FRANCIS E. BALASCIO  
 TIMOTHY S. BARRETT  
 GORDON M. BARTLEY  
 STEPHEN C. BELLER  
 TODD F. BERGER  
 KEVIN A. BUCKINGHAM  
 MATTHEW J. BURINSKAS  
 THOMAS J. BURSON  
 DONALD R. BYRD  
 MICHAEL M. CAIN  
 THOMAS G. CANTWELL  
 ROY E. CARPENTER, JR.  
 WILLIAM C. CARTER  
 LLOYD P. CAVINESS, JR.  
 JOHN S. CLOYD  
 THOMAS E. COGDALL  
 GEORGE S. CONWILL  
 DONNA L. COOPER  
 GREGORY M. CORNELL  
 JOHN P. COSTANZO  
 WILLIAM E. COUNTS  
 ANTHONY J. COUTURE  
 PETER B. CROSS  
 JEFFREY R. CSOKMAY  
 MICHAEL S. CURRAN  
 JOSEPH D. DANA O II  
 KENNETH W. DAVIS  
 KENNETH D. DEGIER  
 BRIAN T. DERFAMER  
 BYRON L. DIAMOND  
 BRIAN C. DIGKERSON  
 ROBERT L. DITCHIEY II  
 BRIAN L. DRAKE  
 DANIEL J. DREHER  
 BOBBIE J. DUNN  
 DIANE L. DUNN  
 MICHAEL E. DYE  
 DONALD R. EMERSON  
 KEVIN W. EXTINE  
 HENRIK M. FAST  
 JOSE L. FIGUEROA  
 DAVID FLEMING III  
 SCOTT K. FOWLER  
 TIM W. FRANKLIN  
 VICTORIA GANDARA  
 JAMES V. GARDNER  
 JEFFREY L. GAYLORD  
 JAMES T. GIBBONS  
 GLENN S. GILDON  
 GLENN S. GMITTER  
 BERKLEY G. GORE  
 KENNETH S. GULLY  
 ALBERT J. HAAS  
 PHILLIP R. HALE  
 REX E. HALL  
 JEFFREY P. HANSEN  
 BEVERLY D. HARTFIELD  
 JAMES A. HEARTSILL III

STARRLEEN J. HEINEN  
 MARK G. HENDRICK  
 MATTHEW K. HENGEL  
 GARY B. HERR  
 GREGORY J. HIRSCH  
 ROBERT F. HOAGLUND  
 TIMOTHY HOUCHELEI  
 GAIL G. INMAN  
 ROBERT J. JARVIS  
 DWIGHT M. JETT, JR.  
 CRAIG S. JONES  
 RALEIGH C. JONES  
 ROBERT L. JONES  
 JEFFERY D. JULUM  
 ROBERT C. KEATING  
 RICHARD D. KEMP, JR.  
 ERIC J. KILLEN  
 JEFFREY M. KNEPSHIELD  
 JOHNNA A. KOHL  
 DAVID L. KOON  
 DANIEL KOZLOWSKI  
 ROBERT C. LARSEN  
 MARK W. LEAHEY  
 GREGORY J. LEIMBACH  
 WILLIAM A. LENEWEAVER  
 GARY D. LEWIS  
 RICHARD A. LIPE  
 FRANKLIN C. LITTLE  
 CLIFFORD R. LOCKWOOD, JR.  
 DANIEL G. LONOWSKI  
 HENRY LOPEZ  
 DAVID A. LOPINA  
 STEVEN D. LUND  
 DANIEL M. MAHNKE  
 SCOTT R. MANAHAN  
 ZACHARY E. MANER  
 MICHAEL P. MARTINEZ  
 PARRIS C. MCCULLAH  
 SUZANNE P. MCKIBBIN  
 JOSEPH E. MCMENAMIN  
 DIANA S. MEADOR  
 BRIAN F. METCALF  
 DANNY L. MILLS  
 SUSAN E. MINKEMA  
 DANIEL T. MONAGHAN  
 TIMOTHY P. MORAN  
 TIMOTHY J. MURPHY  
 PAUL K. NANAMORI  
 SCOTT D. NILES  
 JOHN M. OBERKIRSCH  
 DAVID F. ODONAHUE  
 LUTALO O. OLUTOSIN  
 STEPHEN E. OSBORN  
 TODD M. PATTON  
 PAUL R. PELTIER  
 DANIEL F. PIPES  
 JOEL M. POTTS  
 KEITH C. PRESTON  
 JOEL D. PRICE  
 PETER J. QUINN  
 ANGELICA REYES  
 PETER M. REYNIERSE  
 BENNY R. RICHARDSON  
 JOHN C. ROONEY  
 JODEE A. ROWE  
 BRETT P. RYPMA  
 HOWARD L. SCHAUER  
 KURT A. SCHLICHTER  
 WALLY SCHOLL  
 JOSEPH M. SEAQUIST  
 WILLIAM H. SELLERS III  
 DAVID L. SEYBOLD  
 ANTHONY A. SIMS  
 MARK R. SLAVIK  
 JEFFREY D. SMILEY  
 DAVID L. SMITH  
 STEVEN L. SMITH  
 TERRANCE E. SMITH  
 THOMAS W. SMITH  
 STEVEN P. SONNEGA  
 MICHAEL E. SPETH  
 BRENT E. STARK  
 CHAD R. STEVENS  
 DARRYL D. STEWART  
 JOACHIM STRENK  
 PETER G. SZCZEPANSKI  
 JOHN M. TILL  
 HILLIS J. TINGLUM  
 TRACEY J. TRAUTMAN  
 KENNETH G. UTING  
 DAVID R. VERDI  
 THOMAS W. VONWEISENSTEIN  
 MARKLEY D. WAHL  
 DANIEL J. WALCZYK  
 RACHEL C. WALKER  
 RICHARD L. WEIKEL  
 ALEXANDER C. WETZEL  
 CARL L. WHITE  
 LARRY W. WILBANKS  
 MICHAEL J. WILLIS  
 BRADLEY T. WOLFING  
 BOBBY L. YANDELL, JR.  
 THOMAS M. ZUBIK

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

NANCY L. DAVIS  
 SHEILA VILLINES

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

GENEVIEVE L. COSTELLO

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*ROBERT J. NEWSOM  
RICHARD Y. YOON

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*RICHARD A. DANIELS  
STEPHEN M. LANGLOIS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*ARTHUR E. RABENHORST  
STEVEN J. SVABEK

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

HARVEY D. HUDSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

*To be major*

WILLIAM H. CAROTHERS

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

MATTHEW R. LOE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

THOMAS P. ENGLISH

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

*To be lieutenant commander*RICHARD A. ACKERMAN  
ALEX W. ALDRICH  
THOMAS D. BELCHIK, JR.  
PAUL W. CASSUTTI  
BRYAN J. CHRISTIANSEN  
GAVIN H. CLOUGH

TERENCE A. COLEMAN  
MATTHEW E. CURNEN  
BENJAMIN S. DAVIDSON  
STEVEN A. DAWLEY  
BRENT E. DILLOW  
JEREMY D. ELMER  
JOHN E. FITZPATRICK  
MICHELLE R. FONTENOT  
CHRISTOPHER A. GAHL  
BRYAN E. GEISERT  
JOSEPH D. GODWIN  
DANIEL A. HANCOCK  
ZACHARY D. HARRY  
JESSE H. HUMPHRIES  
MONICA R. HURLEY  
DAVID A. JOHNS  
JEREMY M. JOHNSTON  
TRAVIS A. LARSON  
JOSHUA Q. MCCRIGHT

SEAN M. MEREDITH  
STEPHEN T. NEUMAN  
ANTHONY W. OXENDINE, JR.  
BRIAN J. PERRY  
CHARLES W. PHILLIPS  
DEREK A. RANDALL, JR.  
JUSTIN D. REEVES  
ERNE REYES  
ALAN M. ROCHE  
GARY A. RONEY  
NOLE L. SHEETS  
JAMES L. SMITH  
LANCE SMITH  
BRIAN P. SPARKS  
DONALD SPEIGHTS  
RANDY M. STACK  
ADAM C. TERRAL  
ALEXANDER C. VOELLER  
WILLIAM M. WALKER  
YANCY M. WOODARD  
ADAM I. ZAKER

## DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/2009 and the nomination was placed on the Executive Calendar:

\*MICHAEL E. HOROWITZ, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE.

\*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.



## EXTENSIONS OF REMARKS

### INTRODUCTION OF H.R. 3521, THE “EXPEDITED LINE-ITEM VETO AND RESCISSIONS ACT OF 2011”

#### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. VAN HOLLEN. Mr. Speaker, today I join my friend House Budget Committee Chairman RYAN to introduce the “Expedited Line-Item Veto and Rescissions Act of 2011.” Taxpayers deserve a system that is accountable, and this bipartisan legislation will provide another tool to ensure that we are good stewards of their money. The process created by this bill would enable the President to effectively propose the elimination of unnecessary spending from legislation that arrives on his desk for signature, and send those items back to Congress for expedited votes on whether or not to rescind that funding.

We must do everything we can to make sure tax dollars are spent wisely and responsibly. Budget process reform cannot be a substitute for judgment, and it cannot replace the urgent need to put Americans back to work and to put our nation on a path toward long-term fiscal sustainability. But I hope this bipartisan step toward strengthening our budget process will be the first on the road of greater cooperation to meet our fiscal challenges.

I want to thank Mr. RYAN and his staff for their important and thoughtful cooperation in developing this proposal. I ask all members on both sides of the aisle to cosponsor this measure and join us in the hard work ahead.

### EXPEDITED LINE-ITEM VETO AND RESCISSIONS ACT OF 2011

#### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to introduce the “Expedited Line-Item Veto and Rescissions Act of 2011” along with my friend and colleague House Budget Committee Ranking Member CHRIS VAN HOLLEN of Maryland.

The fiscal and economic challenges facing our nation are immense. In addition to the alarming budget deficit and painful jobs deficit, Washington’s failure to tackle these challenges fuels a growing credibility deficit. For years, policymakers—in both political parties—have failed to serve as responsible stewards of American families’ hard-earned tax dollars. Too many politicians continue to make empty promises to those they serve, spending money we don’t have on government programs that don’t work.

The stakes are too great to continue to kick the can down the road. I believe that leaders can—and must—work together to meet these challenges by advancing structural reforms to

the drivers of the debt and pro-growth solutions to create a more conducive environment for job creation.

This bipartisan legislation takes a modest step in the right direction. The Expedited Line-Item Veto and Rescissions Act gives the President an important tool to target unjustified spending, while also protecting Congress’s constitutional authority to make spending decisions.

This new authority would allow the President to specify spending provisions within an appropriations bill, requiring stand-alone consideration of the spending proposal by Congress. Legislation implementing the proposed spending cancellations would receive expedited floor considerations and an automatic up-or-down vote in both chambers of Congress. Should Congress determine the spending cannot be justified: Every dollar of savings would be devoted to deficit reduction.

This bipartisan proposal builds upon past efforts to target wasteful spending, including Legislative Line-Item Veto proposals I’ve advanced over the years and the new House Majority’s ban on earmarks. I remain grateful to Ranking Member VAN HOLLEN at the House Budget Committee for his partnership in this effort. I look forward to working with my colleagues to help advance this common-sense deficit-reduction tool—a step in the right direction as we work to address the structural drivers of the debt and continued impediments to economic growth.

### REMEMBERING HAL BRUNO

#### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. HOYER. Mr. Speaker, a number of us have come to the floor today to remember a great American who passed away earlier this month. Hal Bruno made a real difference in people’s lives, both by keeping them informed about our world and by serving as an advocate for firefighters and their families.

Hal was ABC News Political Director through the 1980’s and 1990’s, covering major national events and keeping Americans engaged with their government. He skillfully moderated the vice-presidential debate in 1992 after having covered presidential campaigns since Kennedy ran against Nixon. He had the respect and admiration of leaders from both parties.

As a journalist, Hal made a reputation for himself as a truth-teller, even when the truth was difficult. That began in Chicago, when as a young reporter he uncovered how poor safety standards in the building code had contributed to a fire that claimed 95 lives. He became a respected voice for fire safety, and that experience led him to become a volunteer firefighter himself, which he continued to do for decades.

After retiring from ABC News in 1999, Hal dedicated himself to serving our communities’

firefighters and their families. He chaired the National Fallen Firefighters Foundation at a time when we lost so many brave first responders in the September 11 attacks. Hal was a champion for the families of firefighters who lost their lives in service to their communities, and he fought for and won the passage of legislation to provide them survivor benefits.

I know that Hal will be both dearly missed and dearly remembered by many in government, those who turned to him for their news for so many years, and by the families of firefighters on whose behalf he worked so tirelessly.

I join in remembering Hal and celebrating his life. I offer my condolences to his wife Meg and their children and grandchildren.

### HONORING SPENCER ROSENAK

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Spencer Rosenak. Spencer is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 216, and earning the most prestigious award of Eagle Scout.

Spencer has been very active with his troop, participating in many scout activities. Over the many years Spencer has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Spencer has earned the rank of Brave in the Tribe of Mic-O-Say, participated in the 2010 National Jamboree and has held several leadership positions within his troop, including Assistant Patrol Leader and as the Chaplain’s Aide. Spencer has also contributed to his community through his Eagle Scout project. Spencer documented the directory of those buried at B’nai Yaakov Cemetery in St. Joseph, Missouri, and created a map of the plots in the cemetery. Spencer then published his work on the internet, providing an online directory for anyone interested in those buried at the cemetery.

Mr. Speaker, I proudly ask you to join me in commending Spencer Rosenak for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

### RECOGNIZING ETHAN DOYLE OF OAKTON, VA

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Ethan Doyle, a 2011 Critical Language Scholarship Program Recipient. Ethan

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

has been identified by his educators for his academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program in Vladimir, Russia.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Vladimir, Russia, as well as the surrounding areas. The program provides participants with the opportunity to build relationships with young leaders from all over the world with an intense focus in the Russian language, one of the thirteen "critical needs" foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Ethan is a student at Johns Hopkins University. It is inspiring to see young people who are interested in international educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Ethan Doyle and wishing his continued success in his further pursuits.

#### PERSONAL EXPLANATION

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 862, due to family health issues, I was unable to make the vote. Had I been present, I would have voted "yea."

#### HONORING PATRICIA NICKLOW

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Mrs. Patricia Nicklow, a resident of Essex, Maryland, on the occasion of her retirement from the U.S. Navy's Program Executive Office for Aircraft Carriers after more than 37 years of dedicated service to the federal government.

Patricia Nicklow was born in Baltimore and attended Our Lady of Mount Carmel and Kenwood Senior High Schools in Essex. She is Level III certified in Acquisition Logistics with Level II certifications in both Program Management and Business Financial Management from the Defense Acquisition University.

Over the course of her 37-year career with the federal government, Mrs. Nicklow has developed an extensive background in acquisitions and logistics. She spent 13 years with the General Service Administration throughout the Washington, DC, metropolitan area. She then served 23 years at the Naval Sea Systems Command, including her final nine years at PEO Carriers. During this time, she became the In-Service Logistician for Mine Sweepers and Hunters before finally coming to Aircraft Carriers to work in new construction, mid-life Refueling and Complex Overhauls, and supporting the Navy's in-service Aircraft Carriers.

Mrs. Nicklow's current duties include ensuring that in-service Aircraft Carriers are logistically supported so that sailors are

trained properly to perform and maintain their equipment.

Her well-deserved plans post retirement include more traveling, spending time with family, partaking in health classes, and bowling. Mrs. Nicklow currently lives with her husband and mother.

Mr. Speaker, I ask that you join with me today to honor Mrs. Nicklow. Her long and dedicated service to the United States of America is an inspiration to all of us. It is with great pride that I congratulate Mrs. Nicklow on her retirement and wish her the best of luck in the future.

#### HONORING BRADLEY DONAGHY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Bradley Donaghy. Bradley is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and earning the most prestigious award of Eagle Scout.

Bradley has been very active with his troop, participating in many scout activities. Over the many years Bradley has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Bradley has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Bradley Donaghy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### IN HONOR OF THE 2011 FERNANDO AWARD RECIPIENT GARY THOMAS

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. GALLEGLY. Mr. Speaker, I rise to honor Gary Thomas—businessman, civic activist and a very good friend to my wife, Janice, and me—as he is recognized this Friday as the 53rd recipient of the annual Fernando Award.

The Fernando Award is the highest award in California's San Fernando Valley that recognizes exceptional volunteer efforts. It often has been called the Academy Award of Volunteerism in the San Fernando Valley and is one of the top awards for civic accomplishments in the United States.

Gary is well-deserving of this honor.

Gary's community service and volunteerism has spanned more than 37 years and has involved Chambers of Commerce, organizations that have political impact in the San Fernando Valley, anti-gang programs, youth development organizations, leadership and business programs, and nonprofit organizations.

Gary is responsible for creating many innovative fundraising programs for Valley nonprofits and has helped raise more than \$5 million for the nearly 30 nonprofit organizations for which he has served in leadership positions.

He has served on the Boys & Girls Club of the West for the past 13 years and is currently Chairman of the Board for the fifth year. Gary has served in leadership positions with the Economic Alliance of the San Fernando Valley, United Chambers of the San Fernando Valley; the Valley Business Corps, and the Wellness Community for the Valley and Ventura.

Gary also has been active with the San Fernando Valley Business Advisory Commission and the San Fernando Valley Charitable Foundation.

Although Gary is being recognized for his activities in the San Fernando Valley, I know firsthand that he has also been active in many nonprofit and business activities in Ventura County as well.

A successful businessman, Gary is Senior Vice President and Creative Director for Aaron, Thomas & Associates in Chatsworth, a company that specializes in creative consulting, graphic design, printing, and direct mail services to the political sector and the general corporate market throughout the United States.

Mr. Speaker, I know my colleagues join Janice and me in congratulating Gary Thomas for the honor of being the 2011 Fernando Award Recipient and in thanking him for making his community a better place for all to live, work, and thrive.

#### RECOGNIZING LIEUTENANT GENERAL WILLIAM E. INGRAM, JR.

### HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. BUTTERFIELD. Mr. Speaker, I rise to recognize the accomplishments of a truly great soldier and North Carolinian, Lieutenant General William E. Ingram, Jr. In a recent Senate Armed Services Committee hearing on November 10th, 2011, Lieutenant General Ingram was confirmed as Director of the Army National Guard and on Monday, November 28th, 2011 he officially assumed the duties of the position. Also on November 28th, 2011, Lieutenant General Ingram received his new star from Army General Ray Odierno, chief of staff of the Army, and Air Force General Craig McKinley, chief of the National Guard Bureau.

For nearly four decades Lieutenant General Ingram has served our nation as an officer in the Army National Guard. He has commanded at all levels from platoon to battalion, overseas, and was especially effective as the Adjutant General of North Carolina for over nine years. I have no doubt in his ability to accomplish the wide-ranging requirements placed on the shoulders of the Director of the Army National Guard. He will perform his duties well, with honor and enthusiasm.

Lieutenant General Ingram was born and raised in Elizabeth City, North Carolina, and was a longtime resident of Williamston, North Carolina. I am proud to say both are located in the First Congressional District, which I have the honor of representing. His wife, Lil, has also been a tremendous asset to National Guard families and the citizens of North Carolina. She has worked tirelessly as an advocate for North Carolina National Guard families to help them cope with the deployment of family

members through several children's programs, the Family Readiness Program, and even as a co-author of a book for children of Wounded Warriors.

Lieutenant General Ingram is a source of great pride for eastern North Carolina. I have witnessed the progression of his career over the years and I am very proud to see his dedication, sacrifices, and contributions recognized with this appointment and promotion. I offer my sincere appreciation for his service to the United States of America and the great state of North Carolina. I ask that my colleagues join me in congratulating Lieutenant General William E. Ingram, Jr. on receiving his recent promotion to the rank of lieutenant general and his appointment as Director of the Army National Guard.

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HONORING JENNIE STULTZ

**HON. SUE WILKINS MYRICK**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mrs. MYRICK. Mr. Speaker, Jennie Stultz, mayor of Gastonia, NC, has a motto—"city pride." I couldn't have described her any better myself.

Jennie is retiring in a few weeks, after 12 years as mayor of Gastonia. Her impact on the city will be long-lasting and her leadership greatly missed.

Jennie did that which is most important as a mayor and a native of Gastonia—she put the good of her city first. Partisan politics always took a backseat to making sure that everyone had a seat at the table when making the decisions that moved Gastonia forward.

And move forward it did. Jennie was committed to economic and residential development, and made decisions that brought businesses and residents to Gastonia. She credits the redevelopment of downtown Gastonia as one of her greatest accomplishments—an accomplishment of which she should be very proud.

Under Jennie's tenure, Gastonia was twice named an All-America City, an award that commends the innovation and civic engagement of the city.

Even after all of this, Jennie's best quality is being able to laugh at herself. She takes her job seriously—no doubt about it—but she doesn't take herself seriously. As an elected official at any level, and especially in our current political climate, that's definitely an asset.

Anyone who has ever worked with Jennie will tell you that she's a joy to be around. I have greatly enjoyed both the professional and personal relationship that we've shared throughout the years, and know that our friendship is a lasting one.

Gastonia has never had a bigger cheerleader than Mayor Jennie Stultz. There is no doubt that she loves the people and the place, and they love her back. She will be missed, but even though she won't be mayor, we all look forward to the continued contributions that Jennie will make to Gastonia, NC.

HONORING SAMUEL PATRICK  
STOWERS

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Samuel Patrick Stowers. Samuel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and earning the most prestigious award of Eagle Scout.

Samuel has been very active with his troop, participating in many scout activities. Over the many years Samuel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Samuel has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Samuel Patrick Stowers for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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RECOGNIZING SAMANTHA GRAY  
OF SPRINGFIELD, VA

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Samantha Gray, a 2011 Critical Language Scholarship Program Recipient. Samantha has been identified by her educators for her academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program in Kyoto, Japan.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Kyoto, Japan, as well as the surrounding areas. The program provides participants with the opportunity to build relationships with young leaders from all over the world with an intense focus in the Japanese language, one of the thirteen "critical needs" foreign languages determined by the Department of State for summer 2012. At the end of the program, participants receive a certificate of completion.

Samantha is a student at the University of Georgia. It is inspiring to see young people who are interested in international educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Samantha Gray and wishing her continued success in her further pursuits.

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PAYING TRIBUTE TO THE LIFE OF  
RODNEY CARROLL

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. RANGEL. Mr. Speaker, it is with great sadness that I rise to honor the life of Rodney

Carroll, a community activist from my district. Rodney was a very active member of his community, a loving husband and father.

Rodney's work with the Department of Youth and Community Development will live on forever in the city of New York. As Vice-Chair of the Community Action Board he had a sincere enthusiasm for this position. He was a very determined person and would do everything he could to achieve his goal of making sure the youth and their families would have community organizations that were effective to their needs. His work with Social Service Employee Union Local 371, DC 37 as a staff representative and organizer also will never be forgotten. He continuously fought for workers rights in the community. Rodney was the definition of a true Harlemit. The future of New York City's youth has vastly improved because of the work this man has accomplished.

Rodney believed in our youngsters and their work. They are most fortunate to have had someone like him stand up for what's right and get them the resources that they deserve.

Mr. Speaker, I ask that you and my colleagues join me in paying tribute to the life of this very honorable man. Let's encourage others to continue helping communities the way Rodney Carroll did. Our body must continue to recognize community leaders like him because they are the one's who have a direct impact on the lives of the children in our communities. The youth in this country are better off because of people like Rodney.

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IN RECOGNITION OF MR. RONALD  
J. DEL MAURO

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Ronald J. Del Mauro, Chief Executive Officer of Barnabas Health, for his forty-five years of service. His continued efforts to revitalize and further develop the organization and its services will be recognized at his retirement ceremony on December 8, 2011. Mr. Del Mauro's tremendous efforts to assist the constituents of New Jersey is worthy of this body's recognition.

Ronald Del Mauro began his career with Saint Barnabas Medical Center in 1967 and served as Vice President for Human Resources and Director of Personnel for fourteen years. In 1985, he was elected President and Chief Executive Officer of Saint Barnabas Medical Center, the position he currently maintains to this day. In 1983, Mr. Del Mauro was named Senior Vice President for Human Resources for the Saint Barnabas Corporation. His appointment also included General Manager and Chief Operating Officer of Livingston Services Corporation, the for-profit affiliate of Barnabas Health. In 1986, he was named President and Chief Executive Officer of the Corporation. Mr. Del Mauro was later elected Chairman of the Board of Trustees for the Medical Center in 1993. Concurrently, he served a three year term as Chairman of the Board of Trustees for Clara Maass Medical Center, a Barnabas Health System affiliate. Under Mr. Del Mauro's direction, Barnabas Health remains the largest health care system in New Jersey and employs 18,200 nurses,

physicians and residents. Mr. Del Mauro is responsible for Barnabas Health services and facilities retaining their nationally recognized status. Barnabas Health continues to provide treatment and services for more than two million patients each year under Mr. Del Mauro's direction.

Mr. Del Mauro has also been actively involved in many professional organizations and health associations which include the New Jersey Hospital Association, for which he is the former Chairman, and the New Jersey Chamber of Commerce. He also serves as member of the New Jersey Essential Health Services Commission, Chairman of the Infrastructure Advisory Committee of the New Jersey Domestic Security Preparedness Task Force and Management Trustee of Local 68 International Union of Operating Engineers' Pension Fund. Mr. Del Mauro is a graduate of Seton Hall University and has also served as an Adjunct Professor at the Graduate School of Public Administration from 1983 to 1985.

Mr. Speaker, once again, please join me in thanking Mr. Ronald Del Mauro for his forty-five years of dedication to the Barnabas Health community. His outstanding efforts have assisted countless individuals throughout the Barnabas Health and New Jersey communities.

HONORING ALEX MITCHELL  
GOFORTH

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Alex Mitchell Goforth. Alex is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many scout activities. Over the many years Alex has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Alex has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Alex Mitchell Goforth for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF PHILIP SAMUEL  
HELLER

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Ms. MATSUI. Mr. Speaker, it is with sadness that I rise to honor the life of my friend Philip Samuel Heller, who passed away on November 19 at the age of 81. Phil was not only a good friend of mine and my late husband's, but a friend to many families in Sacramento.

Phil was born on November 16, 1930, in Brooklyn, New York, the son of Sidney and Aida Heller. For the better part of four decades, Phil managed Sirlin Photographers in Sacramento and photographed many Sacramento area families. Phil's career in photography began when he worked at Bethlehem Steel in Redding, Pennsylvania, where he was an engineer and photographer. He obtained his degree in engineering at Lehigh University in Bethlehem and his early career took him to Randolph Air Force Base in San Antonio, Texas, where he was a flight engineer instructor. Besides photography, one of Phil's passions was radio controlled model airplanes, which he enjoyed building, flying, and showing off.

Phil is survived by his wife, Cathie, his children Jeff, Mark, and Rana, along with his many grandchildren and great grandchildren.

Mr. Speaker, I ask my colleagues to join me in paying honor to Philip Heller. He leaves behind the lasting legacy of a loving father and a photographer whose work hangs in the homes and offices of countless people. I hope that his wife Cathie and his family will find comfort in the fact that Phil provided so much love and kindness to those of us who had the honor to share in his life.

PERSONAL EXPLANATION

**HON. MARIO DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 861, due to family health issues, I was unable to make the vote.

Had I been present, I would have voted "yea."

HONORING LANCE CORPORAL  
JOSHUA CORRAL

**HON. JERRY McNERNEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. McNERNEY. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the life of Lance Corporal Joshua Corral. Josh was assigned to the 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, California.

He was only 19 years old when he was killed in combat on November 18 while defending our Nation in Afghanistan.

Josh attended San Ramon Valley High. He enjoyed playing baseball and soccer, and he was known by everyone as "Chachi." Through letters, flags, a candlelight vigil, and many other actions, Danville has come together as a community to offer comfort to his family and show gratitude for his service and ultimate sacrifice. This great outpouring of support is a testament to Josh's character and heroism. Josh may not be here, but he will not be forgotten.

Josh is survived by his parents, Arnie and Denise, as well as his brothers Zachary, Jordan and Christian.

Josh is a hero who put aside all else out of devotion to his country. I ask my colleagues to

join me in honoring the memory of Josh Corral and in sending our thoughts and prayers to his beloved family and friends.

HONORING JAMES CHANDLER  
ADAMS

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize James Chandler Adams. James is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, James has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending James Chandler Adams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING PATRICK ROSTOCK  
OF MANASSAS, VA

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Patrick Rostock, a 2011 Critical Language Scholarship Program Recipient. Patrick has been identified by his educators for his academic excellence, leadership potential, and exemplary citizenship to participate in the Critical Language Scholarship Program in Shanghai, China.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Shanghai, China, as well as the surrounding areas. The program provides participants with the opportunity to build relationships with young leaders from all over the world with an intense focus in the Chinese language, one of the thirteen "critical needs" foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Patrick is a student at James Madison University. It is inspiring to see young people who are interested in international educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Patrick Rostock and wishing his continued success in his further pursuits.

CONGRATULATING THE IDAHO  
NATIONAL LABORATORY

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. SIMPSON. Mr. Speaker, when someone thinks of Idaho, they usually think of the things the state is most well known for, like potatoes, Boise State football, world-class hunting and fishing, or any other of the numerous outdoor attractions popular in the State. One thing Idaho is not yet well known for is its contributions to deep space exploration, yet that is the reason I come to the floor today.

I rise today to pay tribute to the dedicated men and women of the Idaho National Laboratory, INL, who have made significant contributions to NASA's Mars Science Laboratory mission. This mission has sent a large mobile laboratory—a planetary rover named Curiosity—into space, and is now headed to the surface of Mars. One of the greatest challenges for deep space exploration has always been providing a reliable source of electricity to power scientific instruments and provide heat to keep them from freezing in the harsh conditions of space. NASA used solar power for its earlier voyages to Mars, but because of its limitations, NASA decided to utilize nuclear powered batteries to provide the needed heat and power for the mission. The best place to assemble and test these batteries was Idaho.

Why Idaho? Well, Idaho has a long history of leadership and innovation in the nuclear power arena. After World War II, Idaho was chosen as the new home of the Nuclear Reactor Testing Station, where for the first time it was demonstrated that nuclear power could be used to generate usable forms of electricity. In the 60 years since, over 50 nuclear reactors have been designed and tested in Idaho, leading to the development of extensive capabilities and expertise. This expertise handling nuclear materials made Idaho an ideal location when NASA needed to develop the next space battery that would power its new planetary rover.

The Mars Science Laboratory mission has the potential to be the most productive Mars surface mission in history. That is due, in part to its nuclear heat and power source. The rover Curiosity, which is the size of a small car, is carrying the most advanced payload of scientific gear ever used on Mars' surface. The nuclear powered rover can go farther, travel to more places and power and heat a larger and more capable scientific payload than a solar powered vehicle would in the same environment. Curiosity will travel to locations on Mars that have been off-limits before and collect samples and perform analysis on a far larger scale than previously imagined. This is all possible because of Curiosity's unique nuclear-powered batteries.

A dedicated team of INL scientists and engineers began assembling and testing these batteries in the summer of 2008. After extensive testing to ensure the batteries would perform as expected during the launch and subsequent travel through space, and then again when the rover began its mission on Mars, the team of INL employees felt confident the batteries would do what they needed to do. Many of these people sacrificed significant time away from families to ensure every aspect of

the batteries would work as planned, a service that this country should be grateful for. But in the end, I'm sure the individuals who put thousands of hours into this project have considered it a privilege and an honor to be involved.

Last Saturday, when Curiosity lifted off from its launch pad at the Kennedy Space Center to begin its nearly nine month voyage to Mars, it may have seemed odd to see a large group of people in Idaho celebrating while they watched the event unfold on a big screen. But for this dedicated team of INL employees, it was a moment they had been anxiously awaiting for years. They can be proud of the fact that whatever new discoveries are made as a result of this new state-of-the-art rover would not be possible without their contributions. And for that, I extend heart-felt congratulations.

IN HONOR OF MR. HAL BRUNO

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. ANDREWS. Mr. Speaker, I rise today to honor and remember Mr. Hal Bruno and his longtime dedication to political journalism and fire fighters across the nation. As a former Political Director and analyst for ABC News, Mr. Bruno's legacy is one that deserves to be recognized to the fullest degree.

Mr. Bruno's journalism career spanned five decades, and he was greatly involved in many high-profile cases including the Cuban Revolution, Watergate, Chappaquiddick, and 9/11. His breadth of knowledge and myriad of resources will remain as testaments to his tenacity as a political analyst.

Equally important in his life was the service he provided as a volunteer firefighter, and later as a Chairman Emeritus for the National Fallen Firefighters Foundation. In recognition of his service, the Congressional Fire Services Institute selected him as its "Fire Service Person of the Year" in 1995. His passion for fire fighting began in the 1940s, Mr. Bruno's dedication to fighting fires continued until his passing, as he always had an emergency scanner and a bunker gear, helmet, and boots in his car ready to assist in an emergency.

Commended not only for his analysis and service to his community, but also his moderation of the 1992 Vice Presidential debate, Mr. Bruno made certain to maintain a fair environment despite a highly political atmosphere. The debate only reiterated Mr. Bruno's determination to provide the people with fair and balanced information to decide for themselves.

Mr. Speaker, Hal Bruno's incessant dedication to provide assistance to members of the fire fighting community and their families in addition to informing the American public about events of import in Washington, DC is more than commendable. I take this time to remember the services this great man provided our nation. Hal Bruno will be greatly missed. He has left a legacy that will positively impact the fire service for generations in our country.

HONORING TERRANCE WAYNE  
CARVER, III

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Terrance Wayne Carver, III. Terrance is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 495, and earning the most prestigious award of Eagle Scout.

Terrance has been very active with his troop, participating in many scout activities. Over the many years Terrance has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Terrance has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Terrance Wayne Carver, III, for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE SERVICE OF GLENDALE HEIGHTS VILLAGE ADMINISTRATOR DONNA BECERRA

**HON. PETER J. ROSKAM**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. ROSKAM. Mr. Speaker, I rise today to honor a dedicated public servant from my Congressional District, Donna Becerra of the Village of Glendale Heights. After an extraordinary career of 34 years of service, Donna is stepping down from her position as Village Administrator.

Over the years, Donna has proven herself as a vital asset to the Village of Glendale Heights. Since her first position as a secretary in the Community Development Department, she has tirelessly served from within the Department in a number of leadership positions. Her steadfast commitment, diverse experience, and vibrant interest in the history and welfare of the Glendale Heights community have caused her to excel in every capacity.

In addition to Village Administrator, Donna has also served as Records Supervisor, Assistant Building Commissioner, Staff Planner, and Director of Community Development. She has pursued significant additional training and education, and is an active member in a number of Village committees.

In 2005, as a member of the Glendale Heights Historic Committee, Donna was recognized with the Studs Terkel Humanities Service Award for her extensive research and documentation for a History of the Village of Glendale Heights brochure.

Donna leaves a powerful legacy in her passionate and conscientious approach to serving the community of Glendale Heights and her robust preservation of its history. She is truly a public servant and a model citizen.

Mr. Speaker and Distinguished Colleagues, please join me in recognizing this special occasion as we celebrate Donna Becerra's faithful service to the Village of Glendale Heights and wish her the best in her future endeavors.

HONORING PEGGY BAGGETT ON HER RETIREMENT AS EXECUTIVE DIRECTOR OF THE VIRGINIA COMMISSION FOR THE ARTS

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. MORAN. Mr. Speaker, I rise today to honor Peggy J. Baggett, who will retire as the Executive Director of the Virginia Commission for the Arts (VCA) on November 30, 2011. During her more than 30 years of service with the Commission for the Arts, Ms. Baggett directed the organization in an honest and innovative fashion, ensuring that all needs were met with the utmost attention.

After receiving her Master's degree in Arts Administration, Ms. Baggett joined the Virginia Commission for the Arts in 1976 as their Regional Coordinator. Her long list of responsibilities included: publicizing the programs and services of the Commission; providing assistance to arts organizations in applying for funds; evaluating activities funding by the Commission; coordinating the statewide Artists-in-Schools program; and consulting with non-profit arts organizations on a wide range of management problems.

In 1980, after only four years at the organization, Ms. Baggett was appointed as the Executive Director by Governor John Dalton. Her capacity to handle complex and long-term projects has been exceptionally impressive. Ms. Baggett's accountability oversaw the investment of state and federal resources in the arts and built a multi-tiered review system that is regarded as effective, fair, and consistent by leaders in the arts across the state. She has effectively worked with key legislators on both sides of the aisle on issues of importance to arts and culture while working in the administrations of three Republican Governors and five Democratic Governors. Ms. Baggett is nationally hailed as an expert on state resources, keeping the administrative costs of the agency low while focusing on providing the best possible service to the people of Virginia.

Peggy Baggett's long list of accomplishments includes numerous recognitions and awards. On January 8, 2011, she was awarded the Leadership in the Arts Award by the Virginia Center for the Creative Arts (VCCA) "for her dedication and inspiring leadership in the arts of Virginia for over three decades and eight governors." Additionally, she garnered the Anne Brownson Award for Service to the Museum Profession from the Virginia Association of Museums in 2002, Award of Distinction from the Folk Art Society of Virginia in 2001, the Gary Young Award for Leadership in the State Arts Agency field from the National Assembly of State Arts Agencies in 1999 and, in 1992, was named an Outstanding Woman of Virginia by the James Madison University Woman Faculty.

Along with her work at the Virginia Commission for the Arts, Peggy's clear dedication to the arts extends far beyond her regular working hours. From 1981 to 2009, she was on the Board of Directors of the Mid Atlantic Arts Foundation, which provides arts programs from Virginia to New York. During that time, she sat on the Board of Directors for the Richmond-First Club, serving as their President

from 1995 to 1996, and was also on the Board of the National Assembly of State Arts Agencies from 1989 to 1995. From 1983 to 1985, she served on the Board for the Virginia Women's Cultural History Project. She has been also been a member of the Board and Chair of the Advisory Board for the Center for Arts Administration at the University of Wisconsin several times.

Ms. Baggett has continually and generously lent her skill and expertise to others by volunteering as an Advisory Panelist for numerous National Endowment for the Arts (NEA) programs during her career. Additionally, she has worked as an Advisory Panelist and expert for other arts institutions across the country. Her recent accomplishments are a reflection of her work at the VCA. Ms. Baggett's planning, oversight, and coordination surrounding the 2008 Governor's Awards for the Arts, the first Virginia Heritage Awards in 2009, and for MINDS WIDE OPEN: Virginia Celebrates Women in the Arts, the Commonwealth's largest collaboration in history in the arts and cultural community, were exemplary. Her industrious oversight and coordination of the distribution of the American Recovery and Reinvestment Act funds for the arts in Virginia was well-executed and effective. Throughout her career at the VCA, Ms. Baggett has continued to promote the growth of the arts and cultural districts in localities across the state through conferences and training.

Mr. Speaker, I am honored to ask my colleagues to join me in congratulating Ms. Peggy J. Baggett upon her retirement from the Virginia Commission for the Arts as their Executive Director. She has brought joy to countless individuals through her support and development of the arts in Virginia. I sincerely thank her for her service, and wish her the very best in all of her future endeavors.

RECOGNIZING RITA GELDERT ON THE OCCASION OF HER RETIREMENT FROM THE CITY OF VISTA

**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. ISSA. Mr. Speaker, I rise today to recognize the honorable public service of Rita Geldert as she retires from City Manager of the City of Vista, California.

Mrs. Geldert was appointed as Vista's City Manager in 1997, after serving three years as Assistant City Manager. Under her tenure, Mrs. Geldert has helped spur economic expansion within the City and has helped to promote businesses and job growth within the community. Her tireless work to improve and strengthen infrastructure has not gone unnoticed. Mrs. Geldert has overseen countless projects that have had a great impact on the City and the surrounding area, ranging from the development of Vista Village to the new Civic Center.

Over the past 36 years, Mrs. Geldert has worked tirelessly in the field of public service. She has been active in the city management profession, serving on the Board of Trustees of the California City Management Foundation Board of Trustees while also being a member of multiple organizations relating to her position. Prior to her time spent as City Manager

and Assistant City Manager of Vista, she was the Director of Finance and Administration for the City of Dana Point, Management Services Officer for the City of Merced, and Personal Officer for the City of Vacaville. These positions exemplify Mrs. Geldert's dedication to not only the community she currently serves, but to the State of California and its citizens.

It is an honor to recognize Mrs. Geldert on the occasion of her retirement from over three decades of contributions to California communities.

Mr. Speaker, I ask you to please join me in recognizing Mrs. Rita Geldert's dedicated service to the City of Vista and the state of California.

HONORING ASHER B. DURAND, GEORGE INNESS, AND THE HUDSON RIVER SCHOOL OF PAINTERS

**HON. DONALD M. PAYNE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. PAYNE. Mr. Speaker, I rise today to commend the decision by the Architect of the Capitol to publicly display two important paintings in the Capitol Visitors Center. "The Discovery of the Hudson River" and "Entrance into Monterey," both by Albert Bierstadt, will welcome so many to the Capitol complex as they learn about the history and processes of our country. These works are part of the Hudson River School of Painters, and celebrate the beauty and diversity of the United States.

Coincidentally, two painters in the School have ties to my district in New Jersey. Asher Brown Durand was born, and later died, on a farm in my district. Although he began his career in engraving, Durand's legacy is in landscape painting, as one of the first artists of the Hudson River School of Painters. Durand's influence can be seen in another painter in the School, George Inness. Inness lived in Newark, a town I call home. Inness' distinct style combines the Hudson River School traditions with techniques he learned during travels in Western Europe.

Inness and Durand, like many of their fellow painters, traveled extensively abroad. Upon Durand's return to the United States, he took regular trips to paint the scenery of the Hudson River, the Adirondacks, and the White Mountains.

Durand's style was highly detailed, a hallmark of the School. One of Durand's most famous pieces, "Kindred Spirits," is often cited as one of the epitome of the School's values. This work cemented Durand's place at the forefront of the movement caused by the School.

Durand, as part of the first generation in the Hudson River School, is important because of his influence on later painters in the school, and on art in general. Durand helped form what is today known as the National Academy Museum and School, and served as president of the Academy for several years.

As the School's reputation increased, many of the School's painters traveled extensively to study, thus introducing these men to the culture of the grand capitals of Europe. This motivated many of the artists and other business leaders to found the Metropolitan Museum of



Art in New York City in 1870. Some of these Hudson River School painters later served as trustees of the Metropolitan Museum of Art and were members of the executive committee.

On this very floor many years ago, Congress was moved to create several national parks, like Yellowstone and Yosemite, after viewing the School's magnificent landscape paintings. Eventually, these same paintings were used to encourage Congress to form the National Park Service in 1916.

Mr. Speaker, I am sure my colleagues, and the American people, can agree with me when I acknowledge and appreciate the achievements of Asher Durand, George Inness, and the Hudson River School of Painters.

#### OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300-132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,054,163,621,371.29. We've added \$10,252,758,446,077.01 to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### PERSONAL EXPLANATION

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. MILLER of Florida. Mr. Speaker, yesterday I attended the funeral of a fallen soldier from my district and missed the following roll-call Votes: Nos. 860, 861, and 862 on November 29, 2011.

If present, I would have voted:

Rollcall Vote No. 860—H.R. 3012, Fairness for High-Skilled Immigrants Act, "nay;"

Rollcall Vote No. 861—H.R. 2192, National Guard and Reservist Debt Relief Extension Act, "aye;" and

Rollcall Vote No. 862—H.R. 1801, Risk-Based Security Screening for Members of the Armed Forces Act, "aye."

#### A TRIBUTE TO MR. ANDREA BOCELLI

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to join many around the world in celebrating the accomplishments, talents, and music of Andrea Bocelli. Our Nation's Capital will play host to the Italian tenor on Friday, December 2nd when he takes the stage at the Verizon Center.

Born on September 22, 1958 in Pisa, Toscana, Italy, it wasn't until Mr. Bocelli was

34 when he was discovered for his incredible talents. In short time, with the support of legend Luciano Pavarotti, Mr. Bocelli won many competitions, festivals, and a record deal. His many talents include musician, songwriter, record producer, and multi-instrumentalist playing keyboards, flute, saxophone, trumpet, trombone, harp, harmonica, guitar, drums, and melodic.

The best selling solo artist in the history of classical music, Mr. Bocelli has recorded thirteen solo albums and eight operas, selling over 70 million copies across the globe. He has sung for presidents, popes, queens and millions of fans.

Throughout his career, Mr. Bocelli has served as a cultural ambassador for the Italian people. He continues to represent and promote the talents of Italy. Among his many accolades, he was honored with the status of "Grand Officer of the Order of Merit of the Italian Republic" from past President Carlo Azeglio Ciampi. Here in the United States his honors include a star on Hollywood's Walk of Fame.

Mr. Speaker, I encourage my colleagues to join me in appreciation of Mr. Andrea Bocelli, and thank him for his contribution to music, the arts, and popular culture.

#### PERSONAL EXPLANATION

### HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. SCHILLING. Mr. Speaker, on Tuesday, November 29, 2011, due to inclement weather in Chicago, Illinois that prevented my travel, I was unable to cast my votes for rollcall Nos. 860, 861, and 862. I was originally booked on United Flight 5327 from Moline at 9:24 a.m. (CST), connecting to United Flight 610 leaving O'Hare at 11:04 a.m. (CST) and arriving in DCA at 1:53 p.m. (EST). However, I could not make these flights due to my original flight from Moline not getting into ORD until 2:43 p.m., and subsequently having 3 connecting flights being cancelled, forcing me to get on the 6:30 p.m. (CST) United 509, arriving in DCA at 10:20 p.m. (EST).

Had I been present, my votes would have been as follows:

For rollcall No. 860, to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, I would have voted "yea." This legislation would not increase the total yearly admission numbers, but it would increase the United States' competitiveness and contribute to growing our economy.

For rollcall No. 861, to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days, I would have voted "yea." The brave men and women of our reserve components and National Guard, and their families, make incredible sacrifices so that we can be free.

Many are called to duty unexpectedly which can hinder financial planning and place a burden on their families. This exemption should be extended to allow our citizen-warriors time to readjust when they return home.

For rollcall No. 862, which directs the Assistant Secretary of Homeland Security (Transportation Security Administration [TSA]) to develop and implement a plan for expedited security screening services for uniformed Armed Forces members, and their families, traveling on official orders while in uniform through an airport, I would have voted "yea." Again, we owe the brave men and women of our armed forces a tremendous debt of gratitude. Finding a faster way for them to complete the security screening process while they are in uniform and traveling on official orders is common sense.

It is an honor to serve the people of the 17th Congressional District of Illinois.

#### ON THE BIRTH OF ANGELO ZOLTAN SCHWARTZ

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate Lawrence Schwartz and his wife Allison on the birth of their new baby boy, Angelo Zoltan Schwartz, who was born on Monday, November 28, 2011, in Falls Church, Virginia.

I am so excited for this new blessing to the Schwartz family and wish them all the best. I want to also congratulate Angelo's grandparents Debra and Barry Shulman of Fayetteville, New York, and Joanne and Lawrence Schwartz, III of Anaheim Hills, California, on this wonderful new addition to their family.

#### TRIBUTE TO HAROLD "HAL" BRUNO, JR.

### HON. BILL PASCARELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

Mr. PASCARELL. Mr. Speaker, I rise to commemorate the life of a truly outstanding individual, Mr. Harold "Hal" Bruno, Jr., who passed away on November 8th, 2011 at the age of 83. A native of Chicago, Hal Bruno began his long career there as a reporter during the 1950s. From 1960 to 1978, Mr. Bruno worked for Newsweek magazine, and in 1978, he moved to ABC news where he remained until 1999. As Political Director and Director of Election Coverage at ABC News, Hal Bruno was widely known for his political savvy and his journalistic integrity. His career as a journalist spanned five decades and earned him many accolades. He was dedicated to politics and a pioneer in political journalism, so it is fitting that he passed away on an election night.

However, Hal Bruno had another passion in addition to journalism: to the brave men and women of our country's fire service. He was called to serve his neighbors as a volunteer firefighter for much of his career, and through that work as a firefighter, Mr. Bruno gained a keen interest in fire safety policies. He became a leading expert in the politics and policy of fire safety and for years contributed a

column on the subject to Firehouse magazine. He also composed numerous articles on the subject in other publications and on the internet, and helped bring attention to these important issues to Americans across the country.

Hal's passion and tenaciousness made him a highly effective advocate for firefighters and fire safety. A charter member of the National Fallen Firefighter's Foundation, he served as the organization's Chairman from 1999 until his retirement in 2008. In this position, he helped to develop fire safety programs and to create a safer environment for firefighters. He was also the Director of the Chevy Chase Fire Department in Maryland. It was truly an honor for me to work closely with Hal as we sought ways that the federal government could assist our local fire departments even before the tragic events of September 11th, 2001. Together, we developed the Assistance To Firefighters Grant (AFG) and Staffing for Adequate Fire and Emergency Response (SAFER) grant programs to help these local departments buy the equipment and hire the personnel they needed to keep their communities safe and secure. Thanks in large part to Hal's insightful input and tireless advocacy, these programs have been wildly successful, and are crucial to ensuring that our communities have the resources they need.

Homeland security starts at home, so no matter what our budget environment is like, we must continue to support firefighters and other first responders, who sacrifice so much to keep us safe. This will undoubtedly be one of Hal's great legacies, and I will continue to fight to preserve it in the future.

With Hal Bruno's passing, our nation has lost a great hero. Mr. Bruno is survived by his wife Meg, his sister Barbara, his sons Harold and Dan, and his four grandchildren. The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with passionate individuals like Hal Bruno. Mr. Speaker, I ask that you join our colleagues, Hal's family and friends, our first responders, and me in commemorating and celebrating the life of Mr. Hal Bruno.

RECOGNIZING HARLEEN JASSAL  
OF CLIFTON, VA

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Harleen Jassal, a 2011 Critical Language Scholarship Program Recipient. Harleen has been identified by her educators for her academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program in Chandigarh, India.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Chandigarh, India, as well as the surrounding areas. The program allows participants to make friends with young leaders from all over the world with an intensive focus on the Punjabi language, one of the thirteen critical need foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Harleen is a student at the George Mason University. It is inspiring to see young people

who are interested in educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Harleen Jassal and wishing her continued success in her further pursuits.

CONSOLIDATED AND FURTHER  
CONTINUING APPROPRIATIONS  
ACT 2012, H.R. 2112

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Ms. McCOLLUM. Mr. Speaker, I rise today in support of the Consolidated and Further Continuing Appropriations Act 2012 (H.R. 2112). This legislation combines three fiscal year 2012 appropriations measures: Agriculture; Commerce-Justice-Science; and Transportation, Housing and Urban Development. H.R. 2112 also includes a short-term continuing resolution that will fund the remainder of the federal government through December 16.

H.R. 2112 represents the final House-Senate conference agreement on three of this year's twelve appropriations bills. While I strongly oppose many of the cuts to critical priorities included in H.R. 2112, the final package is—on the whole—far better than the proposals from Tea Party Republicans in the House.

Fiscal year 2012 appropriations for the Agriculture, Rural Development and Food and Drug Administration are significantly improved from the House-passed bill. The Women, Infants and Children program receives \$6.6 billion, an increase of \$570 million over the House bill and \$36 million above the Senate. As a result, 700,000 low-income children and pregnant women in America will not lose the basic nutrition they desperately need and deserve. The conference agreement provides \$1 billion for food safety inspections, which will protect America's food supply by preventing the elimination of USDA meat inspectors. Food safety in our country is further strengthened by the \$2.5 billion included for the Food and Drug Administration. This \$334 million increase over the House level will allow the FDA to continue implementation of the Food Safety Modernization Act. Funding was also restored for international food aid programs that fulfill America's moral obligation to assist millions of men, women and children around the world who are struggling with famine.

However, I am deeply disappointed that a handful of special interest groups succeeded in blocking important improvements to school nutrition standards that were recommended by the USDA. As a result, it will be harder for school districts to increase the use of whole grains, reduce the sodium content of school lunches and end the ridiculous practice of categorizing pizza as a vegetable. Every student in every American school knows pizza is not a vegetable. With this bill, Congress is failing our students and parents by allowing corporate interests to trump common sense. With this bill, we are missing an opportunity to substantially improve the health of America's children. This is a wrong that must be made right.

My Republican colleagues also won a victory for Wall Street criminals by demanding

cuts to the entity responsible for enforcing financial laws. H.R. 2112 includes \$100 million less for the Commodity Futures Trading Commission (CFTC) than requested by President Obama to carry out the financial reforms passed by Congress. Reckless behavior in America's financial sector has destroyed millions of jobs and trillions of dollars in education and retirement savings. It is unconscionable that House Republicans would undermine the ability of federal regulators to protect American families from a repeat of the 2008 crisis that nearly triggered a second Great Depression. Unfortunately, Congressional Republicans refused to yield. The result is a bill that leaves our country exposed to a repeat of this crisis.

Fiscal year 2012 Appropriations for Commerce-Science-Justice will enhance U.S. global competitiveness by making critical investments in science and technology. Overall, H.R. 2112 includes \$490 million more for these priorities than the bill proposed by the House Republicans. As a result, the National Science Foundation, National Institute of Standards and Technology, and the Oceanic and Atmospheric Administration receive funding to conduct research that spurs innovation and drives future economic growth. In addition, the legislation provides \$128 million for the Manufacturing Extension and Partnership Program, which helps American companies maintain good paying American jobs and compete with manufacturers in China, India, and other leading economies. And H.R. 2112 reverses the House Republican's massive cuts to firefighters, state and local law enforcement agencies, and the Federal Bureau of Investigation. For example, the Commerce-Justice-Science bill passed by House Republicans eliminated funding for the Community Oriented Policing Services (COPS) program that helps Minnesota keep police officers on our streets. This bill provides \$198.5 million for COPS.

Fiscal year 2012 appropriations for Transportation, Housing and Urban Development fall short of what is needed to strengthen America's economy and stabilize our communities. Yet, the conference agreement does succeed in maintaining current levels of investment in most areas. For example, H.R. 2112 includes \$39.8 billion for the federal-aid highway program, \$12.1 billion more than the House draft bill and a level consistent with the annual funding assumed in the surface transportation extension act. The agreement also includes \$10.5 billion for transit programs, \$2.5 billion more than the House draft bill. This translates into \$93.1 million for construction of the Central Corridor Light Rail line. While replacing the massive cuts to transit proposed by House Republicans is an achievement, the final agreement falls \$5 million short of the federal commitment to the Central Corridor project. This shortfall is a major concern and something that must be addressed in the upcoming fiscal year 2013 process. Another concern is the complete elimination of funding for high-speed rail. Ideological opposition to rail investments from House Republicans will slow work on the planned Chicago-to-Twin Cities high-speed-rail route that will depart from St. Paul's Union Depot. However, the conference agreement did include \$1.4 billion for Amtrak capital and operating grants and removed onerous House language that would have eliminated Amtrak service on 26 short-distance routes, affecting 15 states and more than 9 million passengers.

Regarding federal housing programs, House Republicans proposed devastating cuts that would have done serious harm to low-income families in Minnesota. Fortunately, this conference agreement rejected the most damaging Republican cuts. Section 8 tenant-based vouchers receive \$18.9 billion, above the original level included in either the House or Senate bills. H.R. 2112 also maintains funding for homeless veterans, the McKinney-Vento homeless assistance grant program and housing counseling services. Still, the legislation fails to meet the growing needs for safe, affordable shelter in our communities. For example, cuts to the Community Development Block Grant program will undermine the efforts of Minnesota cities to respond to the effects of high unemployment and the collapse in the real estate market.

H.R. 2112 is the result of extended negotiations and represents a genuine compromise between competing priorities. I believe that many of the provisions in this legislation should be revisited and many of funding levels should be restored in the next appropriations cycle. Still, I plan to support this legislation today with my vote to ensure the critical resources in H.R. 2112 reach Minnesota communities without further delay.

#### HONORING MICHELLE MOORE

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Dallas County public defender Michelle Moore, who has worked on and off the clock to free the innocent from prison and helped them to adjust to life on the outside once they're released. I wish to congratulate Ms. Moore for her service to my community as she is leaving her position to open the first public defender's office in Burnet County.

Ms. Moore has helped free 11 men from prison, appeared on a television documentary called Dallas DNA and helped change state laws to compensate exonerees and prevent wrongful convictions. As an attorney, she requests DNA testing and has worked with the district attorney's office to investigate cases. She has also represented inmates whose guilt was confirmed by DNA testing.

Moore works with the Innocence Project of Texas, the Wesleyan Innocence Project and the University of Texas at Arlington Innocence Network and the Center for Actual Innocence. Michelle Moore has practiced law for 17 years and is licensed to practice in Texas and Arkansas. She has served as an assistant Dallas County public defender for the past 13 years, where she currently works as the DNA attorney for the office. Moore taught for six years in the Criminal Clinic at Southern Methodist University Dedman School of Law.

Dr. Martin Luther King, Jr. once said, "Yes if you want to say that I was a drum major, say that I was a drum major for justice; say that I was a drum major for righteousness. And all of the other shallow things will not matter. I won't have the fine and luxurious things of life to leave behind. But I just want to leave a committed life behind." Mr. Speaker, I would like to recognize Michelle Moore

for her determination and hard work to these causes. Our country is a better one because of Michelle Moore.

PROCLAIMING THE STATE OF NEVADA RECOGNIZE HELEN J. STEWART AS THE "FIRST LADY OF LAS VEGAS", AND HONOR HER STATUE WHICH WILL BE RAISED AT THE OLD LAS VEGAS MORMON FORT STATE HISTORIC PARK ON DECEMBER 3, 2011 IN LAS VEGAS, NEVADA

#### HON. MARK E. AMODEI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. AMODEI. Mr. Speaker, I rise today to recognize Helen J. Stewart as "First Lady of Las Vegas", and honor her statue which will be raised at the Old Las Vegas Mormon Fort State Historic Park on December 3, 2011 in Las Vegas, Nevada.

Helen, with her husband Archibald, three children and one on the way, arrived in the Las Vegas Valley in 1882 and resided on the land located around the abandoned Mormon Fort situated near what today is the intersection of Las Vegas Boulevard North and Washington Avenue. Later left with four children and another on the way after the death of her husband in 1884, she became a rancher and business woman and presided over the operations of the ranch. She began buying land and became the largest landowner in Lincoln County. She later sold her land to the railroad in 1902 and hence forth the city of Las Vegas developed.

As the new town expanded, Helen became active in the community serving in many leadership roles such as one of the founders of Christ Episcopal Church, charter member of the Mesquite Club, president of the Las Vegas branch of the Nevada Historical Society, supporter of women's suffrage, first woman elected to the school board on the Republican ticket, and as a friend to the Paiute Indians who worked on her ranch, sold ten acres of land to the federal government to be used as an Indian school and semi-reservation which remains tribal land today.

On July 26, 2010 the Historical Commission of the Las Vegas Centennial awarded the "Friends of the Fort" \$99,000 for the Helen J. Stewart statue to be sculpted by Benjamin Victor of Aberdeen, South Dakota.

Both the State of Nevada and I recognize the statue of Helen J. Stewart to be a fitting recognition of the many "firsts" that this exceptional Nevadan lady forever known as the "First Lady of Las Vegas" accomplished in her lifetime.

URGING FDA TO ACT PROMPTLY TO APPROVE ARTIFICIAL PANCREAS TECHNOLOGIES

#### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. BURTON of Indiana. Mr. Speaker, diabetes is a common, and growing, disease in

Indiana. According to 2009 CDC data, approximately 451,000 Hoosiers—9% of the state's population—had diagnosed diabetes. Adults who are overweight and not physically active are at risk for developing diabetes. Among adults with diabetes in Indiana, 88.1% are overweight and 42.5% reported physical inactivity.

In addition to the human toll diabetes places on people in Indiana, the financial burden diabetes places on the health system in Indiana is staggering—in 2007, the direct and indirect cost of diabetes in Indiana was approximately \$3.09 billion.

Americans with diabetes, particularly young children with diabetes, desperately need better tools to manage their disease and thereby prevent many of its life-threatening and costly complications. Some of these breakthrough tools and technologies are already available.

For example, Low-Glucose Suspend systems—devices that automatically suspend insulin delivery when blood sugar levels are dangerously low—have been approved in more than 40 countries around the world. But not here in the United States.

In fact, the FDA only this year—almost four years after these devices were approved for use in Europe, issued draft guidance on what studies manufacturers would need to conduct in order to win approval for Low-Glucose Suspend systems in the United States.

To make matters worse, according to the Nation's leading clinical organizations specializing in diabetes care, the guidance proposed by FDA in June 2011 for Low-Glucose Suspend systems created many unnecessary obstacles to the evaluation of those systems.

Thankfully, the FDA recently took an overdue step to clarify that ill-conceived guidance. However, there is significant concern within the diabetes community that forthcoming guidance—which the FDA has committed publicly to publishing by December 1st—on even more revolutionary technology—the artificial pancreas—will either be delayed or suffered from many of the same problems which plagued the FDA's Low-Glucose Suspend system guidance.

The development of the artificial pancreas is critically important to many of my constituents, which is why I signed a broad, bipartisan letter in support of prompt and appropriate guidance on the artificial pancreas earlier this year. Any delay will slow an innovation that has the potential to dramatically improve the lives of those with diabetes.

Mr. Speaker, on behalf of the thousands of Hoosiers, and millions of other Americans with diabetes, I urge the FDA to issue this draft guidance no later than December 1, if not sooner, so that artificial pancreas technologies can be tested in an outpatient setting and be made available to those who need it in the near future. This is literally a matter of life and death.

I also would like to insert a copy of my letter to FDA Commissioner Hamburg in this subject in the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES,

*Washington, DC, November 29, 2011.*

Hon. MARGARET HAMBURG, M.D.,  
*Commissioner, U.S. Food and Drug Administration, Silver Springs, MD.*

DEAR COMMISSIONER HAMBURG: I am writing to urge the Food and Drug Administration (FDA) to expedite the development of the artificial pancreas for the treatment of type 1 diabetes. Specifically, I urge FDA to

immediately issue clear and unambiguous guidance so that outpatient artificial pancreas studies can proceed as soon as possible.

Nearly 26 million Americans have diabetes, and one in three American children born today will develop the disease. Diabetes is the leading cause of kidney failure and adult-onset blindness. Moreover, diabetes increases the risk of heart attack deaths by two to four times, and causes more than 80,000 amputations each year. People with diabetes are also at risk for seizures, comas and sudden death. Americans with diabetes, particularly young children with diabetes, desperately need better tools to manage their disease and thereby prevent many of its life-threatening and costly complications.

Some of these breakthrough tools and technologies are already available in other parts of the world. Low-Glucose Suspend systems—devices that automatically suspend insulin delivery when blood sugar levels are dangerously low—have been approved in more than 40 countries around the world but not here in the United States. In fact, the FDA only this year—almost four years after these devices were approved for use in Europe, issued draft guidance on what studies manufacturers would need to conduct in order to win approval for Low-Glucose Suspend systems in the United States. To make matters worse, according to the Nation's leading clinical organizations specializing in diabetes care, the guidance proposed by FDA in June 2011 for Low-Glucose Suspend systems created many unnecessary obstacles to the evaluation of those systems. For example, I understand that this guidance requires multiple clinical trials (inpatient and outpatient) involving a large number of subjects to show statistically significant differences in preventing hypoglycemia. This is an excessive hurdle when all that is required is data showing safety and effectiveness (in other words equivalent glycemic control) not that the Low-Glucose Suspend system is BETTER than other techniques.

Nighttime is a particularly dangerous time for individuals with diabetes because their blood sugar level can drop while they are sleeping, potentially leading to seizures, coma or death. I have heard heart wrenching stories from parents forced to wake their diabetic children in the middle of the night to check their blood sugar levels and, if necessary, administer insulin. Access to Low-Glucose Suspend systems, and ultimately to artificial pancreas technology, is desperately needed to help manage this disease and effectiveness, would be unconscionable.

We are at a critical point in the development of the artificial pancreas. Timely approval of this technology will help improve health outcomes for the millions of Americans afflicted with type I diabetes; and potentially save hundreds billions of dollars annually in health care costs. I urge your timely consideration of this matter and respectfully request a prompt response.

Sincerely,

DAN BURTON,  
*Member of Congress.*

RECOGNIZING LEA GOLD OF  
BURKE, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Lea Gold, a 2011 Critical Language Scholarship Program Recipient. Lea

has been identified by her educators for her academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program Jeonju, South Korea.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Jeonju, South Korea, as well as the surrounding areas. The program allows participants to make friends with young leaders from all over the world with an intensive focus in the Korean language, one of the thirteen critical need foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Lea is a student at the University of North Carolina—Chapel Hill. It is inspiring to see young people who are interested in educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Lea Gold and wishing her continued success in her further pursuits.

TRIBUTE TO THE HONORABLE  
JOHN H. WATSON, JR. ON HIS  
RETIREMENT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to pay tribute to Judge John H. Watson, Jr. as he retires from his position as Municipal Court Judge for the City of East Orange. It is my distinct pleasure to add my congratulations to that of his family, friends and associates as they celebrate in honor of a man who has been involved in every aspect of law for over 30 years. For all the leadership he has shown and the contributions he has made over the years, Judge Watson is a worthy recipient of the accolades he will receive on November 18, 2011.

I consider it a privilege to have been involved with Judge Watson's early foray into public service. In addition to serving on the bench, Judge Watson has maintained a successful private practice where he has used his legal expertise to guide numerous clients through a variety of legal matters. He has been a mentor to new attorneys and has provided internship opportunities to youngsters interested in pursuing law degrees. Fortunately, for the community at large, Judge Watson has always been a fair and thoughtful individual. He is a Vietnam War veteran who obviously has a strong sense of loyalty to his country.

A graduate of Rutgers University Law School, Judge Watson held a number of positions before branching out on his own. He is a member of several Bar Associations and has been an active participant in the Rutgers-Newark Law School Alumni Association. A doting husband and father, Judge Watson is also a loving grandfather, a loyal friend and a trusted confidant.

Mr. Speaker, I know my fellow members of the House of Representatives agree that Judge Watson has been an integral part of the East Orange Court system. His retirement is the culmination of a stellar career and we wish

him well in this new and exciting phase of his life.

RECOGNIZING THE SIGNIFICANCE  
OF NATIONAL NATIVE AMERICAN  
HERITAGE MONTH

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. INSLEE. Mr. Speaker, I rise today to recognize National Native American Heritage Month and to celebrate the rich heritage of Native Americans in Washington state, which is home to 29 federally recognized tribes. These tribes have emphasized the importance of further empowering tribal governments to be able to serve their members in a variety of areas, including: housing, social programs, courts, natural resource management, education, and health care. Over the years I have worked hard to address these issues by supporting tribal governments and the positive work they do for their communities, and I will continue to do so in my capacity as the Vice-Chair of the Native American Caucus.

Northwest Coast tribes have a rich history and continue to share that with their surrounding community. Earlier this fall, a carver from the Lummi Indian Reservation traveled across the country with his 20 foot healing pole bound for the National Library of Medicine in Bethesda, Maryland. This summer I stopped by the Tulalip Tribe's new Hibulb Museum. The museum—one of ten tribal museums throughout Washington state—teaches visitors about the traditions and history of the Tulalip tribe through art that is emblematic of the region's tribal history and coastal environment, such as cedar totem poles and ceremonial masks.

In Washington state, education offered by the tribes and other related institutions plays an integral role in maintaining traditions, fighting unemployment, and raising awareness about tribal issues. Educational programs include ten tribal primary and secondary schools, a number of Northwest Indian Colleges and other tribal colleges, as well as American Indian Studies and native language programs offered at the Evergreen State College, Washington State University, and the University of Washington's Department of American Indian Studies.

Despite achievements in education and other fields, Native American communities still suffer from greater health disparities, including high rates of diabetes, tuberculosis, and alcoholism. To improve the quality of the health care system for tribes, I supported the Indian Health Care Improvement Act that was passed into law as a part of the Affordable Care Act, and I will continue to work to protect that law. With 23 tribal clinics in Washington state alone, there is already an existing health care infrastructure in Native American communities, and as we work to improve the quality of our own health care system we should continue advocating for better, and self-governed, health care for tribes.

As we look to improve health care, education, and the economy in Indian Country, I will strongly support self-governance as a way to achieve these goals. To that end, I have co-sponsored H.R. 2444, the Department of the

Interior Tribal Self-Governance Act, as well as related legislation to restore the integrity of government-to-government relationships and promote opportunities for tribal self-determination. I believe that we should support tribal governments to find ways to best serve their communities and protect their heritage.

CONGRATULATING FRENCH ROAD  
ELEMENTARY SCHOOL

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Ms. SLAUGHTER. Mr. Speaker, I rise today to congratulate French Road Elementary School in Brighton, New York for recently earning its designation as a 2011 National Blue Ribbon School. The United States Department of Education grants this prestigious award to schools demonstrating a high level of academic excellence or where the achievement gap is shrinking. Secretary Arne Duncan describes National Blue Ribbon Schools as those, "committed to accelerating student achievement and preparing students for success in college and careers."

As one of only 315 schools across the nation to earn this honor, French Road Elementary School embodies the standard of excellence this award celebrates and is an example for others to emulate.

While nothing should diminish the hard work and talents of French Road Elementary School's individual teachers and students, Superintendent Dr. Kevin McGowan accurately stated that this honor reflects, "the support of an incredible school community."

Community is a central component of French Road Elementary School. Its students are not only encouraged to succeed academically but to be constructive members of their communities. In an era where school bullying is far too prevalent, French Road students start their day by reciting the school's Purple Hand Pledge. It reads, "I will not use my hands or my words for hurting myself or others." It is a simple message that should be emphasized more throughout school communities around the country.

Articulating the school's underlying values, this pledge has helped to foster the strong sense of community found among these third, fourth and fifth graders.

For instance, when entering French Road's courtyard you will find students working side by side in the school's community garden to grow healthy, pesticide-free vegetables for each other's enjoyment and to supplement the cafeteria menu.

However, their sense of community extends beyond their school yard, classmates and immediate neighbors. Over the past 30 years, French Road students have raised \$1,265,000 through the American Heart Association's Jump Rope for Heart Event, to benefit children across the country with cardiac abnormalities. During the 2010 to 2011 school year, these young philanthropists raised \$75,489.29; \$20,000 more than any other school nationwide. They have been the event's number one fundraiser for the past 12 years.

The administrators, teachers, parents and students of French Road Elementary School form a truly remarkable community deserving

of this Blue Ribbon recognition. Its students move on with the necessary foundation to accomplish many great things, as well as the desire to leave their communities better than they found them.

Mr. Speaker, I could not be more proud to recognize this school in the United States House of Representatives and hope to help others follow in its footsteps.

REMEMBERING HAL BRUNO

**HON. PETER T. KING**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. KING of New York. Mr. Speaker, today I rise to recognize and honor Hal Bruno, who recently passed on November 8th. Hal Bruno will be remembered as a man of service to his country. Having served as an Army intelligence officer, a volunteer firefighter and the director of the National Fallen Firefighters Foundation (NFFF), he put service to others first and foremost. For over 60 years Hal was an active member of the fire service community, whether it was on the ground as a first responder, in the halls of Congress working to improve resources for families of fallen firefighters, or on the public stage advocating for ways to improve fire safety to reduce line of duty deaths and injuries.

Appointed as chairman of the NFFF in 1999, he received numerous awards and recognition for his dedication and commitment. This fall, he was awarded the National Fire & Emergency Services Hall of Legends, Legacies and Leaders Award. In 2008, the Congressional Fire Services Institute selected him as the recipient of the CFSI / Motorola Mason Lankford Fire Service Leadership Award and in 1999 he received the "President's Award" from the International Association of Fire Chiefs. He was also named "Fire Service Person of the Year" by the Congressional Fire Services Institute in 1995.

Hal also had a prestigious career as the longtime ABC News Political Director. Known for his journalistic integrity and pioneering spirit, he represented the reason the news media is sometimes referred to as the 'fourth branch of government.'

As a Co-Chairman of the Congressional Fire Services Caucus, I know Hal Bruno will be greatly missed by the fire service community and by the many others he touched.

EDEN PRAIRIE EAGLES WIN 7TH  
STATE FOOTBALL CHAMPIONSHIP

**HON. ERIK PAULSEN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. PAULSEN. Mr. Speaker, in my hometown of Eden Prairie, we take high school football seriously, which is why I am so honored to congratulate the Eden Prairie Boys Football Team on winning their seventh Minnesota State Championship title on Friday evening.

The Eden Prairie Eagles faced their conference rivals, the Wayzata Trojans, at the Metrodome in Minneapolis. It was a game that

was dominated not by either side's offensive line, but by both team's disciplined defense as both sides found it difficult to rack up points throughout a majority of the game.

Late in the fourth quarter, with Eden Prairie up 6-3, the Eagles scored the game's only touchdown. At fourth and fourteen, the Eagles used a reverse flea flicker to make a 25 yard gain, bringing them within five yards of a touchdown. With three minutes left in the game, running back Andrew Larson fought his way into the end zone.

To all the student athletes on the Eden Prairie football team, and to Coach Grant and his coaching staff, I want to say "job well done."

2011 EMISSARIES OF MEMPHIS  
MUSIC

**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mrs. BLACKBURN. Mr. Speaker, Tennessee is the home to country music and the blues. Music is in the very fiber of our being, and we are proud to continually showcase the thousands of singers, songwriters, performers, producers, and music industry professionals that call Tennessee "home." I rise today to honor eight such professionals whose talents have made Memphis' musical heritage the soundtrack of America.

Barbara Blue, Dani, Lil Rounds, Dawn Hopkins, Valerie June, Amy LaVere, Sheri Jones Moffett, and JoJo Jefferies were named recently as the 2011 Emissaries of Memphis Music. Honored for their contributions to the culture of music that is uniquely Tennesseean and uniquely American, these eight women are deserving of praise. I ask my colleagues to join with me in honoring the Emissaries of Memphis Music and thank all of those who add their distinct notes to the musical history of Tennessee.

PERSONAL EXPLANATION

**HON. MARIO DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 860, due to family health issues, I was unable to make the vote. Had I been present, I would have voted "yea."

A TRIBUTE TO BERNARD "C.B."  
KIMMINS

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor a true hero, Bernard "C.B." Kimmins. For over 44 years, Mr. Kimmins has been a committed volunteer, leader, and teacher throughout Philadelphia. He is a man of great courage and a true friend of mine.

Born in Atlantic City, New Jersey on February 13, 1944, Mr. Kimmins lived most of his

life in Philadelphia wherein he graduated from Cardinal Dougherty H.S., St. Joseph's University and Temple University, Graduate School.

Under the leadership of Zachary Clayton, Mr. Kimmins began his volunteer commitment in 1967 as a gang control worker in Philadelphia. Following that he served at the House of Umojah under Sister Falaka Fattah, mother of U.S. Congressman CHAKA FATTAH. Mr. Kimmins has been addressing youth groups with a message of respect for law enforcement, parents, clergy, teachers, adults, and fellow young people. Under the direction of Dr. Herman Wrice and Dr. Constance Clayton, Superintendent of Philadelphia Schools, Mr. Kimmins taught for over 30 years on the subjects of anti drugs, anti violence, anti guns, anti bullying, and tolerance.

Mr. Kimmins became a skilled anti crime activist and community organizer. He also studied under Dr. Russell Ackoff of the University of Pennsylvania's Wharton School. Currently, Mr. Kimmins is a full time volunteer, and Executive Director, for Mantua Against Drugs.

Mr. Kimmins is the proud recipient of numerous awards including honors from Time Magazine, the MLK Center, and the University of Pennsylvania. In addition to these accolades, Mr. Kimmins' greatest accomplishment has been the many lives he has positively impacted.

Mr. Kimmins' long and impressive career showcases his commitment and service to his community. Mr. Speaker, I ask that you and my other distinguished colleagues join me in thanking Bernard Kimmins for his work and congratulate him on a job well done.

HONORING THE HONORABLE  
FRANK C. DAMRELL, JR.

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Ms. MATSUI. Mr. Speaker, I rise today in honor of Judge Frank C. Damrell, Jr., as he retires from the United States District Court,

Eastern District of California. A federal judge since 1997, Judge Damrell has served on the bench with distinction and integrity. As his family, colleagues, and community leaders all gather to honor his remarkable career, I ask my colleagues to join me in tribute to Judge Damrell's service to the federal judiciary and his unwavering commitment to increasing civic involvement amongst our nation's youth.

A native of California's Central Valley and graduate of the University of California, Berkeley, and Yale Law School, Judge Damrell enjoyed an exceptional law career in both the private and public sectors prior to his 1997 appointment to the federal bench by President William Jefferson Clinton. He has been an active member of the federal judiciary and served on the 9th Circuit Education Committee, the Federal Judicial Branch Committee of the United States Judicial Conference, the Judicial Panel on Multidistrict Litigation, and a number of other important committees and commissions.

Since being appointed to the United States District Court of the Eastern District of California, Judge Damrell has remained steadfast in his advocacy for civic education. In May of 2002, he led a national summit in our nation's capital that brought together all major civic education organizations, to restore civic engagement in public schools. These organizations led a nation-wide effort to encourage public schools to educate students about each of our civic duties, responsibilities, and privileges. To help advance this crucial mission, Judge Damrell founded Operation Protect and Defend, a program that has connected high school students to the Constitution and helped them explore the responsibilities of citizenship.

Beyond encouraging students to learn about their civic responsibilities, Judge Damrell has been a strong proponent of higher education and served on the boards of various universities. He was a member of the Board of Regents of Santa Clara University, Board of Overseers for University of San Francisco, and the Board of Trustees for University of California, Merced. Judge Damrell has spoken in front of a wide variety of organizations to promote civic education and given insightful

commencement addresses at the Santa Clara University School of Law and McGeorge School of Law.

Mr. Speaker, as Judge Damrell, his wife Ludy, their children Frank, Lia, Anne, and James, their grandchildren, friends, and colleagues celebrate his retirement, I ask that my colleagues join me in thanking and recognizing him for his many years of service. Judge Damrell has contributed immensely to the federal bench and our community.

RECOGNIZING SIMRUN BAL OF  
SPRINGFIELD, VA

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 30, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Simrun Bal, a 2011 Critical Language Scholarship Program Recipient. Simrun has been identified by her educators for her academic excellence, leadership potential and exemplary citizenship to participate in the Critical Language Scholarship Program in Chandigarh, India.

This Critical Language Scholarship Program allows students to participate in daily educational activities in Chandigarh, India, as well as the surrounding areas. The program allows participants to make friends with young leaders from all over the world with an intensive focus on the Punjabi language, one of the thirteen critical need foreign languages determined by the Department of State, for summer 2012. At the end of the program, participants receive a certificate of completion.

Simrun is a student at the University of Richmond. It is inspiring to see young people who are interested in educational and developmental experiences such as these.

Mr. Speaker, I ask my colleagues to join me in recognizing this remarkable achievement by Simrun Bal and wishing her continued success in her further pursuits.



SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 1, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED  
DECEMBER 2

10 a.m.  
Commission on Security and Cooperation in Europe  
To hold hearings to examine combating anti-Semitism in the Organization for Security and Cooperation in Europe region, focusing on taking stock of the situation today, including initiatives designed to target violent and other manifestations on anti-Semitism in the fifty-six North American and European countries that comprise the Organization for Security and Cooperation in Europe (OSCE).  
2203, Rayburn Building

DECEMBER 6

10 a.m.  
Homeland Security and Governmental Affairs Contracting Oversight Subcommittee  
To hold hearings to examine whistleblower protections for government contractors.  
SD-342

Judiciary  
Administrative Oversight and the Courts Subcommittee  
To hold hearings to examine access to the court, focusing on televising the Supreme Court.  
SD-226

Banking, Housing, and Urban Affairs  
To hold hearings to examine continued oversight of the implementation of the "Wall Street Reform Act".  
SD-538

Commerce, Science, and Transportation  
Consumer Protection, Product Safety, and Insurance Subcommittee  
To hold hearings to examine contaminated drywall, focusing on examining the current health, housing and product safety issues facing homeowners.  
SR-253

Finance  
To hold a joint hearing with the House Committee on Ways and Means to examine tax reform and the tax treatment of financial products.  
HVC-210

2:30 p.m.  
Judiciary  
Antitrust, Competition Policy and Consumer Rights Subcommittee  
To hold hearings to examine the Express Scripts/Medco merger.  
SD-226

DECEMBER 7

9:30 a.m.  
Homeland Security and Governmental Affairs  
To hold a joint hearing with the House Committee on Homeland Security to examine homegrown terrorism, focusing on the threat to military communities inside the United States.  
HVC-210

10 a.m.  
Finance  
To hold hearings to examine drug shortages, focusing on why they happen and what they mean.  
SD-215

Judiciary  
To hold hearings to examine reauthorizing the EB-5 Regional Center Program, focusing on promoting job creation and economic development in American communities.  
SD-226

2 p.m.  
Banking, Housing, and Urban Affairs  
Financial Institutions and Consumer Protection Subcommittee  
To hold hearings to examine enhanced supervision, focusing on a new regime for regulating large, complex financial institutions.  
SD-538

2:30 p.m.  
Commerce, Science, and Transportation  
To hold hearings to examine turning the investigation on the science of forensics.  
SR-253

Judiciary  
To hold hearings to examine the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.  
SD-226

Homeland Security and Governmental Affairs  
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee  
Disaster Recovery and Intergovernmental Affairs Subcommittee  
To hold joint hearings to examine earthquakes to terrorist attacks, focusing on if the national capital region is prepared for the next disaster.  
SD-342

DECEMBER 8

2:30 p.m.  
Energy and Natural Resources  
Water and Power Subcommittee  
To hold hearings to examine opportunities and challenges to address domestic and global water supply issues.  
SD-366

Intelligence  
To hold closed hearings to examine certain intelligence matters.  
SH-219

DECEMBER 13

9 a.m.  
Agriculture, Nutrition, and Forestry  
To hold hearings to examine MF Global bankruptcy.  
SH-216

CORRECTION

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S8009–S8078*

**Measures Introduced:** Nine bills and five resolutions were introduced, as follows: S. 1924–1932, S.J. Res. 30–32, and S. Res. 340–341. **Pages S8067–68**

#### Measures Passed:

*National Christmas Tree Week:* Senate agreed to S. Res. 341, designating the first full week of December in 2011 as “National Christmas Tree Week”. **Page S8074**

#### Measures Considered:

*Department of Defense Authorization Act—Agreement:* Senate continued consideration of S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, taking action on the following amendments proposed thereto: **Pages S8012–54, S8060–62**

#### Adopted:

McCain (for Wicker) Amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of marriages. **Pages S8013, S8015**

McCain (for Ayotte) Amendment No. 1066, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014. **Pages S8013, S8015**

Inhofe Amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace. **Pages S8013, S8015**

McCain (for Wicker) Amendment No. 1116, to improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector. **Pages S8013, S8015**

Levin (for Shaheen) Amendment No. 1122, to authorize the acquisition of real property and associated real property interests in the vicinity of Hanover,

New Hampshire, as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory. **Pages S8016–17**

Levin (for Reid) Amendment No. 1129, to redesignate the Mike O’Callaghan Federal Hospital in Nevada as the Mike O’Callaghan Federal Medical Center. **Page S8017**

Levin (for Reid/Inhofe) Amendment No. 1130, to clarify certain provisions of the Clean Air Act relating to fire suppression agents. **Page S8017**

Ayotte (for McCain/Ayotte) Amendment No. 1132, to require a plan to ensure audit readiness of statements of budgetary resources. **Pages S8013, S8015**

Ayotte (for Blunt) Amendment No. 1134, to require a report on the policies and practices of the Navy for naming vessels of the Navy. **Pages S8014, S8015**

Levin (for Hagan/Portman) Amendment No. 1143, to require the Comptroller General to review medical research and development sponsored by the Department of Defense relating to improved combat casualty care and saving lives on the battlefield. **Page S8017**

Begich/Murkowski Modified Amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska. **Pages S8012, S8017–18**

Levin (for Warner) Amendment No. 1162, to provide for the consideration of energy security and reliability in the development and implementation of energy performance goals. **Page S8018**

Levin (for Warner) Amendment No. 1164, to promote increased acquisition and procurement exchanges between officials in the Department of Defense and defense officials in India. **Page S8018**

Levin (for Warner) Amendment No. 1165, to express the sense of Congress on the use of modeling and simulation in Department of Defense activities. **Page S8018**

Levin (for Warner) Amendment No. 1166, to express the sense of Congress on ties between the Joint Warfighting and Coalition Center and the Allied Command Transformation of NATO. **Page S8018**

Levin (for Warner) Modified Amendment No. 1167, to require a report on the effects of planned

reductions of personnel at the Joint Warfare Analysis Center on personnel skills at the Center. **Page S8018**

Levin (for Murray) Modified Amendment No. 1178, to require a report on the authorities available to the Department of Defense for multiyear contracts for the purchase of advanced biofuels. **Page S8018**

Collins Modified Amendment No. 1180, relating to man-portable air-defense systems originating from Libya. **Pages S8012, S8015–16**

Sessions Modified Amendment No. 1183, to require reports to Congress on the modification of the force structure for strategic nuclear weapons delivery systems of the United States. **Pages S8013, S8016**

Levin (for Coburn) Amendment No. 1207, to require Comptroller General of the United States reports on the major automated information system programs of the Department of Defense. **Page S8018**

Levin (for Nelson (FL)) Amendment No. 1210, to require an assessment of the advisability of stationing additional DDG–51 class destroyers at Naval Station Mayport, Florida. **Pages S8014, S8015**

McCain/Portman Amendment No. 1227, to require a Comptroller General report on redundancies, inefficiencies, and gaps in DOD 6.1–6.3 Science and Technology (S&T) programs. **Pages S8018–19**

Casey Modified Amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices. **Page S8016**

McCain/Portman Amendment No. 1228, to require a Comptroller General report on Science, Technology, Engineering, and Math (STEM) initiatives. **Page S8019**

Levin (for Shaheen) Amendment No. 1237, to require a Department of Defense assessment of the industrial base for night vision image intensification sensors. **Page S8019**

Levin (for Warner) Amendment No. 1240, to provide for installation energy metering requirements. **Page S8019**

McCain Amendment No. 1245, to provide for increased efficiency and a reduction of Federal spending required for data servers and centers. **Page S8019**

Ayotte (for McCain) Amendment No. 1250, to require the Secretary of Defense to submit a report on the probationary period in the development of the short take-off, vertical landing variant of the Joint Strike Fighter. **Pages S8013, S8015**

Levin (for Warner) Amendment No. 1266, to establish a training policy for Department of Defense energy managers. **Page S8019**

Levin (for Baucus) Amendment No. 1276, to require a pilot program on the receipt by members of the Armed Forces of civilian credentialing for skill required of military occupational specialties. **Pages S8019–20**

McCain Amendment No. 1280, to require the Secretary of Defense to submit, with the budget justification materials supporting the Department of Defense budget request for fiscal year 2013, information on the implementation of recommendations made by the Government Accountability Office with respect to the acquisition of launch services through the Evolved Expendable Launch Vehicle program. **Page S8020**

Ayotte (for McCain) Modified Amendment No. 1281, to require a plan for normalizing defense cooperation with the Republic of Georgia. **Pages S8014, S8016**

Levin (for Webb/Graham) Amendment No. 1298, to extend the time limit for submittal of claims under TRICARE for care provided outside the United States. **Page S8020**

Levin Amendment No. 1301, to authorize the award of the distinguished service cross for Captain Fredrick L. Spaulding for acts of valor during the Vietnam War. **Page S8020**

Levin/McCain Amendment No. 1303, to authorize the exchange with the United Kingdom of certain F–35 Lightning II Joint Strike Fighter aircraft. **Page S8020**

Levin (for Hatch) Amendment No. 1315, to require the Secretary of Defense to submit to Congress a long-term plan for maintaining a minimal capacity to produce intercontinental ballistic missile solid rocket motors. **Page S8020**

Levin (for Portman) Amendment No. 1317, to require a report on the analytic capabilities of the Department of Defense regarding foreign ballistic missile threats. **Pages S8020–21**

Levin (for Cochran/Wicker) Amendment No. 1324, to extend the authorization for a military construction project for the Air National Guard to relocate a munitions storage complex at Gulfport-Biloxi International Airport, Mississippi. **Page S8021**

Levin (for Risch) Amendment No. 1326, to require exploration of opportunities to increase foreign military training with allies at test and training ranges in the continental United States. **Page S8021**

Levin (for Lieberman/Cornyn) Amendment No. 1332, to require a report on the approval and implementation of the Air Sea Battle Concept. **Page S8021**

McCain (for Corker) Modified Amendment No. 1172, to require a report assessing the reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom. **Pages S8033–35**

Merkley Modified Amendment No. 1257, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Pages S8013, S8045–48, S8048–49**

Ayotte (for McCain) Amendment No. 1229, to provide for greater cybersecurity collaboration between the Department of Defense and the Department of Homeland Security. **Pages S8013, S8049–50**

Ayotte (for McCain) Modified Amendment No. 1246, to require the Secretary of Defense to consult with the Armed Services committees in commissioning an independent assessment of United States security interests in East Asia and the Pacific region. **Pages S8013, S8060–61**

Sessions Modified Amendment No. 1185, to require a report on the missile defense hedging strategy of the United States. **Page S8061**

Inhofe Modified Amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base. **Pages S8013, S8061–62**

Withdrawn:

Cardin/Mikulski Amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland. **Pages S8012, S8032**

Ayotte (for McCain) Further Modified Amendment No. 1230, to modify the annual adjustment in enrollment fees for TRICARE Prime. **Pages S8013, S8033**

McCain (for Ayotte) Modified Amendment No. 1067, to require notification of Congress with respect to the initial custody and further disposition of members of al-Qaeda and affiliated entities. **Pages S8013, S8053–54**

Inhofe Amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities. **Pages S8012, S8062**

Inhofe Amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling. **Pages S8012, S8062**

Inhofe Amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for Traumatic Brain Injury and Post Traumatic Stress Disorder. **Pages S8012, S8062**

Inhofe Amendment No. 1101, to strike section 156, relating to a transfer of Air Force C-12 aircraft to the Army. **Pages S8013, S8062**

Pending:

Merkley Amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Page S8012**

Feinstein Amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees. **Pages S8012, S8025–26**

Feinstein Amendment No. 1126, to limit the authority of the Armed Forces to detain citizens of the United States under section 1031. **Pages S8012, S8025–26, S8036–45, S8048**

Franken Amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns. **Page S8012**

Begich Amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents. **Page S8012**

Shaheen Amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense. **Page S8012**

Collins Amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities. **Page S8012**

Collins Amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy. **Page S8012**

Collins Amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities. **Page S8012**

Inhofe Amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury. **Pages S8012–13**

Inhofe Amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces. **Page S8013**

Inhofe Amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan. **Page S8013**

Inhofe Amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term. **Page S8013**

Casey Amendment No. 1139, to require contractors to notify small business concerns that have been

included in offers relating to contracts let by Federal agencies. **Page S8013**

McCain (for Cornyn) Amendment No. 1200, to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China. **Page S8013**

McCain (for Ayotte) Amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations. **Pages S8013, S8050–53**

McCain (for Brown (MA)/Boozman) Amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation. **Page S8013**

McCain (for Brown (MA)) Amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service. **Page S8013**

McCain (for Brown (MA)) Amendment No. 1089, to require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense. **Page S8013**

Udall (NM) Amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930. **Page S8013**

Udall (NM) Amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure. **Page S8013**

Udall (NM)/Schumer Amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense. **Page S8013**

McCain (for Corker) Amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies. **Page S8013**

McCain (for Corker) Amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization. **Page S8013**

Levin (for Bingaman) Amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss. **Page S8013**

Levin (for Gillibrand/Portman) Amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce. **Page S8013**

Levin (for Gillibrand/Blunt) Amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families. **Pages S8013, S8023–24**

Merkley Amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty. **Page S8013**

Merkley Amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Page S8013**

Merkley Amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone program. **Page S8013**

Leahy Amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act. **Page S8013**

Leahy/Grassley Amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund. **Page S8013**

Wyden/Merkley Amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, Oregon. **Page S8013**

Wyden Amendment No. 1253, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life. **Page S8013**

Ayotte (for Graham) Amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general. **Page S8013**

Ayotte (for Heller/Kirk) Amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the United States Embassy in Israel. **Page S8013**

Ayotte (for Heller) Amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya. **Page S8013**

Ayotte (for McCain) Amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain



conditions related to Guam realignment have been met. **Page S8013**

Ayotte (for McCain/Ayotte) Amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs. **Page S8013**

Ayotte (for McCain) Amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts. **Page S8013**

Ayotte (for McCain) Amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands. **Page S8013**

Ayotte (for McCain) Amendment No. 1118, to modify the availability of surcharges collected by commissary stores. **Page S8013**

Sessions Amendment No. 1182, to prohibit the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command. **Page S8013**

Sessions Amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels. **Page S8013**

Sessions Amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force. **Pages S8013, S8030–32**

Levin (for Reed) Amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category. **Page S8013**

Levin (for Reed) Amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component. **Page S8013**

Levin (for Reed) Amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians. **Page S8013**

Levin (for Reed) Amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships. **Page S8014**

Levin (for Reed) Amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents. **Page S8014**

Levin Amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy. **Page S8014**

Levin (for Boxer) Amendment No. 1206, to implement common sense controls on the taxpayer-funded salaries of defense contractors. **Page S8014**

Chambliss Amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command. **Page S8014**

Levin (for Brown (OH)) Amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities. **Page S8014**

Levin (for Brown (OH)) Amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act. **Page S8014**

Levin (for Brown (OH)) Amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, Ohio. **Page S8014**

Levin (for Leahy) Amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees. **Page S8014**

Levin (for Wyden) Amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts. **Page S8014**

Levin (for Pryor) Amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training. **Page S8014**

Levin (for Pryor) Amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law. **Page S8014**

Levin (for Nelson (FL)) Amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation. **Page S8014**

Levin (for Nelson (FL)) Amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Material Command. **Page S8014**

Levin (for Nelson (FL)) Amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad. **Page S8014**

Ayotte (for Blunt/Gillibrand) Amendment No. 1133, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty. **Page S8014**

Ayotte (for Murkowski) Amendment No. 1286, to require a Department of Defense Inspector General report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE program. **Page S8014**



Ayotte (for Murkowski) Amendment No. 1287, to provide limitations on the retirement of C-23 aircraft. **Page S8014**

Ayotte (for Rubio) Amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody. **Page S8014**

Ayotte (for Rubio) Amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities. **Page S8014**

Levin (for Menendez/Kirk) Amendment No. 1414, to require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran. **Pages S8014, S8027-30**

During consideration of this measure today, Senate also took the following action:

By 88 yeas to 12 nays (Vote No. 212), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Pages S8021-22**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11:00 a.m., on Thursday, December 1, 2011; that Levin Amendment No. 1293 (listed above), be the pending amendment; and that all time during adjournment and morning business count post-cloture on the bill. **Page S8075**

**Payroll Tax Relief—Cloture:** Senate began consideration of the motion to proceed to consideration of S. 1917, to create jobs by providing payroll tax relief for middle class families and businesses. **Pages S8011-12**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, December 2, 2011. **Page S8011**

Subsequently, the motion to proceed was withdrawn. **Page S8011**

#### House Messages:

*Federal Courts Jurisdiction and Venue Clarification Act:* Senate concurred in the amendment of the House of Representatives to the amendment of the Senate to H.R. 394, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts. **Page S8074**

#### Appointments:

*National Commission for Review of Research and Development Programs of the United States Intelligence Community:* The Chair, on behalf of

the Republican Leader, after consultation with the Vice Chairman of the Select Committee on Intelligence, and pursuant to provisions of Public Law 107-306, as amended by Public Law 111-259, announced the appointment of the following individual to serve as a member of the National Commission for Review of Research and Development Programs of the United States Intelligence Community: John J. Young of Virginia. **Page S8075**

**Nominations Received:** Senate received the following nominations:

Marie F. Smith, of Hawaii, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2016.

Arunava Majumdar, of California, to be Under Secretary of Energy.

Frederick D. Barton, of Maine, to be an Assistant Secretary of State (Conflict and Stabilization Operations).

Frederick D. Barton, of Maine, to be Coordinator for Reconstruction and Stabilization.

Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Robin S. Rosenbaum, of Florida, to be United States District Judge for the Southern District of Florida.

Robert J. Shelby, of Utah, to be United States District Judge for the District of Utah.

42 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

4 Coast Guard nominations in the rank of admiral.

Routine lists in the Air Force, Army, and Navy.

**Pages S8075-78**

**Nomination Discharged:** The following nomination was discharged from further committee consideration and placed on the Executive Calendar:

Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice, which was sent to the Senate on July 29, 2011, from the Senate Committee on Homeland Security and Governmental Affairs. **Page S8078**

Messages from the House: **Pages S8065-66**

Measures Referred: **Page S8066**

Measures Read the First Time: **Pages S8066, S8075**

Executive Communications: **Page S8066**

Additional Cosponsors: **Pages S8068-71**

Statements on Introduced Bills/Resolutions: **Pages S8071-72**

Additional Statements: **Page S8065**

Amendments Submitted: **Pages S8072-74**

**Notices of Intent:** Page S8074  
**Authorities for Committees to Meet:** Page S8074  
**Privileges of the Floor:** Page S8074  
**Record Votes:** One record vote was taken today.  
 (Total—212) Page S8022

**Adjournment:** Senate convened at 10 a.m. and adjourned at 7:40 p.m., until 9:30 a.m. on Thursday, December 1, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8075.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine the nominations of Ajit Varadaraj Pai, of Kansas, who was introduced by Senators Roberts and Moran, and Jessica Rosenworcel, of Connecticut, both to be a Member of the Federal Communications Commission, after the nominees testified and answered questions in their own behalf.

### BALANCED BUDGET AMENDMENT

*Committee on the Judiciary:* Subcommittee on the Constitution, Civil Rights and Human Rights concluded a hearing to examine a balanced budget amendment, focusing on constitutionalizing the budget debate, including H.J. Res. 2, proposing a balanced budget amendment to the Constitution of the United States, S.J. Res. 5, proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced, S.J. Res. 23, proposing an amendment to the Constitution of the United States relative to balancing the budget, and S.J. Res. 24, proposing an amendment to the Constitution relative to requiring a balanced budget, after receiving testi-

mony from Robert Greenstein, Center on Budget and Policy Priorities, Alan B. Morrison, George Washington University Law School, Douglas Holtz-Eakin, American Action Forum, and Diana Furchtgott-Roth, Manhattan Institute for Policy Research, all of Washington, D.C.; and Robert Romasco, AARP, Burke, Virginia.

### MENTAL HEALTH CARE

*Committee on Veterans' Affairs:* Committee concluded a hearing to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care, after receiving testimony from Mary Schohn, Director, Mental Health Operations, Antonette Zeiss, Chief Consultant, Office of Mental Health Services, Janet Kemp, National Director, Suicide Prevention Program, and Michelle Washington, Coordinator, PTSD Services and Evidence Based Psychotherapy, VA Medical Center, Wilmington, Delaware, all of the Veterans Health Administration, Department of Veterans Affairs; Barbara Van Dahlen, Give an Hour, and Colonel Charles W. Hoge, USA (Ret.), both of Bethesda, Maryland; and John Roberts, Wounded Warrior Project, Washington, D.C.

### ANTIPSYCHOTICS IN NURSING HOMES

*Special Committee on Aging:* Committee concluded a hearing to examine the human and taxpayers' cost of antipsychotics in nursing homes, after receiving testimony from Daniel Levinson, Inspector General, and Patrick Conway, Chief Medical Officer and Director, Office of Clinical Standards and Quality, Centers for Medicare and Medicaid Services, both of the Department of Health and Human Services; Jonathan M. Evans, American Medical Director Association (AMDA), Columbia, Maryland; Tom Hlavacek, Alzheimer's Association of Southeast Wisconsin, Milwaukee; and Toby S. Edelman, Center for Medicare Advocacy, Inc., and Cheryl Phillips, LeadingAge, both of Washington, D.C.

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# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 12 public bills, H.R. 3521–3532; and 1 resolution, H.J. Res. 91 were introduced. Pages H7998–99

**Additional Cosponsors:** Pages H7999–S8000

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Brooks to act as Speaker pro tempore for today. Page H7931

**Recess:** The House recessed at 11:05 a.m. and reconvened at 12 noon. Page H7939

**Chaplain:** The prayer was offered by the guest chaplain, Reverend Jay Therrell, Cape Coral First United Methodist Church, Cape Coral, Florida. Page H7939

**Suspension—Proceedings Postponed:** The House debated the following measure under suspension of the rules. Further proceedings were postponed:

**Designating room HVC 215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room”:** H. Res. 364, to designate room HVC 215 of the Capitol Visitor Center as the “Gabriel Zimmerman Meeting Room”. **Pages H7943–49**

**Terminating taxpayer financing of presidential election campaigns and party conventions and terminating the Election Assistance Commission; Regulatory Flexibility Improvements Act of 2011; and Regulatory Accountability Act of 2011—Rule for Consideration:** The House agreed to H. Res. 477, the rule that is providing for consideration of H.R. 3463, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; H.R. 527, to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules; and H.R. 3010, to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, by a recorded vote of 239 ayes to 178 noes, Roll No. 871, after the previous question was ordered by a yea-and-nay vote of 239 yeas to 184 noes, Roll No. 870.

**Pages H7949–57, H7986–87**

**Workforce Democracy and Fairness Act:** The House passed H.R. 3094, to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, by a recorded vote of 235 ayes to 188 noes, Roll No. 869. **Pages H7957–86**

Rejected the Sutton motion to recommit the bill to the Committee on Education and the Workforce with instructions to report the same to the House forthwith with an amendment, by a recorded vote of 185 ayes to 239 noes, Roll No. 868. **Pages H7984–85**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

**Page H7972**

Rejected the Moore motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken by a recorded vote of 176 ayes to 241 noes, Roll No. 863. **Pages H7979–81**

Rejected:

Bishop (NY) amendment (No. 1 printed in H. Rept. 112–291) that sought to give the Board au-

thority to impose sanctions on a party for presenting a frivolous or vexatious filing during pre-election proceedings (by a recorded vote of 187 ayes to 228 noes, Roll No. 864); **Pages H7973–74, H7981**

Boswell amendment (No. 2 printed in H. Rept. 112–291) that sought to prevent employers that have paid any executive compensation bonuses in excess of 10,000 percent of the annual compensation of the average employee from engaging in open-ended litigation. Such parties are required to state their issues or positions at the outset of pre-election hearings, and prohibited from raising new, frivolous issues as a dilatory tactic (by a recorded vote of 181 ayes to 239 noes, Roll No. 865);

**Pages H7974–76, H7981–82**

Walz amendment (No. 3 printed in H. Rept. 112–291) that sought to prevent this Act from applying to businesses that have been cited for violating labor laws in the past year against employees who are veterans of the Armed Forces (by a recorded vote of 200 ayes to 221 noes, Roll No. 866); and

**Pages H7976–77, H7982–83**

Jackson Lee amendment (No. 4 printed in H. Rept. 112–291) that sought to strike a section of the bill to ensure that employers would not be able to unnecessarily delay an election (by a recorded vote of 188 ayes to 236 noes, Roll No. 867).

**Pages H7977–79, H7983**

H. Res. 470, the rule providing for consideration of the bill, was agreed to on November 18th.

**Quorum Calls—Votes:** One yea-and-nay vote and eight recorded votes developed during the proceedings of today and appear on pages H7980–81, H7981, H7981–82, H7982–83, H7983, H7985, H7985–86, H7986–87, H7987. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 7:40 p.m.

## Committee Meetings

### KEEPING COLLEGE WITHIN REACH

*Committee on Education and the Workforce:* Subcommittee on Higher Education and Workforce Training held a hearing entitled “Keeping College within Reach: Discussing Ways Institutions Can Streamline Costs and Reduce Tuition.” Testimony was heard from public witnesses.

### MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Full Committee continued markup of the following: H.R. 1633, the “Farm Dust Regulation Prevention Act of 2011”; and H.R. 1173, the “Fiscal Responsibility and Retirement Security Act of 2011”. Both bills were ordered reported, as amended.

**MISCELLANEOUS MEASURES**

*Committee on Financial Services:* Full Committee markup of the following: H.R. 2682, the “Business Risk Mitigation and Price Stabilization Act of 2011”; H.R. 2779, to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall; H.R. 2586, the “Swap Execution Facility Clarification Act”; and H.R. 3512, to amend the Abraham Lincoln Commemorative Coin Act to adjust how surcharges are distributed. The following were ordered reported without amendment: H.R. 2682 and H.R. 3512. The following were ordered reported, as amended: H.R. 2586 and H.R. 2779.

**MISCELLANEOUS MEASURES**

*Committee on Foreign Affairs:* Subcommittee on Asia and the Pacific held a markup of H. Res. 376, calling for the repatriation of POW/MIAs and abductees from the Korean War. The resolution was forwarded, as amended.

**REPUBLIC OF PALAU**

*Committee on Foreign Affairs:* Subcommittee on Asia and the Pacific held a hearing entitled “Compact of Free Association with the Republic of Palau: Assessing the 15-year Review.” Testimony was heard from James L. Loi, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State; Thomas Bussanich, Director of Budget, Office of Insular Affairs, Department of the Interior; Brigadier General Richard L. Simcock, II, Principal Director, South and Southeast Asia, Office of the Deputy Under Secretary of Defense; Department of Defense; and David B. Gootnick, Director, International Affairs and Trade, Government Accountability Office.

**PRESERVING PROGRESS IN IRAQ**

*Committee on Foreign Affairs:* Subcommittee on the Middle East and South Asia held a hearing entitled “Preserving Progress in Iraq, Part III: Iraq’s Police Development Program.” Testimony was heard from Brooke Darby, Deputy Assistant Secretary, International Narcotics and Law Enforcement, Department of State; Stuart W. Bowen, Jr., Inspector General, Office of the Special Inspector General for Iraq Reconstruction; and Glenn D. Furbish, Assistant Inspector General for Audits, Office of the Special Inspector General for Iraq Reconstruction.

**BOKO HARAM—EMERGING THREAT TO THE U.S. HOMELAND**

*Committee on Homeland Security:* Subcommittee on Counterterrorism and Intelligence held a hearing entitled “Boko Haram—Emerging Threat to the U.S. Homeland.” Testimony was heard from Lauren Ploch, Africa Analyst, Congressional Research Service; and public witnesses.

**COMMITTEE FUNDS OF THE 112TH CONGRESS**

*Committee on House Administration:* Full Committee held a hearing entitled “Review of the Use of Committee Funds of the 112th Congress.” Testimony was heard from Chairman Lucas; Rep. Peterson; Chairman McKeon; Rep. Smith of Washington; Chairman Ryan of Wisconsin; Rep. Van Hollen; Chairman Kline; Rep. George Miller of California; Chairman Upton; Rep. Waxman; Chairman Bonner; Rep. Linda T. Sánchez of California; Chairman Bachus; Rep. Frank of Arizona; Chairman Ros-Lehtinen; Rep. Berman; Chairman King of New York; Rep. Thompson of Mississippi; Chairman Smith of Texas; Rep. Conyers; Chairman Hastings of Washington; Rep. Markey; Chairman Issa; Rep. Cummings; Chairman Dreier, Rep. Slaughter; Chairman Hall; Rep. Eddie Bernice Johnson of Texas; Chairman Graves; Rep. Velázquez; Chairman Mica; Rep. Rahall; Chairman Miller of Florida; Rep. Filner; Chairman Camp; Rep. Levin; Chairman Rogers of Michigan; and Rep. Ruppertsberger.

**SALES TAXES E-COMMERCE**

*Committee on the Judiciary:* Full Committee held a hearing entitled “Constitutional Limitations on States’ Authority to Collect Sales Taxes in E-Commerce.” Testimony was heard from John Otto, Texas House of Representatives; and public witnesses.

**SECURE COMMUNITIES**

*Committee on the Judiciary:* Subcommittee on Immigration Policy and Enforcement held a hearing entitled “Is Secure Communities Keeping Our Communities Secure?” Testimony was heard from Gary Mead, Executive Associate Director, Enforcement and Removal Operations, Immigration and Customs Enforcement, Department of Homeland Security; and public witnesses.

**DOT’S PROPOSED BILLION DOLLAR SERVICE RULE**

*Committee on Oversight and Government Reform:* Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending held a hearing entitled “The Price of Uncertainty: How Much Could DOT’s Proposed Billion Dollar Service Rule Cost Consumers this Holiday Season?” Testimony was heard from Anne S. Ferro, Administrator, Federal Motor Carrier Safety Administration, Department of Transportation; and public witnesses.

**DRUG SHORTAGE CRISIS**

*Committee on Oversight and Government Reform:* Subcommittee on Health Care, District of Columbia,

Census and the National Archives held a hearing entitled “Drug Shortage Crisis: Lives are in the Balance.” Testimony was heard from public witnesses.

### STIMULUS OVERSIGHT

*Committee on Science, Space, and Technology:* Subcommittee on Investigations and Oversight held a hearing entitled “Stimulus Oversight: An Update on Accountability, Transparency, and Performance.” Testimony was heard from Frank Rusco, Director, Natural Resources and Environment Team, Government Accountability Office; Michael Wood, Executive Director, Recovery Accountability and Transparency Board; Gregory Friedman, Inspector General, Department of Energy; Todd Zinser, Inspector General, Department of Commerce; Allison Lerner, Inspector General, National Science Foundation; and Gail Robinson, Deputy Inspector General, National Aeronautics and Space Administration.

### FOSTERING QUALITY SCIENCE AT EPA

*Committee on Science, Space, and Technology:* Subcommittee on Energy and Environment held a hearing entitled “Fostering Quality Science at EPA: Perspectives on Common Sense Reform.” Testimony was heard from public witnesses.

### DISASTER ASSISTANCE

*Committee on Small Business:* Full Committee held a hearing entitled “Disaster Assistance: Is SBA Meeting the Recovery Needs of Disaster Victims?” Testimony was heard from James Rivera, Associate Administrator, Office of Disaster Assistance, Small Business Administration; and William Shear, Director, Financial Markets and Community Investment, Government Accountability Office.

### MISSOURI RIVER FLOOD

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held a hearing entitled “The Missouri River Flood: An Assessment of River Management in 2011 and Operational Plans for the Future.” Testimony was heard from Rep. Noem; Rep. Hartzler; Rep. Luetkemeyer; Rep. King of Iowa; Rep. Cleaver; Rep. Berg; Rep. Fortenberry; Rep. Jenkins; Rep. Latham; Brigadier General John McMahon, Commander and Division Engineer, United States Army Corps of Engineers, Northwestern Division; Brad Lawrence, Director of Public Works, City of Fort Pierre, South Dakota; Kathy Kunkel, County Clerk Holt County, Missouri; and public witnesses.

### SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CERTIFICATION PROCESS

*Committee on Veterans' Affairs:* Subcommittee on Oversight and Investigations; and Subcommittee on Eco-

nomics Opportunity held a joint hearing on the U.S. Department of Veterans Affairs Service-Disabled Veteran-Owned Small Business Certification Process. Testimony was heard from Thomas J. Leney, Executive Director, Small and Veteran Business Programs, Office of Small and Disadvantaged Business Utilization, Department of Veterans Affairs; Gregory D. Kutz, Forensic Audits and Investigative Service, Government Accountability Office; and Ralph O. White, Managing Associate General Counsel for Procurement Law, Office of General Counsel, Government Accountability Office.

## Joint Meetings

No joint committee meetings were held.

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### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1268)

H.R. 3321, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition. Signed on November 29, 2011. (Public Law 112–61)

S. 1637, to clarify appeal time limits in civil actions to which United States officers or employees are parties. Signed on November 29, 2011. (Public Law 112–62)

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### COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 1, 2011

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to examine continuing oversight of the “Wall Street Reform and Consumer Protection Act”, 10 a.m., SD–106.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine spurring job growth through capital formation while protecting investors, 10 a.m., SD–538.

*Committee on Foreign Relations:* to hold hearings to examine United States strategic objectives towards Iran, 10 a.m., SD–419.

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the financial and societal costs of medicating America's foster children, 10:30 a.m., SD–342.

Full Committee, to hold hearings to examine insider trading and congressional accountability, 2:30 p.m., SD–342.

*Committee on Indian Affairs*: to hold an oversight hearing to examine deficit reduction and job creation, focusing on regulatory reform in Indian country, 2:15 p.m., SD-628.

*Committee on the Judiciary*: business meeting to consider S. 1792, to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children, S. 671, to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders, S. 1886, to prevent trafficking in counterfeit drugs, S. 678, to increase the penalties for economic espionage, and the nominations of Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit, Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas, David Campos Guaderrama, to be United States District Judge for the Western District of Texas, and Kathryn Keneally, of New York, to be an Assistant Attorney General, Department of Justice, 10 a.m., SD-226.

### House

*Committee on Agriculture*, Subcommittee on Department Operations, Oversight, and Credit, hearing to review updates on USDA Inspector General audits, including SNAP fraud detection efforts and IT compliance, 10 a.m., 1300 Longworth.

*Committee on Energy and Commerce*, Subcommittee on Communications and Technology, markup of the “Jumpstarting Opportunity with Broadband Spectrum (JOBS) Act of 2011.” 10 a.m., 2123 Rayburn.

*Committee on Financial Services*, Full Committee, hearing entitled “Perspectives on the Health of the FHA Single-family Insurance Fund.” 10 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled “Oversight of the Federal Housing Finance Agency.” 2 p.m., 2128 Rayburn.

*Committee on Foreign Affairs*, Full Committee, hearing entitled “Democracy Held Hostage in Nicaragua: Part I.” 10:05 a.m., 2172 Rayburn.

*Committee on the Judiciary*, Full Committee, markup of the following: H.R. 2572, the “Clean Up Government Act of 2011;” and H.R. 1433, the “Private Property Rights Protection Act of 2011”. 10 a.m., 2141 Rayburn.

*Committee on Natural Resources*, Full Committee, hearing on the following: H.R. 594, the “Coastal Jobs Creation Act of 2011”; H.R. 1013, the “Strengthen Fisheries Management in New England Act of 2011”; H.R. 1646, the “American Angler Preservation Act”; H.R. 2304, the “Fishery Science Improvement Act of 2011”; H.R. 2610, the “Asset Forfeiture Fund Reform and Distribution Act of 2011”; H.R. 2753, the “Fishery Management Transparency and Accountability Act”; H.R. 2772, the “Saving Fishing Jobs Act of 2011”; and H.R. 3061, the “Flexibility and Access in Rebuilding American Fisheries Act of 2011”. 10 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform*, Full Committee, hearing entitled “HHS and the Catholic Church: Examining the Politicization of Grants.” 9:30 a.m., 2154 Rayburn.

*Committee on Rules*, Full Committee, hearing on H.R. 10, the “Regulations from the Executive in Need of Scrutiny Act of 2011.” 3 p.m., H-313 Capitol.

*Committee on Science, Space, and Technology*, Full Committee, markup of H.R. 3479, the Natural Hazards Risk Reduction Act of 2011, 10 a.m., 2318 Rayburn.

*Committee on Small Business*, Subcommittee on Healthcare and Technology, hearing entitled “Cyber Security: Protecting Your Small Business.” 1 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Coast Guard and Maritime Transportation, hearing entitled “Protecting U.S. Sovereignty: Coast Guard Operations in the Arctic.” 11 a.m., 2167 Rayburn.

*House Permanent Select Committee on Intelligence*, Full Committee, markup of the “Cyber Intelligence Sharing and Protection Act of 2011.” 3 p.m., HVC-304.



## Next Meeting of the SENATE

9:30 a.m., Thursday, December 1

## Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, December 1

## Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 1867, Department of Defense Authorization Act.

## House Chamber

**Program for Thursday:** Consideration of H.R. 3463—To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission (Subject to a Rule). Begin consideration of H.R. 527—Regulatory Flexibility Improvements Act of 2011 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

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