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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 1, 2011.

I hereby appoint the Honorable ALLEN B. WEST 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.

BUDGET GRIDLOCK

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

Mr. MCNERNEY. Mr. Speaker, I rise to address the budget gridlock that's ripping Washington apart. Like every American who cares about the future of our great country, I'm upset by the rampant partisan fighting. But I also know that the responsibility is not equally shared. For proof, look no further than the collapse of the deficit supercommittee.

Washington Republicans' refusal to ask the wealthiest people and the biggest corporations to contribute their fair share caused the supercommittee's failure and is putting our country at risk. Middle class families are struggling, but the world's biggest corporations make huge profits and exploit tax loopholes to send jobs overseas. And the rich keep getting richer but are contributing less.

This inequality is unacceptable, and it hurts America's economy. For instance, the after-tax income of the top 1 percent rose 281 percent from 1979 to 2007, but their total average Federal tax rate fell by nearly 8 points. Unfortunately, Washington Republicans have made clear that they will not fix the injustices in our Tax Code.

In fact, 238 Members of the House and 41 Senators, almost all of them Republicans, have signed the infamous Americans for Tax Reform pledge. This pledge commits its signers to oppose any plan, no matter how responsible, that would ask the wealthiest people to contribute their fair share. Whether motivated by extremist ideology or commitments to greedy special interests, the facts are clear: Republicans who signed this pledge cannot take the steps our country needs to get our budget in order.

Republicans came to power on a mission to rein in the budget deficit, a goal that we all support. But instead of supporting balanced policies, Washington Republicans forced the Congress to pass a dangerous budget agreement. And thanks to them, our hands are tied. If Washington Republicans keep refusing to compromise, massive cuts will kick in that will harm the middle class.

Washington Republicans won't negotiate and won't come up with a fair budget plan. Instead of helping the middle class, Republicans are standing up for the megarich.

According to the Center on Budget and Policy Priorities, the plan put forward by Republicans on the deficit supercommittee shifts even more of the tax burden from the rich to the middle class. Their plan would change the tax tables in a way that benefits the wealthiest households more than the rest of us, which is what the chart next to me shows. As your income grows, so do your benefits. The wealthiest households will get more and more benefit, and their proposal dramatically weakens a variety of tax policies that help the middle class. I can't support a plan like that, and the American people can't either.

Democrats and Republicans should be working together on fair solutions, but the Republicans' unwillingness to compromise is making this goal impossible. We can find solutions that will reduce the debt and keep taxes low for small businesses and middle class families, but only if the Republicans stop protecting tax breaks for the superrich.

When I took my oath of office, I pledged to protect and defend the Constitution, and I am committed to helping the middle class getting our economy back on track.

Democrats have demonstrated a willingness to talk about difficult subjects like entitlement reform, but Republicans refuse to negotiate. So I ask my Republican colleagues, especially those who have signed the ATR pledge, a simple question: Where do your loyalties lie? With the superrich and the special interests or with the hardworking Americans?

LARRY MUNSON

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

Mr. BROUN of Georgia. He turned Georgia football games into larger-than-life experiences. He awakened excitement and pinpointed fear in the depths of Dawg fans' souls and shouted out those emotions on radios statewide. His voice will go down in history

as the soundtrack of some of the most famous play calls, highlight reels, and moments for UGA that will simply never be forgotten.

Whether it was his describing the ''sugar'' falling out of the sky, or begging the Dawgs to hunker down one more last time, Larry Munson had an unmatched ability to find words for feelings that just could not be spoken. To call him an iconic play-by-play announcer for the University of Georgia football team would be a vast understatement. He was a classic city treasure, an Athens legend. And for 42 years, Larry Munson breathed life into the Sanford Stadium and made the Dawgs dance.

He was different from all other sportscasters. Larry Munson was very authentic. He always told it like it was, even when he had given up on a red and black win. He didn't care about political correctness, and he wasn't afraid to scream about stepping on Tennessee's face with a hobnailed boot or breaking his chair—his metal, steel chair with a five-inch cushion—when Georgia beat Florida in 1980 and then went on to win the national championship. He loved Georgia football, and Georgia football loved Larry Munson just right back.

His memory will live on forever in the body of the Bulldog Nation, in the hearts of all Dawg fans, and will live on between the hedges every game day.

On behalf of the United States Congress, here's to you, Larry, one of the best Dawgs that Georgia has ever known. And we'll never forget. We'll miss you greatly, Larry.

Go Dawgs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

UNEMPLOYMENT INSURANCE

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

Mr. HOYER. Mr. Speaker, before we adjourn for the year, there are a number of important items that we must address. The most pressing is the expiration of unemployment benefits at the end of December.

Should Congress fail to act, millions of Americans who rely on emergency unemployment compensation will begin to see their payments disappear starting in January. 2.1 million of our fellow Americans will have lost their benefits by the middle of February, and over 6 million by the end of 2012. However, we have the power to prevent that from happening by extending those benefits.

These emergency benefits were put in place at the start of the recession in December of '07; and with so many Americans still out of work, now is certainly not the time to let them come to an end.

□ 1010

The number one challenge we must address in the Congress remains job creation. Americans out of work have been doing their part to find jobs. Congress must do its part as well. Some Republicans have unfairly and incorrectly blamed those who have been laid off for their continued difficulty in finding jobs. However, there are over four people looking for every one job that is available. At the same time, there are nearly 7 million fewer jobs today than there were in 2007.

Instead of blaming the victims, we ought to work together, Democrats and Republicans, to find solutions. Congress has never allowed emergency unemployment benefits to lapse with our jobless rate anywhere close to where it is today. If it did, over 17,000 people in my State of Maryland would see their lifeline cut off by February. In Ohio, Speaker BOEHNER's State, 80,000 people are at risk.

Among African Americans, Latinos and other minorities, a disproportionate number have been affected by long-term unemployment and are especially vulnerable if these benefits were to end. Every State would see more Americans who are out of work slip into poverty. Local communities would be affected, too, with residual job losses. The Economic Policy Institute has estimated that allowing these benefits to expire would cost us another 500,000 jobs—a half a million.

I sincerely hope that Republicans will work with us to prevent so many Americans from being left out in the cold as they continue to seek jobs but can't find them. It's long past the time that they start working with us to pass a real jobs plan to get Americans back to work and grow our economy.

The President put a jobs bill on our desk in September. It is now December. We've yet to see that bill or any other jobs bill put on this House floor by the Republican leadership. Democrats have multiple jobs plans on the table—the President's American Jobs Act and the House Democrats' Make It in America plan. Both will help create jobs right away and invest in long-term economic competitiveness.

If Republicans continue to be unwilling to work with us on a plan to create jobs, I hope they will at least work with us to pass a measure that will prevent further losses as a result of expiring unemployment benefits. I strongly urge my Republican friends to help us stop the looming and entirely preventable disaster of millions having no support. It is the responsibility we have to our constituents and to those looking to us for leadership during this challenging time.

Let us not go home. Let us not celebrate Christmas or other holidays without ensuring the extension of unemployment benefits for those Americans who cannot find jobs, notwithstanding the fact they are looking for jobs. They're counting on us. Let's be sure that their reliance was well placed.

YUCCA MOUNTAIN: HIGH-LEVEL NUCLEAR WASTE STORAGE

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

Mr. SHIMKUS. It's always great to follow the highly respected minority whip, and he is highly respected.

I would say that there are a lot of pressing problems in this country. There is one I'll speak about today, and that's the high-level nuclear waste storage throughout this country. I would also say to my friend that part of the jobs bill has been passed. We passed the free trade agreement; we passed the veterans benefit portion; we passed the 3 percent withholding. So there has been movement in a bipartisan manner on some provisions in the bill.

So now, Mr. Speaker, let me segue to an issue for which I've come to the floor now six times, that of going throughout the country and highlighting where high-level nuclear waste is stored throughout this country.

Today, we'll travel to the State of Massachusetts, right on Cape Cod Bay where the Pilgrim Nuclear Power Plant sits. Again, it's right on Cape Cod Bay. At Pilgrim, there are over 2,918 spent-fuel assemblies on site. Yucca Mountain, which is the defined storage location, by law, in the 1982 Nuclear Waste Policy Act, currently has no nuclear waste on site. I like to keep highlighting the real distinct differences based upon the years of talking about this issue and highlighting some of the arguments against Yucca, comparing it to where we have nuclear waste today.

So let's, again, continue to look at the Pilgrim Nuclear Power Plant. The waste is stored aboveground in pools, very similar to Fukushima-Diachi in Japan. At Yucca the waste will be stored 1,000 feet underground—above the ground in pools, 1,000 feet underground. I think Yucca is a better location. At Pilgrim the waste is 20 feet from the water table. At Yucca it would be 1,000 feet above the water table. I think that's a better, safer and more secure location. You can see the Pilgrim plant is right on Cape Cod Bay, right next to the water. Yucca Mountain is situated 100 miles from, really, the nearest body of water, which would be the Colorado River.

Now, for those who have been following my time in coming to the floor, this is my sixth time. I started at Hanford, a DOE facility in Washington State, and compared it to Yucca Mountain. I then went to Zion. I've got my friend from Chicago right here. Zion is right on Lake Michigan, which is a decommissioned nuclear power plant that still has waste stored on site; but Wisconsin has two nuclear power plants right on Lake Michigan.

Then I went to Savannah, Georgia, to talk about the nuclear waste there. Of course, it has the Savannah River; so it's right next to the Savannah River. Then I went out to California to look at San Onofre, the nuclear power plant

that's right on the Pacific Ocean. Then I went to Idaho and looked at the Idaho National Labs and the nuclear waste stored there. Today, we go to Massachusetts.

The point being, there is high-level nuclear waste stored all over this country, and a single repository at Yucca Mountain makes sense for all of the right reasons: it's over 100 miles from the largest city; it's in the desert; it would be underneath a mountain. There is no more safe, secure location.

Why are we not moving forward? Because this administration has decided not to spend the money needed to finish the final environmental study through the Nuclear Regulatory Commission.

So where are our Senators on this position? I've been bringing this down to the floor through all these States. We need 60 votes in the Senate to secure America's nuclear waste. Right now, through the States, based upon the States we've identified, there are 20 ''yeses.'' We've got about seven who are relatively new. We don't know their positions. Of course, we have established five who are ''noes.'' There are some in the New England States that I mentioned:

SUSAN COLLINS voted for Yucca Mountain in 2002. OLYMPIA SNOWE voted for it in 2002. Senator KERRY voted against it. Now, Pilgrim is in the State of Massachusetts. Based upon his statement, I guess Senator KERRY feels that Pilgrim is a more safe and secure location than Yucca Mountain. SCOTT BROWN has no position yet. Senator AYOTTE has no position. Senator SHAHEEN has no position. Of course, the Independent from Vermont has voted ''no.''

UNEMPLOYMENT INSURANCE EXTENSION

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

Ms. MOORE. Recently and even today, we've heard a lot from both sides of the aisle about the extension of unemployment insurance; but I think the voices that we need to be listening to are the voices of the American people. So, if you would indulge me, Mr. Speaker, I would like to read a letter from one of my constituents:

''Ms. Moore, I am writing you today to request that you pass the extension for unemployment insurance benefits. I am a single mom and experienced a layoff at my job this past summer. My benefits are about to run out, and I am still looking for a job. Last week alone, I applied to over 20 jobs online, and received only one call-back for an interview. I have $600 left to claim on unemployment. After that, I do not know what I am going to do. I pray every day that this extension will go through before the holidays. That is all I want for Christmas.

□ 1020

''Being unemployed has left me with a sense of low self-worth. And I find that I cry all the time. I hope that my interview next week is successful. Nonetheless, I am trying to be proactive on the job hunt. I have a webinar scheduled today for successful interviewing skills. And I am hoping to apply those skills in my interview next week. I just want some peace of mind that I will continue to receive the extension before the holiday.''

Sadly, this young woman is just one of 58,000 Wisconsinites who will lose benefits if we don't extend the unemployment insurance. And, of course, there are millions of stories like this across the country, hardworking Americans, Mr. Speaker, who just want the opportunity to have an opportunity.

And as the holidays approach, the harsh realities of our failed economy become more and more prevalent. I, along with all of my Democratic colleagues, have been calling for the passage of an extension of UI benefits for what seems like an eternity. Yet some would turn their backs on their fellow Americans during the holidays and in these most trying of economic times.

Like the Grinch who stole Christmas, the Republican majority with devilish grins are tipping through Whoville or, in this case, across the country attempting to steal the holiday cheer from hardworking Americans with these tortured rationales as to why they oppose these much and desperately needed benefits, while continuing simultaneously to work to ensure that the rich get richer through maintaining tax cuts.

The Unemployment Insurance Program serves as a lifeline for millions of unemployed Americans and their families, their children, who are now at the mercy of the worst job market since the Great Depression. Millions of hardworking Americans, nearly 2 million in just January alone and over 6 million in 2012, will be cut off from the emergency lifeline that is unemployment insurance unless Congress acts.

Mr. Speaker, these are Americans who have been laid off and are desperately searching for work. But the jobs just are not there. That is why we must pass the Doggett-Levin Emergency Unemployment Compensation Extension Act. The Emergency Unemployment Compensation Extension Act is just common sense, and it will continue the current Federal unemployment programs through next year. The extension of these benefits will not only strengthen the safety net for the unemployed, but it will, most importantly, promote economic recovery by preventing the loss of a half-million jobs.

Additionally, relieving insolvent States from interest payments on Federal loans for 1 year will help the States, including Wisconsin, which were forced to borrow funds from the Federal Government in order to pay for unemployment benefits for the thousands of unemployed or laid off.

Never, never before now has this been a partisan issue where Congress, controlled by either party, has denied this life-sustaining unemployment benefit. Right now we need a holiday miracle. We need a miracle to help these grinches grow hearts and vote immediately to extend the Unemployment Insurance Program.

I call on my colleagues, Mr. Speaker, to come together this season and bring some holiday cheer back to the American people.

HONORING TOM MELLON

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

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor one of the Bucks County Bar Association's most ardent supporters, my dear friend, Tom Mellon. Tom is known by many around the country for his passion and commitment to the law, but is equally known in the Bucks County area as a dedicated civil servant who has spent his entire life giving back to the community.

I've known Tom for many years, and although we come from different party backgrounds, it has never gotten in the way of our friendship. Our shared values have always trumped politics. First and foremost, Tom is a family man. He's a loyal husband to Sara and a dedicated father to four sons, Thomas, Christopher, Ryan and Henry. Tom is also one of the friendliest people you will ever meet. He has a genuine personality and a warm welcoming demeanor, which have served him well throughout his career.

Tom always seems to carry with him an inner Irish spirit. From day one he has championed the underdog and the downtrodden, which is truly an admirable quality. Throughout the course of his legal career, Tom has been the David to many a corporation's Goliath, taking on Big Tobacco, multiple pharmaceutical companies, and even global terrorists. He never waivers in his dedication to his clients or to his cause. His cases are taken not necessarily because he knows he can win, but because morally they are the right thing to do. Tom is truly an inspiration to many young, aspiring attorneys who want to change the world. He has been to me.

As Tom sees it, his life duty is to help those who are in need. He launched his legal career representing the interests of victims of crime in the United States Attorney's Office, and he has never looked back.

Today he continues his representation of the less fortunate, proudly serving as a trial attorney in Doylestown, Pennsylvania.

After 9/11 Tom served as a lead counsel among a national consortium of attorneys who were retained by the families of the victims of the terrorist attacks in order to pursue an investigation into the involvement of Iran and al Qaeda. In 1999 Tom arranged for the first group of American lawyers to

visit Havana, Cuba, in order to better understand the culture of the land and the inner struggles of the Cuban people.

Currently Tom also serves on the board of directors of the Bucks Mont Katrina Relief Project and has raised millions of dollars for the victims of Hurricane Katrina in Hancock County, Mississippi. As part of this mission, Tom has led over 100 attorneys and their family members on multiple trips to Hancock County to clean up the devastation, rebuild homes, and assist in the construction of new community buildings like a food pantry and an animal shelter.

Tom's morals and decorum permeate every aspect of his life. His loyalty is unwavering and unparalleled, whether it be to family, friends, employees, or clients. His dedication to the community speaks volumes about who Tom is as a person. He is a kind, giving, unique individual, and I'm truly blessed to have called him a friend for so many years and to honor him today as he will be honored tonight at the Bucks County Bar Association.

WALL STREET VERSUS MAIN STREET

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

Ms. KAPTUR. Mr. Speaker, it's no secret that Wall Street is rampant with cases of outright fraud, backroom deals and very, very special political access. Meanwhile, Main Street is pushing back hard against this tide by investing in our communities and struggling to create jobs so our economy can grow.

A steady series of probing news stories have begun to expose the depth of corruption that precipitated the Wall Street meltdown and why it is so hard for Main Street to recover.

Bloomberg just released a story detailing how the former Secretary of the Treasury, Hank Paulson, provided special insider information to well connected Wall Street executives in July of 2008, just before the meltdown. According to Bloomberg, on the very same day the former Secretary told The New York Times that he expected the examinations of the Federal Reserve and the Office of the Comptroller of the Currency into Fannie Mae and Freddie Mac would ''give a signal of confidence to the markets,'' he informed a select group of his friends on Wall Street later in the day that in reality, there was a plan for placing ''Fannie and Freddie into conservatorship,'' which amounts to a government seizure. Those firms got insider information, and one can ask, did they then place bets to protect their interests? I bet they did.

One of the fund managers in that meeting said ''he was shocked that Paulson would furnish such specific information, leaving little doubt that the Treasury Department would carry out that plan.'' In the words of William Black, law expert at the University of Missouri, ''There was no legitimate reason for these disclosures.''

The Secretary of Treasury is supposed to be a public steward of our Nation's financial well-being. But when he told the public one story and then shared the inside track with his friends and colleagues from Goldman Sachs and other large firms, he broke that trust.

□ 1030

To be blunt, this is self-serving crony capitalism at its worst.

This is hardly the only case of special treatment of Wall Street insiders by Washington, insiders like Paulson, who was the former head of Goldman Sachs. Earlier this week, we saw a U.S. District Court throw out a settlement between the Securities & Exchange Commission and Citigroup. In 2008, Citigroup reportedly created, marketed, and sold a fund to investors. What Citigroup did not disclose is that the bank itself was actually betting against their own fund. This fraudulent deal made Citigroup $160 million while costing the fund's investors $700 million in losses, and counting.

The SEC's response to this fraud was a $285 million settlement, slightly more than a third of the reported losses incurred by the victims of this fraud. Citigroup was not even required to admit any wrongdoing. The federal judge was absolutely correct to throw this case out. The SEC's policy of allowing large Wall Street firms to walk away from fraud cases without so much as admitting any wrongdoing is completely inappropriate and invites more corruption.

Growing reports of fraud are staggering, and they underlie the Wall Street dealing that has so harmed our Nation. Throughout November, we saw headline after headline of how MF Global took money from its own private customer accounts as it tried to stay afloat in the days before it filed one of the largest bankruptcies in American history. There may be as much as $1.2 billion unaccounted for. We used to call that stealing.

The fact is our Justice Department has only a handful of FBI agents to properly investigate the volume of corruption infecting our markets. After reviewing the FBI's own testimonies, I introduced H.R. 1350, the Financial Crisis Criminal Investigation Act, to authorize an additional 1,000 FBI agents and forensic experts to prosecute white collar crime, especially Wall Street. Back in the 1990s when we had the S&L crisis, we had a thousand agents. When this crisis started, there were but a handful because they had all been switched to terrorism investigations.

When you look at these cases, what is astounding is just how well connected so many of these institutions on Wall Street are to the corridors of power in Washington. It now appears even former Speaker Newt Gingrich was paid millions of dollars by Freddie Mac before it went bankrupt.

At a minimum, our Nation needs an independent commission to investigate what actions led to the eventual collapse of Fannie Mae and Freddie Mac by which Wall Street turned over all of its toxic mortgage paper to the taxpayers of the United States for the next three generations.

I have a bill to do just that, H.R. 2093. I ask other Members of the House to sponsor the Fannie Mae and Freddie Mac Criminal Investigative Commission Act.

So while real justice for Wall Street languishes in places from Cleveland to Toledo, Main Street America is trying to create jobs. It's over time for Washington to get its House in order to restore accountability to Wall Street so that full confidence can be restored to our economy. Exacting justice for Wall Street wrongdoing is long overdue. That task remains fundamental to economic recovery and job growth.

[From the Bloomberg Markets Margazine, Nov. 29, 2011]

HOW PAULSON GAVE HEDGE FUNDS ADVANCE WORD OF FANNIE MAE RESCUE

(By Richard Teitelbaum)

Treasury Secretary Henry Paulson stepped off the elevator into the Third Avenue offices of hedge fund Eton Park Capital Management LP in Manhattan. It was July 21, 2008, and market fears were mounting. Four months earlier, Bear Stearns Cos. had sold itself for just $10 a share to JPMorgan Chase & Co. (JPM).

Now, amid tumbling home prices and near-record foreclosures, attention was focused on a new source of contagion: Fannie Mae (FNMA) and Freddie Mac, which together had more than $5 trillion in mortgage-backed securities and other debt outstanding, Bloomberg Markets reports in its January issue.

Paulson had been pushing a plan in Congress to open lines of credit to the two struggling firms and to grant authority for the Treasury Department to buy equity in them. Yet he had told reporters on July 13 that the firms must remain shareholder owned and had testified at a Senate hearing two days later that giving the government new power to intervene made actual intervention improbable.

''If you have a bazooka, and people know you have it, you're not likely to take it out,'' he said.

On the morning of July 21, before the Eton Park meeting, Paulson had spoken to New York Times reporters and editors, according to his Treasury Department schedule. A Times article the next day said the Federal Reserve and the Office of the Comptroller of the Currency were inspecting Fannie and Freddie's books and cited Paulson as saying he expected their examination would give a signal of confidence to the markets.

A DIFFERENT MESSAGE

At the Eton Park meeting, he sent a different message, according to a fund manager who attended. Over sandwiches and pasta salad, he delivered that information to a group of men capable of profiting from any disclosure.

Around the conference room table were a dozen or so hedge-fund managers and other Wall Street executives—at least five of them alumni of Goldman Sachs Group Inc. (GS), of which Paulson was chief executive officer and chairman from 1999 to 2006. In addition

to Eton Park founder Eric Mindich they included such boldface names as Lone Pine Capital LLC founder Stephen Mandel, Dinakar Singh of TPG-Axon Capital Management LP and Daniel Och of Och-Ziff Capital Management Group LLC.

After a perfunctory discussion of the market turmoil, the fund manager says, the discussion turned to Fannie Mae and Freddie Mac. Paulson said he had erred by not punishing Bear Stearns shareholders more severely. The secretary, then 62, went on to describe a possible scenario for placing Fannie and Freddie into ''conservatorship''—a government seizure designed to allow the firms to continue operations despite heavy losses in the mortgage markets. . . .

SHARES RALLY

At the time Paulson privately addressed the fund managers at Eton Park, he had given the market some positive signals—and the GSEs' shares were rallying, with Fannie Mae's nearly doubling in four days. William Black, associate professor of economics and law at the University of Missouri-Kansas City, can't understand why Paulson felt impelled to share the Treasury Department's plan with the fund managers.

''You just never ever do that as a government regulator—transmit nonpublic market information to market participants,'' says Black, who's a former general counsel at the Federal Home Loan Bank of San Francisco. ''There were no legitimate reasons for those disclosures.''

Janet Tavakoli, founder of Chicago-based financial consulting firm Tavakoli Structured Finance Inc., says the meeting fits a pattern.

''What is this but crony capitalism?'' she asks. ''Most people have had their fill of it.''

A LAWYER'S ADVICE

The fund manager who described the meeting left after coffee and called his lawyer. The attorney's quick conclusion: Paulson's talk was material nonpublic information, and his client should immediately stop trading the shares of Washington-based Fannie and McLean, Virginia-based Freddie. . . .

GOLDMAN ALUMS

One other Goldman Sachs alumnus was at the meeting: Frank Brosens, founder and principal of Taconic Capital Advisors LP, who worked at Goldman as an arbitrageur and who was a protege of Robert Rubin, who went on to become Treasury secretary.

Non-Goldman Sachs alumni who attended included short seller James Chanos of Kynikos Associates Ltd., who helped uncover the Enron Corp. accounting fraud; GS. Capital Partners LP co-founder Bennett Goodman, who sold his firm to Blackstone Group LP (BX) in early 2008; Roger Altman, chairman and founder of New York investment bank Evercore Partners Inc. (EVR); and Steven Rattner, a co-founder of private-equity firm Quadrangle roup LLC, who went on to serve as head of the U.S. government's Automotive Task Force. . . .

[From the New York Times, Nov. 28, 2011]

JUDGE BLOCKS CITIGROUP SETTLEMENT WITH S.E.C.

(By Edward Wyatt)

WASHINGTON.—Taking a broad swipe at the Securities and Exchange Commission's practice of allowing companies to settle cases without admitting that they had done anything wrong, a federal judge on Monday rejected a $285 million settlement between Citigroup and the agency.

The judge, Jed S. Rakoff of United States District Court in Manhattan, said that he could not determine whether the agency's settlement with Citigroup was ''fair, reasonable, adequate and in the public interest,'' as required by law, because the agency had claimed, but had not proved, that Citigroup committed fraud.

As it has in recent cases involving Bank of America, JPMorgan Chase, UBS and others, the agency proposed to settle the case by levying a fine on Citigroup and allowing it to neither admit nor deny the agency's findings. Such settlements require approval by a federal judge.

While other judges are not obligated to follow Judge Rakoff's opinion, the 15–page ruling could severely undermine the agency's enforcement efforts if it eventually blocks the agency from settling cases in which the defendant does not admit the charges.

The agency contends that it must settle most of the cases it brings because it does not have the money or the staff to battle deep-pocketed Wall Street firms in court. Wall Street firms will rarely admit wrongdoing, the agency says, because that can be used against them in investor lawsuits.

The agency in particular, Judge Rakoff argued, ''has a duty, inherent in its statutory mission, to see that the truth emerges.'' But it is difficult to tell what the agency is getting from this settlement ''other than a quick headline.'' Even a $285 million settlement, he said, ''is pocket change to any entity as large as Citigroup,'' and often viewed by Wall Street firms ''as a cost of doing business.''

According to the Securities and Exchange Commission, Citigroup stuffed a $1 billion mortgage fund that it sold to investors in 2007 with securities that it believed would fail so that it could bet against its customers and profit when values declined. The fraud, the agency said, was in Citigroup's falsely telling investors that an independent party was choosing the portfolio's investments. Citigroup made $160 million from the deal and investors lost $700 million.

Judge Rakoff said the agency settlement policy—''hallowed by history, but not by reason''—creates substantial potential for abuse because ''it asks the court to employ its power and assert its authority when it does not know the facts.'' That undermines the constitutional separation of powers, he said, by asking the judiciary to rubber-stamp the executive branch's interpretation of the law.

The agency said that it disagreed with the judge's ruling but did not say whether it would appeal, or try to refashion the settlement or prepare to begin a trial, as the judge directed, on July 16.

Robert Khuzami, the agency's director of enforcement, said in a statement that the Citigroup settlement ''reasonably reflects the scope of relief that would be obtained after a successful trial,'' and that the decision ''ignores decades of established practice throughout federal agencies and decisions of the federal courts.''

Citigroup said it also disagreed with Judge Rakoff's decision, adding that it would fight the charges if the case indeed went to trial.

''We believe the proposed settlement is a fair and reasonable resolution to the S.E.C.'s allegation of negligence, which relates to a five-year-old transaction,'' Edward Skyler, a Citigroup spokesman, said in a statement ''We also believe the settlement fully complies with long-established legal standards. In the event the case is tried, we would present substantial factual and legal defenses to the charges.''

In his decision, Judge Rakoff called Citigroup ''a recidivist'' or repeat offender, for having Previously settled other fraud cases with the agency where it neither admitted nor denied the allegations but agreed never to violate the law in the future.

Citigroup and other repeat offenders can agree to those terms, the judge said, because they know that the commission has not monitored compliance, failing to bring contempt charges for repeat violations in at least 10 years.

A recent analysis by The New York Times of the agency's fraud settlements with Wall Street firms found 51 instances, involving 19 companies, in which the agency claimed that a company had broken fraud laws that they previously had agreed never to breach. Securities law experts said that the ruling presents the agency with a tough dilemma. In future cases, it will have to consider the risk that another judge may be reluctant to approve a settlement given the Rakoff ruling.

''This is clearly a case of great significance,'' said Harvey Pitt, a former chairman of the agency who is now chief executive at Kalorama Partners in Washington. ''It's also a case for which there is no direct precedent Courts have been approving settlements by government agencies without any admissions of wrongdoing for years.''

On the other hand, Mr. Pitt noted, ''there is no suggestion here that this decision would apply in every single case,'' because Citigroup has reached such settlements before, a situation that sets this case apart from many Securities and Exchange Commission settlements.

Judge Rakoff has been a frequent critic of the agency's settlements. In 2009, he rejected a proposed $33 million settlement with Bank of America for a case in which the agency said the bank had misled shareholders over its acquisition of Merrill Lynch. He eventually approved a $150 million settlement after the agency presented further evidence of the bank's wrongdoing.

The judge also noted the difference between the agency's settlement with Citigroup and its settlement last year with Goldman Sachs in a similar mortgage-derivatives case. Goldman was required to say that its marketing materials for the product ''contained incomplete information.''

In the Citigroup case, no such facts were agreed on. ''An application of judicial power that does not rest on facts is worse than mindless, it is inherently dangerous,'' Judge Rakoff wrote. ''In any case like this that touches on the transparency of financial markets whose gyrations have so depressed our economy and debilitated our lives, there is an overriding public interest in knowing the truth.''

Mr. Khuzami took issue with the judge's characterization of the settlement ''These are not 'mere' allegations,'' he said, ''but the reasoned conclusions of the federal agency responsible for the enforcement of the securities laws after a thorough and careful investigation of the facts.''

Barbara Black, a professor at the University of Cincinnati College of Law who edits the Securities Law Prof Blog, said that the decision was interesting because Judge Rakoff carefully treads the line between the deference that judges are supposed to show to regulatory agencies while also ensuring that the court does not simply rubber-stamp decisions.

In a legal dispute between two private parties, they can agree to whatever settlement they desire, Ms. Black said. But in a case involving a public agency with consequences that affect the public interest, there has to be some kind of acknowledgment that certain things did occur, she added.

DUTIES AND FUNCTIONS OF THE U.S. DEPARTMENT OF THE TREASURY

MISSION

Maintain a strong economy and create economic and job opportunities by promoting the conditions that enable economic growth and stability at home and abroad, strengthen national security by combating threats and

protecting the integrity of the financial system, and manage the U.S. Government's finances and resources effectively.

Treasury's mission highlights its role as the steward of U.S. economic and financial systems, and as an influential participant in the world economy.

The Treasury Department is the executive agency responsible for promoting economic prosperity and ensuring the financial security of the United States. The Department is responsible for a wide range of activities such as advising the President on economic and financial issues, encouraging sustainable economic growth, and fostering improved governance in financial institutions. The Department of the Treasury operates and maintains systems that are critical to the nation's financial infrastructure, such as the production of coin and currency, the disbursement of payments to the American public, revenue collection, and the borrowing of funds necessary to run the federal government. The Department works with other federal agencies, foreign governments, and international financial institutions to encourage global economic growth, raise standards of living, and to the extent possible, predict and prevent economic and financial crises. The Treasury Department also performs a critical and far-reaching role in enhancing national security by implementing economic sanctions against foreign threats to the U.S., identifying and targeting the financial support networks of national security threats, and improving the safeguards of our financial systems.

ORGANIZATION

The Department of the Treasury is organized into two major components the Departmental offices and the operating bureaus. The Departmental Offices are primarily responsible for the formulation of policy and management of the Department as a whole, while the operating bureaus carry out the specific operations assigned to the Department. Our bureaus make up 98% of the Treasury work force. The basic functions of the Department of the Treasury include:

Managing Federal finances;

Collecting taxes, duties and monies paid to and due to the U.S. and paying all bills of the U.S.;

Currency and coinage;

Managing Government accounts and the public debt;

Supervising national banks and thrift institutions;

Advising on domestic and international financial, monetary, economic, trade and tax policy;

Enforcing Federal finance and tax laws;

Investigating and prosecuting tax evaders, counterfeiters, and forgers.

FIXING A BROKEN WASHINGTON

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

Mr. YOUNG of Indiana. Mr. Speaker, I rise today to speak on behalf of the overwhelming majority of my southern Indiana constituents.

A year ago, they sent me to this body to give a voice to their frustrations with Washington—a frustration I shared then and share now more than ever. The American people's frustration stems from a lack of real progress in addressing our Nation's most fundamental challenges: Federal spending, our national debt, job creation, and the decline of the middle class. Our fellow citizens have concluded what I, too, have concluded—Washington is broken, and no one is in a hurry to fix it.

Congress hasn't passed a balanced budget in over a decade. The Senate hasn't passed any sort of budget in 3 years. Our national debt recently topped $15 trillion, and our unemployment rate hovers around 9 percent. Instead of trying to fix our problems, Washington would rather argue about who's to blame for causing our problems. Sure, there's a lot of agreement as to what's wrong with our country, but not a lot of action geared towards making anything right. Our President and too many in this Congress would rather demagogue and demonize than lead and legislate. Washington is broken, and nobody's in a hurry to fix it.

While many of our constituents are struggling to find a second, and in some cases a third, job, Washington is failing to perform its only job—governing. Is it any wonder that so many Americans are frustrated?

These aren't Republican problems or Democrat problems. They're not House problems or Senate problems; these are Washington problems. Unfortunately, after 11 months on the job, I've seen far too few Washington solutions.

Many of us came to Washington this year, some of us new to government, to offer solutions. We came ready with ideas. We came ready to defend those ideas, to respond to criticisms, to make the ideas into workable solutions and, ultimately, to implement those solutions to make a better life for those who sent us here. We came with the same sense of urgency that the American people expect of us.

But Washington is broken. Too many people in this city resist publicly committing to hard, workable solutions because parroting talking points is so much easier. But until we get down to brass tacks, we'll continue to talk past one another.

So I make this entreaty to all of my colleagues: whether you are a Republican or a Democrat, commit to proposing workable solutions. Get into the details. Put them on paper. Until both sides put a specific, written, scoreable plan on the table, we'll never find the common ground necessary to strike that grand bargain. In the absence of specifics, we're just playing politics. That's why Washington is broken.

Now, earlier this year, those of us on the Budget Committee introduced a comprehensive plan that would reduce our deficit over the next decade by over $6 trillion. It would balance the budget and start paying down our debt. It would create an environment where jobs could flourish and grow, and it would save and strengthen our safety net programs likes Medicare and Medicaid. Most importantly, it addressed our challenges with the sense of urgency they require.

If you disagree with that plan or you have a more optimal solution, let's hear it. Introduce it. I'm open to better plans. I didn't come to Congress because I thought I had all of the solutions. I came to Congress because my constituents wanted me to be part of the solution. But criticizing the other guy's plan is not the same as having a plan.

Real leadership consists of presenting your vision for America to the American people and then defending it. In so doing, Republicans and Democrats may discover that we have some common ground, that we are not enemies, but friends. Let us summon up, as we have before, the ''better angels of our nature'' and rededicate ourselves to the hard work of leadership.

Washington is indeed broken. Let's hurry up and fix it together.

PASS AMERICAN DREAM ACT

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

Mr. HINOJOSA. Mr. Speaker, it is with great sadness that I rise to urge my colleagues on both sides of the aisle to pass the American DREAM Act.

This past weekend, I learned of the tragic death of Joaquin Luna, a senior student at Juarez Lincoln High School in Mission, Texas, who took his life because he believed that he would never be able to fulfill his dream of becoming an engineer, earning his citizenship, and leading a full and prosperous life in America.

Brought to the United States as an infant, Joaquin attended our Nation's public schools, played the guitar at his church, and hoped to go to college and achieve the American Dream. I cannot express the sorrow I feel on the loss of such a talented young man. I want to extend my heartfelt condolences to Joaquin's family and friends. I cannot imagine the pain they are suffering. It is heartbreaking to know that many of us in the U.S. House of Representatives passed the DREAM Act at this time last year, only to see the legislation held up in the Senate by a vote of 55–41.

Today, as Joaquin Luna's body is laid to rest, I believe it is imperative to underscore the urgency of passing the DREAM Act in the 112th Congress and renewing hope for DREAM students. As a proud cosponsor of H.R. 1842, the Development, Relief, and Education for Alien Minors Act of 2011, better known as the DREAM Act, I urge President Obama and my colleagues in the House and the Senate to put their ideological differences aside and do what is right. Now more than ever, we must give these young people an opportunity to pursue their college and career goals, resolve their immigration status, and earn their citizenship.

□ 1040

The DREAM Act would allow these students the opportunity to earn legal status if they were 15 years old or younger when they were brought to America, are long-term U.S. residents and have lived in the United States for

at least 5 years before the enactment of the law, have good moral character, graduate from high school or obtain a GED, and complete 2 years of college or military service in good standing.

Having been brought by their parents to the United States as children, these young men and women know America as their home. Without question, DREAM students exemplify the best of American ideals, such as hard work, perseverance, and the desire to contribute to our Nation's workforce, economy, and civic life.

In the Rio Grande Valley of south Texas, DREAM students have excelled in school and have become valedictorians, Advanced Placement Scholars, and student leaders, despite facing difficult circumstances.

As ranking member for the Subcommittee on Higher Education and Workforce Training, I have no doubt that the DREAM students can help America achieve President Obama's ambitious high school and college completion goals by the year 2020. Many of these students are working tirelessly to earn their high school and college diplomas and aspire to become professionals in the sectors of our workforce which need their talent, skills, and ingenuity.

In the areas of science, technology, engineering, and mathematics, better known as STEM, our country must train a new generation of high-skilled scientists, engineers, and mathematicians to bolster scientific discovery and spur technological innovation. Simply stated, these talented youth can help our Nation increase its global competitiveness and be the innovators of tomorrow.

Finally, it's important to note that the DREAM Act has enjoyed broad, bipartisan support from Members of Congress and Administration officials on both sides of the aisle. They include Secretary of Education Arne Duncan, former Secretary of Defense Robert Gates, Former Secretary of State Colin Powell, and Carlos Gutierrez, former Secretary of Commerce under President Bush.

Chancellors and university presidents and thousands of students, civil rights groups, and prominent education, business, religious leaders, and elected officials support the DREAM Act because it is humane and sensible. It's the right thing to do.

THE PLUNDER OF COLFAX

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

Mr. MCCLINTOCK. In the Sierra foothills in northeastern California lies the little town of Colfax, a population of 1,800, with a median household income of about $35,000. Over the last several years, this little town has been utterly plundered by regulatory and litigatory excesses that have pushed this little town to the edge of bankruptcy and ravaged families already struggling to make ends meet.

You see, Colfax operates a small wastewater treatment plant for its residents that discharges into the Smuthers Ravine. Because it does so, it operates within the provisions of the Clean Water Act, a measure adopted in 1972 and rooted in legitimate concerns to protect our vital water resources. The problem is that predatory environmental law firms have now discovered how to take unconscionable advantage of that law to reap windfall profits at the expense of working-class families like the townspeople of Colfax.

In the case of Colfax, an environmental law firm demanded every document pertaining to the water treatment plant from the date of its inception. It then pored over those documents looking for any possible violations, including mere paperwork errors. By law, those documents include self-monitoring reports by the water agency itself, and any violation, no matter how minor, establishes a cause of action for which the law provides no affirmative defense, even if the violation is due to factors completely beyond the local community's control, including acts of God and acts by unrelated and uncontrollable third parties. Prove one such violation—and remember, the law allows for no affirmative defense—and you've just guaranteed the attorneys all of their fees, which in this case were billed at $550 per hour.

As a result of this predatory activity, the town of Colfax is facing legal fees alone that exceed the town's entire annual budget. Families that are struggling to keep afloat just above the poverty level are fleeced by attorneys charging $550 an hour. But that's just part of the problem.

The law requires constant upgrading of facilities to meet ever-changing state-of-the-art regulations that have nothing to do with health and safety and with absolutely no concern for the prohibitive costs involved. In fact, Colfax is now required to discharge water certifiably cleaner than the natural stream water into which it is discharged. In Colfax's case, this required a $15 million expenditure, divided among 800 working-class residents, who are now paying $2,500 per year just for their water connections. And once the town has met the standard, there's no guarantee that in 5 years it won't be told, Sorry, the rules have changed and you'll need to start over.

Mr. Speaker, it's time to restore some form of rationality back to this law and to stop the plunder of small towns like Colfax. And Colfax isn't alone. Any community that operates a wastewater treatment plant is in the same jeopardy.

No one disputes that we need to maintain and enforce sensible and cost-effective protections of our precious water resources; but legitimate environmental protections must no longer be used as an excuse for regulatory extremism and litigatory plundering of our local communities.

Today, I'm introducing legislation to offer six reforms to protect other communities from going through the same nightmare as the people of Colfax:

First, to limit private-party lawsuits to issues of significant noncompliance rather than harmless paperwork errors;

Second, to shield local agencies from liability for acts that are beyond their control;

Third, to give local agencies 60 days to cure a violation before legal action can be initiated;

Fourth, to allow communities to amortize the cost of new facilities over a period of 15 years before new requirements can be heaped on them;

Fifth, to require a cost-benefit analysis before new regulations can be imposed;

Sixth, to limit attorney fees to the prevailing fees of the community.

Like many movements, the impetus for stronger environmental protection of our air and water was firmly rooted in legitimate concerns to protect these vital resources; but like so many movements, as it succeeded in its legitimate ends, it also attracted a self-interested constituency that has driven far past the borders of common sense and into the realms of political extremism and outright plunder. I'm hopeful that we're now entering an era when common sense can be restored to environmental law in this session of the Congress.

PILOT FATIGUE RULE

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

Mr. HIGGINS. In February 2009, tragedy struck western New York when Continental Connection Flight 3407 crashed outside of Buffalo. The National Transportation Safety Board found that one of the principal causes of the crash was pilot fatigue, so Congress passed landmark aviation legislation to reform the system.

One of the key provisions required that the Federal Aviation Administration update flight and duty time rules and set minimum rest requirements for airline pilots by August 1, 2011. Congressional intent was clear. That should have been enough time. After all, the National Transportation Safety Board had urged that pilot fatigue rules be updated for the past 20 years.

Getting it right is also about getting it done. Yet here we are today, 16 months after Congress asked the Federal Aviation Administration to issue these reforms and 4 months past the deadline we gave them, and still no pilot fatigue rule.

□ 1050

That is unacceptable to me, that is unacceptable to my colleagues from western New York, and it is unacceptable to the flying public.

I urge the Federal Aviation Administration to complete the pilot fatigue rule immediately.

KEYSTONE XL PIPELINE SAFETY

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

Mr. OLSON. Mr. Speaker, at a time when our Nation's economy is struggling to recover from our deepest recession in which millions of Americans are looking for work, no one would believe that we would forgo an opportunity to reduce our reliance on Middle Eastern oil and create thousands of American jobs.

Incredibly, that's exactly what happened after the White House announced they would delay decision on approval of the Keystone XL pipeline until 2013, after the elections of November 2012. At a time when our President faced a difficult choice between opposing powers within his base—labor unions and radical environmentalists—he chose to punt rather than lead.

Labor unions support construction of the Keystone XL pipeline because they understand this project has been deemed safe and will create 20,000 direct American jobs and thousands more indirect jobs across our Nation as the pipeline is built. But radical environmentalists and Hollywood activists vehemently oppose the project. In fact, they surrounded the White House in protest of the Keystone XL pipeline, claiming that the project is not environmentally safe. While these protesters made catchy headlines, their claims about the Keystone XL pipeline simply aren't true.

The Keystone XL project has been studied extensively for over 3 years, when TransCanada originally filed an application for a Presidential permit with the Department of State. The Presidential permit review process was conducted by the State Department, the Environmental Protection Agency, and many other agencies within the Federal Government. After 3 years of comprehensive review and several changes to the project to accommodate environmental concerns, the final report to the White House incorporated 57 project-specific special conditions for the design, construction and operation of the Keystone XL pipeline. In simple terms, the Keystone XL pipeline was designed to be the safest pipeline the world has ever known.

Here's the truth why the Keystone XL pipeline promises to be the safest pipeline ever. As proposed, the Keystone XL pipeline will be monitored 24 hours a day, 7 days a week, 365 days a year with the most advanced technologies. It will be buried at a deeper depth than similar pipelines to minimize risk. It will utilize multiple leak detection methods and failsafe shutoff systems, as well as having an emergency response program in place ready to respond if needed.

Critics of the project further claim that the crude transported by the Keystone XL pipeline is highly corrosive ''toxic sludge.'' This is a claim that can only come out of Hollywood, with no facts to support it. Independent analysis and sound science have determined these oils are not corrosive to steel. Canadian oil is already shipped safely across the United States via other Canadian pipelines. Good old-fashioned common sense tells us that no company would try to destroy its own interest by spending billions to construct a pipeline system that is going to be eaten up by the very products it transports.

I'll wrap up my comments with the facts about the Keystone XL pipeline. This project has been exhaustively studied and revised to ensure its safety. Three years of grueling review and detailed analysis by multiple Federal Government agencies have concluded that construction and use of the Keystone pipeline is safe. In August, our Department of State recommended that President Obama approve the Keystone XL pipeline.

Our economy is still teetering on recession. It needs to be strengthened; and we need a safe, reliable supply of energy to grow it. Canada can provide it. They want to provide it, thereby reducing our reliance on Middle Eastern oil and strengthening our national security because we have energy security as a result.

Thousands of new jobs will be created to build this pipeline. Mr. Speaker, I urge the President to approve the Keystone XL pipeline now.

EXTENDING UNEMPLOYMENT COMPENSATION

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

Mr. RANGEL. My colleagues, I once again rise asking that we immediately consider extending the Federal Unemployment Compensation Act.

It seems as though I walked into this movie before, last year, and we were begging once again that we throw away the labels of being Democrat or Republican and reach out to make an appeal as to what makes this country different from other countries.

This is the only country in the world that no one wants to leave and everyone wants to come in. And it's not because of the differences we have with the rich and the poor. It's that always in this country we extended hope. We allowed people to believe that they were never really truly alone. And then we find a circumstance that Americans, hardworking Americans are trying to fulfill that American Dream—once again not to become a Wall Street broker, and certainly not to be living a life of poverty, but to join that middle class that has been the engine for hope and economic advancement for our country. And we find this situation now that, through no fault of their own, these dreams have been shattered. People have not only lost their jobs, but they've lost their self-esteem, they've lost their savings, they have not been able to send their kids to college.

And so what is it that we can do since it's abundantly clear that in this Congress there is a gridlock? And we don't want you to lose hope because there's things that Americans can do. It's not just waiting for this Congress to act, because you hold in your hands the power to control this Congress. And we should not have to wait until next year in order to say that you can express yourself at the polls. No indeed.

Every Member of Congress—435 of us here—are anxiously waiting for your call, and I hope that call would be a call of compassion. It should be a call from our ministers, from our Catholics and Protestants and Jews and synagogues and Mormons and Muslims saying that in America we should not have the vulnerable carrying the pain of mistakes that have been made. We should be hearing from our civic leaders and our voters and calling Republicans, Democrats, and Independents saying we did not send you to Washington to display just what a good Republican you are or what a good Democrat you are.

We should talk about this sign up here, ''In God We Trust.'' Doesn't that mean something about taking care of the vulnerable, the unemployed, those without homes, without jobs and without hope? Doesn't it mean that we have a tradition as Members of Congress? And doesn't it mean that our voters have a responsibility not to just say how bad we are, but to say how good they are for making certain that they're monitoring our conduct, not through a poll, but through our action.

The question is, How did your Congressman vote on extending unemployment compensation?

□ 1100

Rather than wait for the good or bad news, call now. Call today. Call every day this week.

They'll never have a Thanksgiving or a Christmas that they used to have, but they can't give up hope. They can't give in and they can't give up.

So I am saying for America, you don't have to go and protest, even though I appreciate the fact that these courageous men and women are doing it. You don't have to walk those civil rights marches. But you can at least get in touch with your Member of Congress, remind him or her of their constitutional responsibility, and remind them of their moral responsibility to the vulnerable among us, the sick, the aged, the unemployed, those that played by the rules, and we know have nothing to do with the situation they find themselves in economically.

We can make a change, but it's going to take the American people to come together and say they're mad as hell and they're not going to take it anymore.

So let's make an appeal that America takes the Congress back. Direct not ourselves to do things in order to get reelected but direct we do things because it's the right thing to do.

HONORING THE LIFE OF LANCE CORPORAL SCOTT HARPER

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

Mr. WESTMORELAND. Mr. Speaker, I could not think of a more appropriate person to be in the Chair this morning than yourself, to me and to others, an American hero because, Mr. Speaker, today I come to the floor with a sadness but yet with a great sense of pride to honor the service of one of Georgia's own, Lance Corporal Scott Harper.

On October 13, in Helmand Province, Afghanistan, he gave the ultimate sacrifice in support of Operation Enduring Freedom and the protection of his homeland and his family and his friends.

Mr. Speaker, he will be greatly missed by all. Lance Corporal Harper was better known to his close friends not as Scott but as Boots. While a student at Alexander High School, he once forgot his tennis shoes for gym class and kept his boots on instead. And on that day, Mr. Speaker, he learned the lasting nickname of Boots. But he also showed how he was prepared to adapt to all scenarios.

When a Marine recruiter showed up at his high school senior year, Boots answered the call and chose a life of service in the United States Marine Corps with a courage and motivation that most young men his age have not yet found in life.

After graduating high school, he went into active duty in the Marine Corps. Boots served one term in Afghanistan and returned safely home. He left on the second tour July 13, with the First Battalion, Sixth Marine Regiment, Second Marine Division.

On October 13, his division was struck by small arms fire while conducting combat operations. A fellow Marine was shot first, and Boots ran into opposing gunfire to save his friend. Though Boots lost his life, he saved the life of his wounded friend in the process. Boots was always loyal as a friend, and there is no more honor that one can give than to lay down his life for another.

Boots was devoted to his family and his community. Even when he only had a few days off, he would make time, that precious time, to come home and visit his family and friends. Though communication was difficult, Boots was always writing his family and called home as much as possible. The Saturday before he was killed, Boots called his father to say that he had decided to enroll at the University of Georgia when he returned home.

Upon coming home for this final time, he arrived at Charlie Brown Airfield. Crowds from the community lined the streets to escort Boots to his final home, to his family and to his friends for the last time. Boots was accompanied by a Marine Corps Honor Guard, the Patriot Guard, the Douglasville Police Department, and the Douglas County Sheriff's Department, among many others.

Norfolk-Southern even stopped its railroad cars in honor of the procession. As they passed everyone stood and saluted to honor the fallen Marine and hometown hero.

Boots embodied the ideals that the Marines strive to achieve. I am both honored and proud that this soldier from the Third District fought so hard for our country and for our freedom. Boots was a model citizen, soldier, and son. He was an extraordinary young man with incredible potential before him, and he will be forever missed.

I am proud to stand here and thank him for sacrificing his life for strangers like me and my family. And Joan and I extend our sympathy to the family of this fallen hero for raising such a brave, courageous, honorable, giving son.

And Boots, we, as a Nation, salute you today. Semper Fi.

LIFE WITHOUT HOPE

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

Mr. CLEAVER. Mr. Speaker, first, let me associate my comments with those of my colleague Mr. WESTMORELAND.

Mr. Speaker, on each Wednesday night for probably the last 10 or 12 years, our church has provided food for those who are struggling. Not long ago a gentleman came to our church, picked up food. And then later that night, as I was leaving the church, I ran into him at a 7-Eleven. You can imagine how troubled I was when I saw him buying a lottery ticket. I thought to myself, this guy has just ripped off the church and then is using his money for a lottery ticket.

So I waited for him outside the 7-Eleven. And when he came out, I said to him, Look, I'm a little concerned because you picked up a sack of groceries, and then you just spent money on a lottery, and those two just don't match.

And he said, Well, I probably shouldn't have spent the money on the lottery, but you know, Reverend, a man's got to have some hope.

And while I think that hope is misplaced, the truth of the matter is he was absolutely correct. It is virtually impossible to live any kind of productive life on this planet without hope.

There are millions of Americans who, unfortunately, cannot place their hope in this body. I think that I can state without fear of contradiction that the dysfunctionality of the United States Congress is helping to erase hope from the men and women in this country who are struggling. All of the back and forth and blaming each other has nothing to do with providing hope. And quite often, we allow ideology to trump logic.

We decide almost every day that no matter what, I'm going to take the position of the Republicans or I'm going to take the position of the Democrats, and, as a result, we have polluted the public.

This is one of the nastiest moments in U.S. history. Just look at television. Look at all of the so-called reality shows. The ones that are most popular are ones where people are doing things to each other or insulting each other; you're fired, or you've got to eat live spiders. That's what we are coming to.

A perfect example of what we're doing is not addressing the expiring unemployment benefits. At the end of this year, almost 2 million Americans—they have names, they have faces, they have families—2 million Americans will lose their unemployment benefits by mid-February.

□ 1110

A total of over 6 million Americans will lose benefits next year unless this body decides to become functional. In Missouri, my home State, 40,400 citizens depend on unemployment benefits. Many more are unemployed and not receiving any help at all. In Missouri, the unemployment rate is almost 9 percent.

I grew up in public housing. Yes, public housing. My father worked three jobs to get us out, worked three jobs to send me and my three sisters through college. And my mother started college when I was in the 8th grade. So I always resent any implication that people don't want to work.

So as we move into a holiday season, a season of hope, my hope is that the Congress of the United States will not snatch hope from over 2 million Americans.

EUROPE BAILOUT

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

Mr. BURTON. Mr. Speaker, no nation, no economy can survive without fiscal discipline. Printing more money is never the answer. Bailout funds have already been granted to Greece, Ireland, and Portugal; and the European crisis has gotten worse, not better.

And here in the United States, the Obama administration has cranked up the printing presses first through their $800 billion stimulus boondoggle and then through the Federal Reserve's Quantitative Easing Program. And what did it produce? Nine percent unemployment and a $1 trillion-plus budget deficit for the last 3 years, and we have $15 trillion in debt.

I want to read from a couple of articles that were in the paper yesterday.

The first one from The Wall Street Journal, and it's entitled ''Blame It on Berlin.'' It says: ''Berlin's alleged sin is its reluctance to write a blank check to save the euro—either by underwriting a new euro zone fiscal union, or by granting permission for the European Central Bank to buy trillions of dollars in sovereign debt.'' And they'd have to print money to do that.

''The chant comes in unison from the debtor nations themselves, the bailout caucus in Brussels. An Obama White House concerned with its re-election and liberal pundits worried about their welfare-state economic model is under assault. Like the 'rich' American who must pay their 'fair share,' the Germans are supposed to pay up to save a united Europe.

''The reality is that the Germans, along with the Dutch and the Finns, are the rare Europeans who understand that saving the euro requires more than a blank check. It requires a new political commitment to better economic policy to fiscal discipline.''

Now let me read from another article that was in the paper. I think it was this morning in this Washington Post. I will read it in part. It says: ''Investors have grown wary of lending money to European banks.'' People who invest, they don't want to invest in European banks because they're worried that their firms could lose vast amounts of money in their holdings of bonds issued by cash or European governments. So investors don't want to invest, and Germany does not want to invest.''

So what happened? ''The world's most powerful central banks, including the United States,'' our Fed, ''are stepping in and using unlimited ability to print money and to lend it across national borders to try to arrest that dangerous cycle. The central banks are using what are called 'swap lines' to exchange their respective currencies.''

And then it goes on in the article and says: ''The swap lines pose little risk to the U.S. taxpayers. Fed officials have said, because''—it says little risk, they didn't say no risk, little risk—''the swap lines pose little risk to the U.S. taxpayers'' Federal officials have said because ''the Fed is doing business with foreign central banks viewed as trustworthy. Those foreign central banks, in turn, take the risk of loss if the banks they're lending to go under.'' But it goes right up the line. If they can't make it, then they go back to the original lender, which would be the United States Fed.

Why are the Germans so reluctant to invest? Because they've been through hyperinflation. They know what it's like to have the EU Central Bank printing money because they remember under the Weimar Republic after World War I people took baskets of money to go buy a loaf of bread. And why are the investors reluctant? Because they don't want to lose their money. They're afraid that they'll lose their investors' money and they might go out of business.

So what happens? The United States comes to the rescue by bailing out the central banks in Europe by saying that we're going to have a swap line with you and our currency will guarantee your currency, and we'll charge you almost no interest to do that. This is an exercise in futility. That is not the answer.

We should not risk the American taxpayer by giving money or lending money to Europe under these circumstances. It's crazy, in my opinion.

Mr. Speaker, I hope that the President and the Fed will reconsider this and not put us into the basket with the Europeans under these circumstances right now. It makes absolutely no sense, and it risks the American taxpayer.

UNEMPLOYMENT IN AMERICA

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

Mr. JOHNSON of Georgia. At a time when Americans are not really deeply concerned about investors in European markets and what will happen to them upon Greece or Italy or somewhere like that going belly-up, most Americans are fixated on one problem, ladies and gentlemen. It's a very personal problem. That problem is unemployment right here in America.

Now, while we are pondering the difficulties that investors may face because of efforts to prop up central banks in Europe, people are hurting out here. People, including wives or husbands of unemployed spouses, are suffering. They're suffering as we close in on the holiday season when they see so many out doing for their families and they themselves, having been unemployed, most of whom have been unemployed for at least 6 months, many for 2 years, they're looking and they're feeling this holiday spirit but in a bad way. They're regretful of the fact that they're not able to fully participate in this part of the American Dream doing for others, buying Christmas gifts.

In fact, people are worried about whether or not their unemployment insurance will be there for them after the beginning of the year. They realize that they're closing in on the cut-off date for expiration of the long-term unemployment benefits. And they're worried about that, not about investors and how they might fare in terms of European countries not being fiscally solvent, allegedly.

So, Mr. Speaker, every day it seems like I read another report from economists telling us how important it is to extend unemployment benefits to help our fragile economy recover. And there's no doubt about helping millions of unemployed Americans during the worst downturn since the Great Depression, which was caused by the very investment bankers that have been discussed today that might be hurt because of European shenanigans. It's mind-boggling.

They are the ones that actually kicked this cesspool that we're in off. And then they got bailed out, but they're not willing to allow the very Tea Party, Grover Norquist Republican parties who they control, they're not willing to let them extend unemployment insurance benefits for the long-term unemployed unless there's a penalty involved.

□ 1120

They can't bring themselves to fund it. They don't want to do it.

As the holidays near, economics should take a backseat to our basic humanity. What about our commitment to each other? We're all in this together; but unfortunately, the 47 percent of millionaires who populate the House of Representatives don't have that same concept of knowing what it is to hurt when you've been unemployed for such a long time and when money is not coming in. They don't relate to that. We've got nearly 14 million unemployed workers, and about five workers are applying for each job that is available. So, for Congress to think about going home to celebrate the holidays with their families and leaving these people out with no hope is, indeed, a great tragedy.

TRIBUTE TO MRS. MAGGIE DALEY, FIRST LADY OF THE CITY OF CHICAGO

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

Mr. DAVIS of Illinois. On Monday, November 28, 2011, the City of Chicago laid to rest the wife of Chicago's longest serving mayor, Mayor Richard M. Daley.

While Maggie Daley was known as the mayor's wife, she was, indeed, a well-known, well-liked and revered personality in her own right. Maggie Daley played the role of matriarch. She was warm, graceful, elegant, eloquent, and easy to like. She was a patron of the arts and was fully steeped in the cultural affairs of our city.

While Mrs. Daley has received accolades for many of her activities, the one which strikes me the most is her involvement in a program called After School Matters. I think that anyone who knows anything about education and youth development knows that, yes, after school does, indeed, matter. When discussing this program, you could see Maggie Daley's eyes light up, and you could feel her passion. She seemed to know everything there was to know about the program. She knew program sites, personnel, special features and activities, benefits and successes. After a session of listening to Mrs. Daley explain and advocate for this program, I would often smile and say to myself, How could anyone not be in support of this great program?

So I say thanks to a great lady—a lady of grace, a lady of dignity, a lady of passion, a lady of faith, and a lady of action.

My family and I and residents of the Seventh Congressional District of Illinois express condolences to Mayor Richard M. Daley and to all of Maggie Daley's family. She was a great first lady of our city and performed her role to perfection. After school does matter. It mattered to Mrs. Maggie Daley, and it matters to all of America.

EXTENDING UNEMPLOYMENT INSURANCE

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

Ms. SEWELL. Mr. Speaker, today I rise in support of workers, families, and middle class Americans across the Seventh Congressional District of Alabama and across this entire Nation who have lost their jobs as a result of the deepest economic recession since the Great Depression.

In my district of the Seventh Congressional District of Alabama and across this Nation, the number one issue is job creation. While some progress has been made in turning our economy around, there is still so much work to be done in order to encourage job creation. Recent reports indicate that the Nation's private employers created approximately 200,000 new jobs during November. While this number shows that our economy is slowly recovering and growing, we cannot forget about the millions of Americans who have been diligently searching for work but who have not been successful in doing so.

Congress must extend unemployment benefits for the hardworking Americans who have lost their jobs due to no fault of their own—rather, due to the economic downturn. These workers should also be given the necessary assistance to provide for their families during this difficult time. Nearly one-third of America's 14 million unemployed have had no jobs for a year or more. In fact, long-term unemployment data suggests that about 2 million people have used up the 99 weeks of unemployment benefits, but they still cannot find work.

Congress has never allowed emergency unemployment programs to expire when the unemployment rate has exceeded 7.2 percent. With our Nation's unemployment rate hovering around 9 percent, now is not the time to allow these essential benefits to expire.

In my home State of Alabama, unemployment and poverty rates have both increased dramatically in the wake of the most recent recession. In parts of the district that I represent, unemployment rates are as high as 19 percent. These persistently high unemployment numbers demonstrate the need for Federal unemployment assistance, and it remains a critical lifeline to many of the constituents I represent.

The Census Bureau states that unemployment benefits kept nearly 3.2 million Americans, including 900,000 children, from slipping into poverty last year. Without action, more than 2 million Americans will be cut off from unemployment insurance by mid-February of next year. The potential effects of this lapse in benefits would devastate millions of Americans and millions of households across this Nation.

We all understand that extending these unemployment insurance benefits is a temporary fix to a much larger problem. As Members of Congress, we must move quickly to adopt a comprehensive jobs plan that will aid businesses and communities in developing and growing. We must draft legislation that will promote an entrepreneurial climate and support American businesses globally. Now is the time that we must act. The American people want a comprehensive jobs plan. Until then, we have to extend unemployment benefits to help those millions of Americans who are desperately looking for work and can't find it.

I urge my colleagues to put partisanship aside. Party politics has no place when we're talking about the betterment and advancement of our Nation. Unemployed Americans, struggling families and communities across this Nation cannot wait. We must act now.

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 28 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 Dr. Cathy C. Jones, Parkwood Institutional CME Church, Charlotte, North Carolina, offered the following prayer:

Almighty God our Father, because of who You are and the glory that is revealed in Your only begotten Son, Jesus Christ, we praise Your Holy Name.

Lord, Your Word declares ''if any man lack wisdom, let him ask of God that giveth to all men liberally and upbraideth not; and it shall be given him.''

We ask for Your unmerited favor upon the lives of every elected Member of the House of Representatives to provide the wisdom, knowledge, understanding, and courage that will allow their hearts to be filled with the principles of justice, loyalty, compassion, humility, and love so that we can continue to be united as one Nation under God.

In the name of Him who is able to keep us from falling and present us faultless before the presence of His glory with exceeding joy.

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 New Jersey (Mr. PASCRELL) come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND DR. CATHY C. JONES

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. WATT) is recognized for 1 minute.

There was no objection.

Mr. WATT. Mr. Speaker, I'm pleased to welcome Reverend Dr. Cathy C. Jones as the guest chaplain today for the United States House of Representatives. Since July, 2009, Dr. Jones has served as pastor of Parkwood Institutional CME Church, which is located in my congressional district in Charlotte, North Carolina.

Reverend Dr. Jones is a native of Chatham County, North Carolina. She received her associates, bachelor's, and master's degrees from Justice Fellowship International Bible College in Raleigh, North Carolina. In May of 2010, she received her doctorate in Biblical Studies from Justice Fellowship Bible College in Jacksonville, North Carolina.

Dr. Jones has been a pastor and served on different committees at the local and district levels during her time with the CME Church. She's married to Theodore Jones and has been blessed with 7 children, 19 grandchildren, and 3 great grandchildren.

On behalf of my constituents in the 12th Congressional District and my colleagues here in the House, I thank her for her service to her community and for her prayer this morning.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. WESTMORELAND) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 1, 2011.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 1, 2011 at 9:51 a.m.:

That the Senate agreed to House amendment to Senate amendment H.R. 394.

Appointments:

National Commission for Review of Research and Development Programs of the United States Intelligence Community.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

CARTEL INTRUSION INTO AMERICA

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

Mr. POE of Texas. Mr. Speaker, according to The Washington Times, last December, five Mexican nationals armed with at least two AK–47 rifles were infiltrating the rugged desert—the American desert, that is. That's right, Mr. Speaker. Cartel soldiers were reportedly on our side of the border in Arizona ''patrolling in single-file formation'' with the goal of ''intentionally and forcibly assaulting'' Border Patrol agents.

They spotted and opened fire on four U.S. Border Patrol agents. Agent Brian Terry was murdered. Two cartel assault weapons found at the seen were connected to Operation Fast and Furious. Mr. Speaker, you recall that's the operation where our government facilitated smuggling weapons to Mexican drug cartels—the enemies of Mexico and the United States.

Military-type intrusions by the cartels will only increase. We need to defend our sovereignty and protect our Border Patrol and first responders. It's time to send military equipment coming back from Iraq to secure the southern border from the cartel soldiers. This veteran equipment includes Humvees, night-vision equipment, and more UAVs. Incidents like this will only continue to occur until Washington elites realize what happens in Mexico doesn't stay in Mexico.

And that's just the way it is.

PAYROLL TAX CUT AND UNEMPLOYMENT BENEFITS EXTENSION

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

Mr. SIRES. Mr. Speaker, with our economy struggling and unemployment remaining unacceptably high, now is not the time to take more money out of the pockets of hardworking Americans.

The majority is opposing an extension of the payroll tax holiday, enacted earlier this year, that gave virtually all working Americans a much-needed tax cut. The payroll tax holiday cut the Social Security payroll taxes of over 160 million workers. Economic uncertainty both here in the U.S. and abroad makes this a dangerous time to eliminate an important tax cut that is saving American families an average of $1,000 a year. Failing to extend the payroll tax holiday will raise taxes on millions of Americans, taking over $120 billion out of the pockets of consumers and out of the economy. In addition, failing to extend the unemployment insurance to those who have lost their jobs will take an additional $30 billion out of the economy and rob over a million unemployed Americans of much-needed income and assistance.

Now is not the time to end these important tax cuts, and it is certainly not the time to pull the plug on the unemployed in our economy. I encourage my colleagues to pass both of these provisions as swiftly as possible.

□ 1210

CROHN'S AND COLITIS AWARENESS WEEK

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

Mr. CRENSHAW. Mr. Speaker, today is the first day of Crohn's and Colitis Awareness Week. Crohn's disease and ulcerative colitis are diseases that collectively are known as inflammatory bowel disease. They are painful; they are incurable; they attack the digestive system; and they affect about one out of every 200 people in our country.

A few weeks ago, Congressman JACKSON and I formed the Crohn's and Colitis Caucus to raise awareness in the Congress and to fight for additional Federal support, and Crohn's and Colitis Awareness Week is part of that effort. Today we will file a House Resolution which will support this awareness week. And hopefully, as we work with the Crohn's and Colitis Foundation of America, all Americans will use this week, this time to join in this fight to raise awareness to increase research and to find a cure for this debilitating disease.

CROHN'S AND COLITIS AWARENESS WEEK

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

Mr. JACKSON of Illinois. Mr. Speaker, I rise in support of a resolution my friend Congressman CRENSHAW and I introduced today supporting the goals and ideals of Crohn's and Colitis Awareness Week, which begins today and runs through December 7, 2011.

This resolution, which is identical to the Senate version adopted earlier this month, declares congressional support for Awareness Week, recognizes the patients living with Crohn's disease and ulcerative colitis, and commends the dedication of health care professionals and biomedical researchers who care for these patients.

Crohn's disease and ulcerative colitis are chronic disorders of the gastrointestinal tract. Affecting an estimated 1.4 million Americans, including 140,000 children under the age of 18, IBD remains the most prominent factor in morbidity caused by digestive illness.

Again, thank you to my caucus cochair for working with me on this important resolution, my colleagues who have joined as cosponsors, as well as the Crohn's and colitis patients and their families, medical providers, and researchers for their advocacy.

I urge my colleagues to cosponsor this resolution and join the bipartisan Congressional Crohn's and Colitis Caucus, which advocates for enhanced patient care, treatment, and finding a cure for these debilitating diseases that impact both patients and their families.

OBAMA NEEDS TO FOCUS ON JOB CREATION

(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, for the past 2½ years, our Nation's unemployment rate has risen over 8 percent. The President continually develops policies that discourage and prohibit small businesses from creating jobs.

Just last month, the administration announced the delay of the Keystone XL pipeline, a project estimated to create over 300,000 jobs without costing taxpayers a dime. I was fortunate enough to visit Alberta, Canada in October and witnessed firsthand the Canadian oil sands and the positive impact that exploration has for new American jobs.

At the end of this legislative week, House Republicans will have passed 25 job-creation bills. Sadly, they are stalled in the Senate. With a growing debt of over $15 trillion, it is absolutely necessary for Congress and the President to work together to promote job creation and ways to remove barriers to allow for small businesses to create jobs.

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

RECOGNIZING POP WARNER LITTLE SCHOLARS

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

Mr. MCINTYRE. Mr. Speaker, I rise today to recognize the Pop Warner Little Scholars program, our Nation's oldest and largest youth football, cheer and dance organization.

Currently, more than 400,000 children participate in Pop Warner organizations that span 43 States, Scotland, Germany, Russia, Japan, and Mexico. The NFL Players Association estimates that Pop Warner has been the career starting point for 70 percent of its current athletes.

It has a long history of promoting structured athletics and instilling the

qualities of sportsmanship, hard work, and leadership in young athletes. It's the only national youth sports organization to require academic proficiency, and it annually awards more than $110,000 in scholarships. It's also a leader in making youth sports safe, including its work on concussion-related injuries and a medical advisory board to remain proactive on player health and safety.

This Saturday, December 3, Pop Warner will kick off its Super Bowl and National Cheer and Dance Championship at ESPN's Wide World of Sports complex in Orlando. This week-long competition will feature participation from more than 12,000 athletes and will be broadcasted on ESPN3.

I want to extend our congratulations, Mr. Speaker, on behalf of the U.S. Congress, to this excellent, well-recognized, and well-organized program for young people here in America on behalf of the Congressional Caucus on Youth Sports.

STOP EXCESSIVE REGULATION NOW

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

Mr. JOHNSON of Ohio. Mr. Speaker, one thing is certain: Excessive government regulations are hurting America's economy and strangling job creation.

Just this year, new regulations cost our economy almost $100 billion, and this is just the cost of new regulations this year. The Small Business Administration estimates that regulations cost our economy approximately $1.75 trillion annually. This is unacceptable.

With over 14 million Americans out of work, we can't afford these excessive government regulations. But instead of creating jobs, President Obama would rather create more regulations that kill jobs and burden small businesses.

Now, House Republicans have done the exact opposite. As part of the House Republican Plan for America's Job Creators, we're fighting to reduce the regulatory burdens to empower small businesses to create jobs. We've passed over 20 bills that will create much needed jobs right now.

President Obama and Senate Democrats need to work for job creation, not against it, because the people of eastern and southeastern Ohio and all Americans deserve better.

DELAYED PILOT FATIGUE RULE

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

Ms. HOCHUL. Mr. Speaker, despite what you might hear in this body, I believe that there are some regulations that we all can support.

The National Traffic Safety Board concluded that pilot fatigue contributed to the crash of Continental Airlines Flight 3407, which crashed into a house in my district, killing 50 innocent victims nearly 3 years ago. The legislation passed by this body in response to this crash mandated new pilot fatigue guidelines to be implemented by August 1 of this year. That date came and went. Then we were told November 22. Then we were told November 30. Those days have come and gone.

The families of these victims have worked tirelessly for a resolution to make sure a tragedy like this never happens again. The millions of Americans who fly our skies every year are counting on us for regulations to ensure their safety. Let's not let them down.

TEXAS VALLEY COASTAL BEND HEALTH CARE SYSTEM GOLD SEAL

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

Mr. FARENTHOLD. In November, the VA outpatient clinic in Harlingen, Texas, earned the Joint Commission's Gold Seal of Approval. This award recognizes facilities that comply with the Joint Commission's national standards for health care quality and safety in ambulatory care, behavioral health care, and home care.

There is no way we can adequately express our thanks to those who serve this country, but we must welcome them home and make sure they have access to the benefits and services that they have earned.

Our servicemen and -women deserve quality health care. The Texas Valley Coastal Bend Health Care System has earned this distinction because they demonstrate a commitment to meeting the health care needs of all south Texas veterans.

My staff and I are passionate about helping veterans. South Texas is one of the most military and veteran-friendly places in the country, and I will work hard to ensure that the servicemembers and families receive the support that they deserve.

While south Texas is served by great outpatient facilities, we are in desperate need of a full-service VA hospital. I'm the cosponsor of two bills, H.R. 1318 and H.R. 837, that direct the VA to bring full-service, inpatient care facilities to south Texas.

POSTDEPLOYMENT COGNITIVE TESTING

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

Mr. PASCRELL. Mr. Speaker, as cochair of the Congressional Brain Injury Task Force, one of my top priorities is to help our servicemembers with brain injuries. With posttraumatic stress disorder and traumatic brain injury recognized as the signature injuries of the conflicts and wars in Iraq and Afghanistan, you would think the Defense Department would have a good system to catch the injuries. They do not.

Despite our vote, a bipartisan vote in 2008 to have pre- and postdeployment screenings, postdeployment screenings have not been required. Five hundred thousand soldiers with a predeployment cognitive test were given that test before they went to the battle. Coming out, only 3,000 tests were done postdeployment to actually compare results. We have nothing to compare. This is a disgrace and a disservice to our troops.

Both sides have agreed that we want something done. It has not been done in violation of the law. The Pascrell-Platts-Andrews-Cole-Ortiz-Wilson-Coffman amendment passed in the House Defense authorization bill to address this, but it was not included in the final bill. That's what we're trying to do this year.

□ 1220

PASS THESE JOBS BILLS

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

Mr. DESJARLAIS. Mr. Speaker, my constituents are rightfully fed up. President Obama has managed to create an economy where the only things that are growing are power in Washington, debt for our children and grandchildren, a lack of confidence for job creators, and the number of unemployed Americans.

When it comes to creating an environment to help the private sector create jobs, the difference between House Republicans and Senate Democrats is the difference between action and inaction.

This year, under the House Republicans' Plan for America's Job Creators, we have passed more than 25 progrowth job bills. These bipartisan bills are aimed at restoring the freedom and confidence of job creators by breaking down the barriers preventing them from growing and creating badly needed jobs. Yet 21 of these bipartisan House-passed job bills are stuck in the Senate because Senate Majority Leader HARRY REID continues to put politics before jobs.

It's time for the Senate Democrat leadership to join our fight for America and put them back to work. Pass these jobs bills.

PASS THE EXTENSION OF UNEMPLOYMENT BENEFITS

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

Ms. TSONGAS. Mr. Speaker, I have heard from many struggling families in Massachusetts who simply don't know how they will make ends meet if Congress does not pass an extension of unemployment benefits before January 1.

From Lowell: I am a 58-year-old man that has been unemployed for 2 years

and 4 months. Finding a job these days is just about impossible. I am writing to you to beg you to please sign on to the unemployment extension bill.

From Westford: I have been unemployed since January of 2010. I look for a job every waking hour. Cutting unemployment to millions of needy families at this time makes no sense.

From Haverhill: If my unemployment ends, I will be unable to make my mortgage payments. Then my home will go into foreclosure and my neighbors' home values will be depreciated. This is truly a ripple effect. Please don't be penny wise and pound foolish.

I urge my colleagues on both sides of the aisle to work to pass this desperately needed extension.

HELP OUR ECONOMY GROW

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

Mr. YODER. Mr. Speaker, the American people are calling on government to help the economy grow, but apparently Washington still hasn't gotten the message. The onslaught of new government burdens on the economy have become unbearable; yet Federal regulators pile on more and more. So far this week alone, the Federal Register has over 1,799 pages of new rules and regulations facing our Nation's small business owners.

Mr. Speaker, complex and burdensome regulations drive up the cost of doing business and, therefore, drive up unemployment. A great example is the EPA's new Cross State Air Pollution Rule. This rule, to be imposed by January 1, will not only cause rolling brownouts in places like Kansas, but will dramatically drive up the cost of energy production, increasing the costs of doing business and, therefore, putting more people out of work.

Mr. Speaker, if both parties are serious about job creation in this country, then we must put a stop to the constant attacks on those who create jobs.

HONORING THE SERVICE OF DR. MILTON GORDON

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, today I rise to honor the president of California State University at Fullerton, Dr. Milton Gordon, and to recognize his upcoming retirement.

For over two decades, Dr. Gordon's outstanding commitment to higher education has let California State University at Fullerton become one of the largest and one of the most inclusive institutions in our Nation. Because of Dr. Gordon's vision and commitment for greater cultural diversity in higher education, the university currently ranks ninth in the Nation in bachelor's degrees awarded to minority students. And additionally, it ranks number one in California among colleges and universities awarding bachelor's degrees to Hispanics.

Dr. Gordon's caring, articulate, and collegial nature created a sense of pride among the faculty, the staff and students advocating for excellence in all aspects of university life.

It has been an honor for me to work with Dr. Gordon. He has been a mentor; he has been a shining light in Orange County. And I congratulate him on all his awards and distinctions, and I look forward to his next career. We hope to reel him in to continue to work on our community. Thank you, Dr. Gordon.

THE SILENT EPIDEMIC OF FOOD INSECURITY AND HUNGER

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

Mr. BUTTERFIELD. Mr. Speaker, I want to bring attention to a silent epidemic growing in our midst. Right alongside long-term unemployment, the increases in poverty and food prices, homelessness and the steep decline in household incomes is now the shocking rate of food insecurity and hunger.

According to the USDA, there are 46 million Americans surviving on food stamps. While Congress considers reductions to food stamp funding, the USDA predicts that the number of people requiring food assistance will substantially increase.

Last week, in my district in North Carolina, which ranks second in the country for food insecurity, I greeted thousands of people lined up outside of the Wilson OIC and the food bank of the Albemarle food distribution centers to collect bags of food for the Thanksgiving holiday.

Mr. Speaker, to help remedy the challenges to food security, I introduced H.R. 3437, the Eva Clayton Fellows Program Act. This legislation would enable the development of solutions to world hunger and confront food insecurity head on.

Food insecurity is not a partisan issue. I urge my colleagues to join me in this fight.

IN HONOR OF NANCY COOK'S SERVICE TO DELAWARE

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

Mr. CARNEY. Mr. Speaker, I rise today to recognize a remarkable woman and to honor her decades of service to the State of Delaware. Former State Senator Nancy Cook has been a leader in strengthening Delaware agriculture and our economy for the past 40 years.

Senator Cook has been an irrepressible leader since becoming Delaware's first female Democratic senator in 1974. For 36 years, Senator Cook served with distinction on the Senate Agriculture Committee, where she accomplished so much for Delaware farmers. Recently, a legislator remarked that agriculture had no better friend in the Delaware Senate than this lady, and I couldn't agree more.

In 1991 Senator Cook helped create the Aglands Preservation Program, which has preserved over 20 percent of Delaware's farm land. In 1999 she helped establish Delaware's landmark Nutrient Management Program. The program is now a role model for the entire region in the effort to manage animal waste responsibly and protect precious bays and waterways.

I would like to thank the Delaware Farm Bureau for its decision to honor Senator Cook with the Distinguished Service to Agriculture Award, and to join the bureau in celebrating an incredible leader for Delaware.

Congratulations to my good friend, Senator Cook.

STOP STALLING ON THE CONSUMER FINANCIAL PROTECTION BUREAU

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Mr. Speaker, opponents of financial regulatory reform in the Senate continue to prevent the Consumer Financial Protection Bureau from fulfilling its legislative mandate.

The CFPB has been open since July 21, but it's taken 3 months for the Senate Banking Committee to advance President Obama's nominee for the director of the bureau, Richard Cordray, to the full Senate. Now, continuing their strategy of partisan obstructionism, 44 Republican Senators have pledged to oppose any Presidential appointee for the CFPB, until the bureau's mandate is weakened.

Such naked obstructionism is a disservice to American consumers and the American economy, which is in bad need of certainty after a year of artificial crises fomented by the Tea Party-dominated Republican Party.

The American people are sick of a dysfunctional Congress. We need the CFPB at full strength to move our economy forward, protect borrowers and consumers, and promote the interests of Main Street over Wall Street.

I call on the Senate to confirm Richard Cordray as director of the Consumer Financial Protection Bureau now.

□ 1230

REPUBLICAN'S FEAR OF DR. BERWICK

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

Mr. MCDERMOTT. Mr. Speaker, tomorrow's a sad day. Don Berwick, Dr.

Berwick, will step down as Administrator of Medicare. It's a bad day for seniors.

But the Senate Republicans are happy because they believe that getting rid of Don will end the implementation of the Affordable Care Act. When the Senate Republicans blocked a vote on Dr. Berwick, they made it possible only for a recess appointment for 18 months. Why do the Republicans fear Dr. Berwick so much? Hard to say.

His career has been spent improving the quality of health care. He believes that we can have good quality health care at low cost. They're synonymous. He put patients first, believing in evidence-based medicine, and collaborates with others in the public good.

His sin was that he once said a nice word about the British health care system, and therefore he has to go.

Dr. Berwick's a great public servant, and the Republicans demonized him. Republicans have cynically prevented America's seniors from having the benefit of Dr. Berwick's vision and experience, and they ought to be ashamed of themselves.

We will do the Affordable Care Act in spite of the fact that Dr. Berwick is gone.

MIDDLE CLASS PAYROLL TAX CUT

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

Ms. HAHN. Mr. Speaker, yesterday I came down here on the floor, and I asked my colleagues on both sides of the aisle to work with us to move forward on a new middle class payroll tax cut, a tax cut that would put more money in families' pockets, creating more demand for our businesses, and resulting in more jobs.

But time and time again yesterday, even this morning we heard my friends on the other side of the aisle say the only obstacle to creating more jobs is regulations.

Unfortunately, the evidence does not support this. Last Saturday, November 26, was Small Business Saturday. I did my part by shopping all day in small businesses, and I talked to my small businesses, and I asked them what did they need from the Federal Government to help them in their businesses. And they told me, ''We need customers. That's what will help our businesses. We need customers who have a little more money in their pockets this year to spend in our businesses.''

It's not rocket science. And you know what? We don't have much time to wait. The longer we wait, the more likely it is that taxes will go up January 1. Let's work together to pass a new middle class payroll tax cut to put more money in the hands of Americans.

WORLD AIDS DAY

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

Ms. PELOSI. Mr. Speaker, today across the globe, people are marking World AIDS Day. It's an opportunity to reflect upon the progress we've made in the fight against HIV/AIDS, this pandemic, and to rededicate ourselves to ending the disease once and for all.

World AIDS Day is an occasion to remember friends, family members, loved ones, and millions of others lost to the disease. It is a solemn reminder of those still living with HIV/AIDS, whether in the cities of the United States, or the villages of Africa, Asia, or elsewhere. It is a reminder of the need to continue the fight to keep investing in research and medical advances, to stay focused on new treatments, care, prevention, and early intervention—a key element of quality of life; to expand housing opportunities to people with HIV/AIDS and end discrimination.

Yet it's also a reminder of how far we've traveled since the first World AIDS Day in 1988 and the first AIDS diagnosis, which we acknowledged recently on the 30-year anniversary of the first AIDS diagnosis.

In my hometown of San Francisco, we learned early on of the terrible toll of HIV/AIDS, the toll it could take on a community.

But that knowledge, as sad as it was, drove us to action, advocacy, and progress. Because we had suffered so much, we could also become a model for the country and indeed the world with our community-based solutions in regard to prevention, to care, and to research for a cure or vaccine.

This is something I'm very proud of, and really it found its way into legislation: the Ryan White Care Act; housing opportunities for people with HIV/AIDS; increased funding for NIH research; expanded investments in prevention, care, treatment; and an end to the ban on Federal funds for syringe exchange. Something very important if you're going to prevent AIDS.

Beyond our borders, we have extended care to millions in the developing world. Early on in our community, when we would have an AIDS mobilization day, right almost from the start—and Congresswoman WOOLSEY can attest to this—we understood if you're going to meet the challenge of HIV/AIDS at home, you have to have a mobilization that is global because AIDS knew no borders, but it had to be global.

So we would have these vigils of thousands of people walking in a great solemn way to talk about ending AIDS globally almost right from the start, although we were feeling it very personally, very locally in our community. Beyond our borders—that's why we extended care to millions in the developing world. We increased resources for PEPFAR and the Global Fund. And I commend President Bush for his leadership on PEPFAR and the commitment that he made there.

I congratulate President Obama for the statement that he made this morning which increased funding for the Ryan White Care Initiative that supports care provided by HIV medical clinics across the country and also added funding for the drug program initiative for people with HIV/AIDS, and his commitment to a new target of helping 6 million people around the world get treatment by the end of 2013. It's very important.

I commend Secretary Clinton for her strong leadership and her statement about ridding AIDS, especially among children, as soon as possible.

The challenges that we have faced over the years, some have disappeared. When I first came to Congress, I was sworn in in a special election, and they told me you're not allowed to speak. You just raise your hand and say, ''Yes, I support and defend the Constitution.''

But then the Speaker, Speaker Wright, said, ''Would the gentlelady from California wish to address the House?'' I had been told not to address the House, and if I did, to be very, very brief. So I stood up and acknowledged my father, Thomas D'Alesandro, had served as a Member of Congress, so he was on the floor of the Congress, and my family, and I thanked them all and my constituents. My one sentence was, ''I came here to fight against HIV and AIDS.'' And that was about it.

Well, my colleagues who had told me to be brief then said, ''Why would you even mention that?'' This was 24 years ago. ''Why would you even mention that? The first thing that you want to say to the Members of Congress when you get here is you're here to fight HIV/AIDS? Why did you say such a thing?''

I said, ''Well, I said such a thing because that's why I came here.''

But I never would have thought 24 years ago that we would project—really into another generation now—that we would not have a cure for HIV/AIDS. Never would have thought.

But in the meantime, we've reduced discrimination. We've expanded prevention, care, deepened our research, actually mobilized support. Some, like Bono on the outside, using his celebrity to attract attention to the issue. Public policy, whether it's President Bush, President Clinton. And now with this global initiative, and President Obama, we're at a completely different place than we were then when they wouldn't even have an AIDS ribbon in significant places in Washington, D.C. Today we all proudly wear that ribbon.

Again, it's a day of reminder, but it's also a day where we act upon those reminders of the work that needs to be done. And again, it's a global challenge, but it is a very personal issue.

The statistics are staggering, but we think of them one person at a time. And that is what we have to act upon. This Congress has been great on the subject. I hope that we will continue to honor our responsibility.

Again, on AIDS Day in San Francisco today we are celebrating the 20th anniversary of AIDS Memorial Grove.

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This is something that this Congress designated as a national memorial. This is of great significance to our community, for sure—I think very appropriately so—and also for the issue of AIDS. So, when you go West, you have to go to the AIDS memorial and see it as a spirit of renewal—a garden, a grove—always with that fresh, new growth. We have it as a remembrance, too, of those who have been lost and as a comfort to their families.

With that, again, Mr. Speaker, I join others in calling to our colleagues' attention and to those who follow Congress the importance of fighting HIV/AIDS as well as its importance to people, to communities, to our country, and to the world for our good health, for our economy, for the success of individuals.

OUR MAGGIE

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

Mr. QUIGLEY. Mr. Speaker, Maya Angelou wrote: ''If you find it in your heart to care for somebody else, you will have succeeded.''

On Thanksgiving night, Chicago lost a matriarch who, by Ms. Angelou's measure, was a magnificent success. We, sadly, lost Margaret Corbett Daley, or as she was better known, ''our Maggie.''

Maggie Daley embodied the heart of our city and grace under fire even when her own health was failing. Her contribution to the arts and our children, most notably through the After School Matters program, changed countless lives; and it will continue to do so for generations.

When Maggie was laid to rest this week, it wasn't just dignitaries who came to pay respects. Thousands of regular Chicagoans lined up for blocks in the rain to say goodbye. That's because Maggie transcended politics and reminded us that nothing is more important than family and each other.

She is, of course, survived by her best friend and husband, former Mayor Richard M. Daley, as well as by her loving children, grandchildren, and friends.

May she rest in peace and never be forgotten.

WORLD AIDS DAY

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

Ms. JACKSON LEE of Texas. I rise today in commemoration, Mr. Speaker, of World AIDS Day; and I thank our minority leader for her eloquent recounting of how far we have come.

In our best days, we can look to my dear friend Magic Johnson, who has been a living example of the improvements and the courage of those who are living with the HIV infection; but we recognize that, of the 15 million people medically recommended for antiretroviral medication worldwide, only half of them have access to drug treatment.

In the United States, nearly one in five people with HIV, or 240,000 people, don't even know that they are infected. Communities of color and young gay and bisexual men face the most severe burden of HIV in the United States—Magic Johnson, on one hand, and my dying friend on another hand being at the bedside of a person dying with AIDS, who, one, lived with the stigma and didn't have a way out.

Today, I will join others and be tested for the HIV virus, and I encourage others to do so.

I congratulate my constituents, the Harris County Hospital District and the Thomas Street Clinic, for their 12th annual World AIDS Day.

Thank you, Mr. President, for recognizing that 6 million more people need to have access to AIDS prevention drugs.

To those who have lost their lives, may I say to you on this day that your life that was lost should not be in vain. We still look for a cure, and we work for a better Nation and an opportunity to provide resources to those around the world and in the United States who still suffer. It is our challenge. We accept that challenge, and I believe someday we will be victorious.

To those who commemorate this day because they mourn, I commemorate it with you in your mourning. For those who celebrate life, I, likewise, celebrate life.

TERMINATING PRESIDENTIAL ELECTION CAMPAIGN FUND AND ELECTION ASSISTANCE COMMISSION

Mr. HARPER. Mr. Speaker, pursuant to House Resolution 477, I call up 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, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 477, the bill is considered read.

The text of the bill is as follows:

H.R. 3463

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

TITLE I—TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

SECTION 101. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2010.''.

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9014. TERMINATION.

''The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after the date of the enactment of this section, or to any candidate in such an election.''.

(B) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

''(d) TRANSFER OF FUNDS REMAINING AFTER TERMINATION.—The Secretary shall transfer all amounts in the fund after the date of the enactment of this section to the general fund of the Treasury, to be used only for reducing the deficit.''.

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9043. TERMINATION.

''The provisions of this chapter shall not apply to any candidate with respect to any presidential election after the date of the enactment of this section.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9014. Termination.''.

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9043. Termination.''.

TITLE II—TERMINATION OF ELECTION ASSISTANCE COMMISSION

SEC. 201. TERMINATION OF ELECTION ASSISTANCE COMMISSION.

(a) TERMINATION.—The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.) is amended by adding at the end the following new title:

''TITLE X—TERMINATION OF COMMISSION

''Subtitle A—Termination

''SEC. 1001. TERMINATION.

''Effective on the Commission termination date, the Commission (including the Election Assistance Commission Standards Board and the Election Assistance Commission Board of Advisors under part 2 of subtitle A of title II) is terminated and may not carry out any programs or activities.

''SEC. 1002. TRANSFER OF OPERATIONS TO OFFICE OF MANAGEMENT AND BUDGET DURING TRANSITION.

''(a) IN GENERAL.—The Director of the Office of Management and Budget shall, effective upon the Commission termination date—

''(1) perform the functions of the Commission with respect to contracts and agreements described in subsection 1003(a) until the expiration of such contracts and agreements, but shall not renew any such contract or agreement; and

''(2) shall take the necessary steps to wind up the affairs of the Commission.

''(b) EXCEPTION FOR FUNCTIONS TRANSFERRED TO OTHER AGENCIES.—Subsection (a) does not apply with respect to any functions of the Commission that are transferred under subtitle B.

''SEC. 1003. SAVINGS PROVISIONS.

''(a) PRIOR CONTRACTS.—The termination of the Commission under this subtitle shall not affect any contract that has been entered into by the Commission before the Commission termination date. All such contracts shall continue in effect until modified,

superseded, terminated, set aside, or revoked in accordance with law by an authorized Federal official, a court of competent jurisdiction, or operation of law.

''(b) OBLIGATIONS OF RECIPIENTS OF PAYMENTS.—

''(1) IN GENERAL.—The termination of the Commission under this subtitle shall not affect the authority of any recipient of a payment made by the Commission under this Act prior to the Commission termination date to use any portion of the payment that remains unobligated as of the Commission termination date, and the terms and conditions that applied to the use of the payment at the time the payment was made shall continue to apply.

''(2) SPECIAL RULE FOR STATES RECEIVING REQUIREMENTS PAYMENTS.—In the case of a requirements payment made to a State under part 1 of subtitle D of title II, the terms and conditions applicable to the use of the payment for purposes of the State's obligations under this subsection (as well as any obligations in effect prior to the termination of the Commission under this subtitle), and for purposes of any applicable requirements imposed by regulations promulgated by the Director of the Office of Management and Budget, shall be the general terms and conditions applicable under Federal law, rules, and regulations to payments made by the Federal government to a State, except that to the extent that such general terms and conditions are inconsistent with the terms and conditions that are specified under part 1 of subtitle D of title II or section 902, the terms and conditions specified under such part and such section shall apply.

''(c) PENDING PROCEEDINGS.—

''(1) NO EFFECT ON PENDING PROCEEDINGS.—The termination of the Commission under this subtitle shall not affect any proceeding to which the Commission is a party that is pending on such date, including any suit to which the Commission is a party that is commenced prior to such date, and the applicable official shall be substituted or added as a party to the proceeding.

''(2) TREATMENT OF ORDERS.—In the case of a proceeding described in paragraph (1), an order may be issued, an appeal may be taken, judgments may be rendered, and payments may be made as if the Commission had not been terminated. Any such order shall continue in effect until modified, terminated, superseded, or revoked by an authorized Federal official, a court of competent jurisdiction, or operation of law.

''(3) CONSTRUCTION RELATING TO DISCONTINUANCE OR MODIFICATION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if the Commission had not been terminated.

''(4) REGULATIONS FOR TRANSFER OF PROCEEDINGS.—The Director of the Office of Management and Budget may issue regulations providing for the orderly transfer of proceedings described in paragraph (1).

''(d) JUDICIAL REVIEW.—Orders and actions of the applicable official in the exercise of functions of the Commission shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been issued or taken by the Commission. Any requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function of the Commission shall apply to the exercise of such function by the applicable official.

''(e) APPLICABLE OFFICIAL DEFINED.—In this section, the 'applicable official' means, with respect to any proceeding, order, or action—

''(1) the Director of the Office of Management and Budget, to the extent that the proceeding, order, or action relates to functions performed by the Director of the Office of Management and Budget under section 1002; or

''(2) the Federal Election Commission, to the extent that the proceeding, order, or action relates to a function transferred under subtitle B.

''SEC. 1004. COMMISSION TERMINATION DATE.

''The 'Commission termination date' is the first date following the expiration of the 60-day period that begins on the date of the enactment of this subtitle.

''Subtitle B—Transfer of Certain Authorities

''SEC. 1011. TRANSFER OF ELECTION ADMINISTRATION FUNCTIONS TO FEDERAL ELECTION COMMISSION.

''There are transferred to the Federal Election Commission (hereafter in this section referred to as the 'FEC') the following functions of the Commission:

''(1) The adoption of voluntary voting system guidelines, in accordance with part 3 of subtitle A of title II.

''(2) The testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories, in accordance with subtitle B of title II.

''(3) The maintenance of a clearinghouse of information on the experiences of State and local governments in implementing voluntary voting system guidelines and in operating voting systems in general.

''(4) The development of a standardized format for reports submitted by States under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act, and the making of such format available to States and units of local government submitting such reports, in accordance with section 703(b).

''(5) Any functions transferred to the Commission under section 801 (relating to functions of the former Office of Election Administration of the FEC).

''(6) Any functions transferred to the Commission under section 802 (relating to functions described in section 9(a) of the National Voter Registration Act of 1993).

''(7) Any functions of the Commission under section 1604(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note) (relating to establishing guidelines and providing technical assistance with respect to electronic voting demonstration projects of the Secretary of Defense).

''(8) Any functions of the Commission under section 589(e)(1) of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff–7(e)(1)) (relating to providing technical assistance with respect to technology pilot programs for the benefit of absent uniformed services voters and overseas voters).

''SEC. 1012. EFFECTIVE DATE.

''The transfers under this subtitle shall take effect on the Commission termination date described in section 1004.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end the following:

''TITLE X—TERMINATION OF COMMISSION

''Subtitle A—Termination

''Sec. 1001. Termination.
''Sec. 1002. Transfer of operations to Office of Management and Budget during transition.
''Sec. 1003. Savings provisions.
''Sec. 1004. Commission termination date.

''Subtitle B—Transfer of Certain Authorities

''Sec. 1011. Transfer of election administration functions to Federal Election Commission.
''Sec. 1012. Effective date.''.

SEC. 202. REPLACEMENT OF STANDARDS BOARD AND BOARD OF ADVISORS WITH GUIDELINES REVIEW BOARD.

(a) REPLACEMENT.—Part 2 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15341 et seq.) is amended to read as follows:

''PART 2—GUIDELINES REVIEW BOARD

''SEC. 211. ESTABLISHMENT.

''There is established the Guidelines Review Board (hereafter in this part referred to as the 'Board').

''SEC. 212. DUTIES.

''The Board shall, in accordance with the procedures described in part 3, review the voluntary voting system guidelines under such part.

''SEC. 213. MEMBERSHIP.

''(a) IN GENERAL.—The Board shall be composed of 82 members appointed as follows:

''(1) One State or local election official from each State, to be selected by the chief State election official of the State, who shall take into account the needs of both State and local election officials in making the selection.

''(2) 2 members appointed by the National Conference of State Legislatures.

''(3) 2 members appointed by the National Association of Secretaries of State.

''(4) 2 members appointed by the National Association of State Election Directors.

''(5) 2 members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

''(6) 2 members appointed by the Election Center.

''(7) 2 members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

''(8) 2 members appointed by the United States Commission on Civil Rights.

''(9) 2 members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

''(10) The chief of the Voting Section of the Civil Rights Division of the Department of Justice or the chief's designee.

''(11) The director of the Federal Voting Assistance Program of the Department of Defense.

''(12) The Director of the National Institute of Standards and Technology or the Director's designee.

''(13) 4 members representing professionals in the field of science and technology, of whom—

''(A) one each shall be appointed by the Speaker and the minority leader of the House of Representatives; and

''(B) one each shall be appointed by the majority leader and the minority leader of the Senate.

''(14) 4 members representing voter interests, of whom—

''(A) one each shall be appointed by the chair and ranking minority member of the Committee on House Administration of the House of Representatives; and

''(B) one each shall be appointed by the chair and ranking minority member of the Committee on Rules and Administration of the Senate.

''(b) MANNER OF APPOINTMENTS.—

''(1) IN GENERAL.—Appointments shall be made to the Board under subsection (a) in a manner which ensures that the Board will be bipartisan in nature and will reflect the various geographic regions of the United States.

''(2) SPECIAL RULE FOR CERTAIN APPOINTMENTS.—The 2 individuals who are appointed

as members of the Board under each of the paragraphs (2) through (9) of subsection (a) may not be members of the same political party.

''(c) TERM OF SERVICE; VACANCY.—Members of the Board shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board shall be filled in the manner in which the original appointment was made.

''(d) EXECUTIVE BOARD.—

''(1) IN GENERAL.—Not later than 60 days after the day on which the appointment of its members is completed, the Board shall select 9 of its members to serve as the Executive Board of the Guidelines Review Board, of whom—

''(A) not more than 5 may be State election officials;

''(B) not more than 5 may be local election officials; and

''(C) not more than 5 may be members of the same political party.

''(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

''(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Board—

''(A) 3 shall serve for 1 term;

''(B) 3 shall serve for 2 consecutive terms; and

''(C) 3 shall serve for 3 consecutive terms, as determined by lot at the time the members are first appointed.

''(4) DUTIES.—The Executive Board of the Board shall carry out such duties of the Board as the Board may delegate.

''(e) BYLAWS; DELEGATION OF AUTHORITY.—The Board may promulgate such bylaws as it considers appropriate to provide for the operation of the Board, including bylaws that permit the Executive Board to grant to any of its members the authority to act on behalf of the Executive Board.

''SEC. 214. POWERS; NO COMPENSATION FOR SERVICE.

''(a) HEARINGS AND SESSIONS.—

''(1) IN GENERAL.—To the extent that funds are made available by the Federal Election Commission, the Board may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this title, except that the Board may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

''(2) MEETINGS.—The Board shall hold a meeting of its members—

''(A) not less frequently than once every 2 years for purposes selecting the Executive Board and voting on the voluntary voting system guidelines referred to it under section 222; and

''(B) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

''(b) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board, the head of such department or agency shall furnish such information to the Board.

''(c) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

''(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board, the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

''(e) NO COMPENSATION FOR SERVICE.—Members of the Board shall not receive any compensation for their service, but shall be paid 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 Board.

''SEC. 215. STATUS OF BOARD AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.

''(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability of the Board and its members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

''(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Board.''.

(b) CONFORMING AMENDMENTS.—

(1) MEMBERSHIP ON TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—Section 221(c)(1) of such Act (42 U.S.C. 15361(c)(1)) is amended—

(A) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

''(i) Members of the Guidelines Review Board.'';

(B) by redesignating clause (iii) of subparagraph (A) as clause (ii); and

(C) in subparagraph (D), by striking ''Standards Board or Board of Advisors'' and inserting ''Guidelines Review Board''.

(2) CONSIDERATION OF PROPOSED GUIDELINES.—Section 222(b) of such Act (42 U.S.C. 15362(b)) is amended—

(A) in the heading, by striking ''BOARD OF ADVISORS AND STANDARDS BOARD'' and inserting ''GUIDELINES REVIEW BOARD''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) GUIDELINES REVIEW BOARD.—The Executive Director of the Commission shall submit the guidelines proposed to be adopted under this part (or any modifications to such guidelines) to the Guidelines Review Board.''.

(3) REVIEW OF PROPOSED GUIDELINES.—Section 222(c) of such Act (42 U.S.C. 15362(c)) is amended by striking ''the Board of Advisors and the Standards Board shall each review'' and inserting ''the Guidelines Review Board shall review''.

(4) FINAL ADOPTION OF PROPOSED GUIDELINES.—Section 222(d) of such Act (42 U.S.C. 15362(d)) is amended by striking ''the Board of Advisors and the Standards Board'' each place it appears in paragraphs (1) and (2) and inserting ''the Guidelines Review Board''.

(5) ASSISTANCE WITH NIST REVIEW OF TESTING LABORATORIES.—Section 231(c)(1) of such Act (42 U.S.C. 15371(c)(1)) is amended by striking ''the Standards Board and the Board of Advisors'' and inserting ''the Guidelines Review Board''.

(6) ASSISTING FEC WITH DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS ON ABSENTEE BALLOTS OF ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.—Section 703(b) of such Act (42 U.S.C. 1973ff–1 note) is amended by striking ''the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board'' and inserting ''the Guidelines Review Board''.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to part 2 of subtitle A of title II to read as follows:

''PART 2—GUIDELINES REVIEW BOARD

''Sec. 211. Establishment.
''Sec. 212. Duties.
''Sec. 213. Membership.
''Sec. 214. Powers; no compensation for service.
''Sec. 215. Status of Board and members for purposes of claims against Board.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the Commission termination date described in section 1004 of the Help America Vote Act of 2002 (as added by section 201(a)).

SEC. 203. SPECIAL REQUIREMENTS RELATING TO TRANSFER OF CERTAIN AUTHORITIES TO FEDERAL ELECTION COMMISSION.

(a) DEVELOPMENT AND ADOPTION OF VOLUNTARY VOTING SYSTEM GUIDELINES.—

(1) IN GENERAL.—Part 3 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15361 et seq.) is amended by adding at the end the following new section:

''SEC. 223. TRANSFER OF AUTHORITY TO FEDERAL ELECTION COMMISSION.

''(a) TRANSFER.—Effective on the Commission termination date described in section 1004, the Federal Election Commission (hereafter in this section referred to as the 'FEC') shall be responsible for carrying out the duties and functions of the Commission under this part.

''(b) ROLE OF STAFF DIRECTOR.—The FEC shall carry out the operation and management of its duties and functions under this part through the Office of the Staff Director of the FEC.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the item relating to part 3 of subtitle A of title II the following:

''Sec. 223. Transfer of authority to Federal Election Commission.''.

(b) TESTING, CERTIFICATION, DECERTIFICATION, AND RECERTIFICATION OF VOTING SYSTEM HARDWARE AND SOFTWARE.—

(1) IN GENERAL.—Subtitle B of title II of such Act (42 U.S.C. 15371 et seq.) is amended by adding at the end the following new section:

''SEC. 232. TRANSFER OF AUTHORITY TO FEDERAL ELECTION COMMISSION.

''(a) TRANSFER.—

''(1) IN GENERAL.—Effective on the Commission termination date described in section 1004, the Federal Election Commission (hereafter in this section referred to as the 'FEC') shall be responsible for carrying out the duties and functions of the Commission under this subtitle.

''(2) ROLE OF STAFF DIRECTOR.—The FEC shall carry out the operation and management of its duties and functions under this subtitle through the Office of the Staff Director of the FEC.

''(b) TRANSFER OF OFFICE OF VOTING SYSTEM TESTING AND CERTIFICATION.—

''(1) IN GENERAL.—There are transferred to the FEC all functions that the Office of Voting System Testing and Certification of the Commission (hereafter in this section referred to as the 'Office') exercised under this subtitle before the Commission termination date.

''(2) TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.—

''(A) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, appropriations, and other assets and interests of the Office, together with the unexpended balances of any appropriations or other funds

available to the Office, are transferred and made available to the FEC.

''(B) PERSONNEL.—

''(i) IN GENERAL.—The personnel of the Office are transferred to the FEC, except that the number of full-time equivalent personnel so transferred may not exceed the number of full-time equivalent personnel of the Office as of January 1, 2011.

''(ii) TREATMENT OF EMPLOYEES AT TIME OF TRANSFER.—An individual who is an employee of the Office who is transferred under this section shall not be separated or reduced in grade or compensation because of the transfer during the 1-year period that begins on the date of the transfer.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle B of title II the following:

''Sec. 232. Transfer of authority to Federal Election Commission.''.

(c) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS ON ABSENTEE BALLOTING BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.—Section 703(b) of such Act (42 U.S.C. 1973ff–1 note) is amended by adding at the end the following: ''Effective on the Commission termination date described in section 1004, the Federal Election Commission shall be responsible for carrying out the duties and functions of the Commission under this subsection.''.

SEC. 204. CONFORMING AMENDMENTS TO OTHER LAWS.

(a) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—

(1) DUTIES OF FEC.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(A) by striking ''and'' at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(10) provide for the adoption of voluntary voting system guidelines, in accordance with part 3 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15361 et seq.);

''(11) provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories, in accordance with subtitle B of title II of the Help America Vote Act of 2002 (42 U.S.C. 15371 et seq.);

''(12) maintain a clearinghouse of information on the experiences of State and local governments in implementing voluntary voting system guidelines and in operating voting systems in general;

''(13) carry out the duties described in section 9(a) of the National Voter Registration Act of 1993;

''(14) develop a standardized format for reports submitted by States under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act, make such format available to States and units of local government submitting such reports, and receive such reports in accordance with section 102(c) of such Act, in accordance with section 703(b) of the Help America Vote Act of 2002;

''(15) carry out the duties described in section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note); and

''(16) carry out the duties described in section 589(e)(1) of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff–7(e)(1)).''.

(2) AUTHORIZATION TO ENTER INTO PRIVATE CONTRACTS TO CARRY OUT FUNCTIONS.—Section 311 of such Act (2 U.S.C. 438) is amended by adding at the end the following new subsection:

''(g) Subject to applicable laws, the Commission may enter into contracts with private entities to carry out any of the authorities that are the responsibility of the Commission under paragraphs (10) through (16) of subsection (a).''.

(3) LIMITATION ON AUTHORITY TO IMPOSE REQUIREMENTS ON STATES AND UNITS OF LOCAL GOVERNMENT.—Section 311 of such Act (2 U.S.C. 438), as amended by paragraph (2), is further amended by adding at the end the following new subsection:

''(h) Nothing in paragraphs (10) through (16) of subsection (a) or any other provision of this Act shall be construed to grant the Commission the authority to issue any rule, promulgate any regulation, or take any other actions that imposes any requirement on any State or unit of local government, except to the extent that the Commission had such authority prior to the enactment of this subsection or to the extent permitted under section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)).''.

(b) NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)) is amended by striking ''Election Assistance Commission'' and inserting ''Federal Election Commission''.

(c) UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(1) DEVELOPMENT OF STANDARDS FOR STATE REPORTS.—Section 101(b)(11) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(11)) is amended by striking ''the Election Assistance Commission'' and inserting ''the Federal Election Commission''.

(2) RECEIPT OF REPORTS ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Section 102(c) of such Act (42 U.S.C. 1973ff–1(c)) is amended by striking ''the Election Assistance Commission (established under the Help America Vote Act of 2002)'' and inserting ''the Federal Election Commission''.

(d) ELECTRONIC VOTING DEMONSTRATION PROJECTS FOR SECRETARY OF DEFENSE.—Section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note) is amended by striking ''the Election Assistance Commission'' and inserting ''the Federal Election Commission''.

(e) TECHNOLOGY PILOT PROGRAM FOR ABSENT MILITARY AND OVERSEAS VOTERS.—Section 589(e)(1) of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff–7(e)(1)) is amended by striking ''Election Assistance Commission'' and inserting ''Federal Election Commission''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the Commission termination date described in section 1004 of the Help America Vote Act of 2002 (as added by section 201(a)).

SEC. 205. OTHER CONFORMING AMENDMENTS RELATING TO TERMINATION.

(a) HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by striking ''or the Election Assistance Commission''.

(b) SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by striking ''or the Election Assistance Commission''.

(c) INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''the Election Assistance Commission,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the Commission termination date described in section 1004 of the Help America Vote Act of 2002 (as added by section 201(a)).

SEC. 206. STUDIES.

(a) PROCEDURES FOR ADOPTION AND MODIFICATION OF VOLUNTARY VOTING SYSTEM GUIDELINES.—

(1) STUDY.—The Comptroller General shall conduct a study of the procedures used to adopt and modify the voluntary voting system guidelines applicable to the administration of elections for Federal office, and shall develop recommendations on methods to improve such procedures, taking into account the needs of persons affected by such guidelines, including State and local election officials, voters with disabilities, absent military and overseas voters, and the manufacturers of voting systems.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report the recommendations developed under such paragraph.

(b) PROCEDURES FOR VOTING SYSTEM TESTING AND CERTIFICATION.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the procedures for the testing, certification, decertification, and recertification of voting system hardware and software used in elections for Federal office, and shall develop a recommendation on the entity that is best suited to oversee and carry out such procedures, taking into consideration the needs of persons affected by such procedures, including State and local election officials, voters with disabilities, absent military and overseas voters, and the manufacturers of voting systems.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Federal Election Commission shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report the recommendation developed under such paragraph.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. HARPER) and the gentleman from Pennsylvania (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. HARPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include materials on H.R. 3463.

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

There was no objection.

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

To begin, I would like to thank the chairman of the Committee on Science, Space, and Technology, the gentleman from Texas (Mr. HALL), for his continued assistance in ensuring these important matters are considered by the House. He has been a helpful partner.

Mr. Speaker, we live in uncertain times—with job creation stifled by crushing debt. But there are two things I am certain of: the necessity of cutting unnecessary spending and the fact that H.R. 3463 is a simple and straightforward way to do just that. H.R. 3463 cuts unnecessary spending in two ways:

First, it ends the taxpayer financing of Presidential election campaigns and party conventions, a program growing

less and less popular for both taxpayers and candidates. Second, H.R. 3463 terminates the Election Assistance Commission, an obsolete government agency originally intended to sunset in 2005.

Every Federal program, including these, is there because someone thinks it is a good idea; but if we do not eliminate some programs, then a $15 trillion debt will just be the starting point of our decline into a European-style fiscal crisis. Everyone talks about tough choices, and we have to make them. Frankly, these choices aren't even very tough. They are about as easy as we're going to find.

Since 1976 American taxpayers have spent $1.5 billion in funding Presidential primary campaigns, Presidential election campaigns, and national party conventions. My colleague from Oklahoma (Mr. COLE) has been a leader in trying to end those campaign subsidies, and I am pleased to work with him today to continue that effort.

When the taxpayer financing of political campaigns and conventions was adopted, proponents said it would improve the public's trust in their government, clean up our politics, and increase the competitiveness of political campaigns. Sadly, it has failed on all counts. Now we find that more and more candidates are opting out of the system altogether. The Federal Election Commission has just this week confirmed that no Presidential candidate to date has opted to participate for the 2012 election.

Mr. Speaker, we are talking about eliminating a program that literally no candidate is currently using or preparing to use at this point. That includes President Obama, who in 2008 famously became the first Presidential candidate ever to decline to participate in both the primary and general election phases of the program.

It's not just the candidates who don't like it. As this chart indicates, support from Americans overall is dramatically low for this program. Since peaking in 1980, the percentage of taxpayers opting to participate has declined from a high of 28.7 percent to 7 percent.

It's obviously something that needs to be done away with. That means that 93 percent of American taxpayers choose not to participate. They refuse to subsidize political campaigns. Who can blame them? It's bad enough that they have to watch campaign commercials, but they shouldn't have to pay for them with taxpayer dollars as well. The money designated by a check-off on tax returns is diverted from those taxpayers' payments into this program so that every other taxpayer has to make up the difference in revenue to the Treasury. The 93 percent of taxpayers who do not participate have to make up for the money spent by the current 7 percent who do.

Mr. Speaker, eliminating this system will save taxpayers an estimated $447 million over 5 years and will immediately return nearly $200 million to the Treasury. This is sensible and long overdue.

□ 1250

Also long overdue is the elimination of the Election Assistance Commission. The EAC, created in 2002, as this chart indicates, was expected to sunset in 2005. Instead, as you see on the chart, despite its dwindling services, Mr. Speaker, this agency has more than doubled its employee size in 3 years. This is clearly an abuse of what should have taken place.

The EAC was established for a noble purpose: to allocate Federal grants for State voting systems upgrades, to conduct research, and to test and certify voting equipment. Aside from the certification services, which can be carried out by another agency, the EAC has fulfilled its purpose.

Over $3 billion has been sent to States over the years to help them modernize their voting equipment. Now, the EAC has allocated all of its remaining election grants and even zeroed out its request for additional grant funds in its last three annual budget requests.

The National Association of Secretaries of State, a bipartisan group, the direct beneficiary of the EAC's dwindling services, has passed not one but two resolutions calling for the EAC's dissolution. As this chart indicates, the EAC's FY12 budget request devotes 51.7 percent of its budget to management and overhead costs—more than half. Under this plan, the agency would use $5.4 million to manage programs totaling $3.5 million.

This bill would transfer the EAC's remaining valuable service, its voting system testing and certification program, to an existing agency instead of paying the overhead costs of a complete agency just to operate that program. Like its predecessor bill, H.R. 672, this bill maintains an advisory system to give State and local election officials input into the testing and certification program.

Mr. Speaker, since December of 2010, the Election Assistance Commission has not had a quorum. That means it has not been able to make policy decisions requiring approval by the Commissioners. Has anyone even noticed? Compared to the real crises facing our country, has there been harm caused to justify keeping an obsolete agency?

The EAC is not merely obsolete, it's also wasteful. I have spoken to this House before about the two hiring discrimination lawsuits against the EAC. Unfortunately, the more time that passes, the more problems come to light. Just recently we learned that a former EAC Commissioner, who continued serving for a year after the end of the term and then resigned, has been collecting unemployment benefits. Neither the Commissioner's resignation letter nor any facts that we know of indicate the departure was anything other than voluntary.

When we have millions of people in this country struggling to make ends meet, how can a senior government official who leaves a job voluntarily collect unemployment benefits? When we have an agency that is not needed and produces scandal after scandal, misperformance after misperformance, it is time for this agency to go.

According to the CBO, dissolving the EAC will save taxpayers $33 million over the next 5 years.

Mr. Speaker, we have a $15 trillion debt. We have to start somewhere. We now have annual deficits over a trillion dollars. H.R. 3463 eliminates one government program that virtually no one uses and shuts down an agency that has completed the task that it was assigned. Amazingly, we've had proposals not to shrink these programs but to expand them. Only in Washington is the answer to dysfunction expansion.

This bill will not cure all of the problems that we have on its own, but it is one of many steps we are going to have to take; otherwise, we will sink deeper and deeper into debt and trap our children and our grandchildren down into a downward spiral. Today is the time to act, and this agency and this program are the place to start.

I urge my colleagues to support H.R. 3463, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, November 30, 2011.

Hon. DANIEL E. LUNGREN,
Chairman, Committee on House Administration, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN LUNGREN: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in 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) introduced on November 17, 2011.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, I will waive further consideration of this bill in Committee, notwithstanding any provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology. This waiver, of course, is conditional upon our mutual understanding that agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology. Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 3463 as well as any similar or related legislation.

I ask that a copy of this letter and your response be placed in the Congressional Record during consideration of H.R. 3463 on the House floor.

I look forward to working with you on matters of mutual concern.

Sincerely,

RALPH M. HALL,
Chairman, Committee on Science, Space, and Technology.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, December 1, 2010.

Hon. RALPH HALL,
Chairman, Committee on Science, Space, and Technology, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in 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.

I appreciate your willingness to support expediting floor consideration of this important legislation, notwithstanding the inclusion of any provisions under the jurisdiction of the Committee on Science, Space, and Technology. I understand and agree that your willingness to waive further consideration of the bill is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support a request from your Committee for an appropriate number of conferees.

I will include a copy of our exchange in the Congressional Record during consideration of H.R. 3463 on the House floor.

Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

DANIEL E. LUNGREN,
Chairman,
Committee on House Administration.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 3463.

This is not new territory for this Congress. This proposal to eliminate the Presidential Election Campaign Fund and the Election Assistance Commission has already been dealt with in this Congress. The legislation before us proposes to combine these two really bad ideas.

In an era of rapidly changing election law, both in terms of campaign finance regulation and voting rights, these two programs are more important now than ever. The electoral landscape is much different today than it was even 4 short years ago. The Supreme Court allows unlimited contributions from special interests, and Super PACs are raising vast amounts of funds with no government oversight or regulation. Corporations and special interests are donating massive sums of money, and some may expect a return on their investment. Unfortunately, this return often comes at the expense of the American people and sometimes at the expense of the integrity of this body.

We cannot expect the trust of the electorate if they feel they do not have a voice. We should provide transparency and accountability, not secrecy and irresponsibility.

Just last Congress, my colleagues and I passed the DISCLOSE Act, which called for more transparency in how our elections are financed, and that bill was killed by Senate Republicans. Members of the House, such as Mr. VAN HOLLEN of Maryland and Mr. LARSON of Connecticut, have authorized bills that would strengthen public financing of elections, not weaken it, as this bill does.

When sources of funds are intentionally concealed, what kind of message does this send to the country? It sends the message that we do not care where we get our contributions as long as they are substantial and they are secret, and that is wrong.

We can reform the Presidential Election Campaign Fund without repealing it. This is the best course of action.

Across the country, States are making it harder for voters to cast their ballots. New laws requiring voter identifications, strict and arbitrary voting registration regulations, and eliminating the days designed for early voting are all part of an effort to limit voter participation and turnout. Voters have noticed and have already started to push back.

This was the case in Maine last month when they used the ''People's Veto'' to throw out a law passed by the Republican legislature and Governor to eliminate the State's successful same-day voter registration program which has been in place for 40 years. In other States, restrictive new laws may be forced onto the ballot for a possible repeal in referendums in 2012.

If that wasn't bad enough, overworked and underpaid local election officials and volunteers are expected to keep track of election law changes while still administrating large, complex, and often unpredictable elections. The Election Assistance Commission does much of the heavy lifting for them, establishing and maintaining an information database for all local election officials to utilize.

The EAC also produces instructional videos and materials, which cash-strapped election officials claim save them thousands of dollars annually. And the letters of support for the EAC, which have been also sent to my colleagues across the aisle, are still rolling in.

The EAC's essential services do not stop there. The Commission is charged with the testing of certification of voting machines, the only agency in the Federal Government tasked to do this. Who will ensure that all of our votes are counted? Who will ensure that everyone has an opportunity to cast a ballot for their intended candidate? Who will ensure that we do not repeat the historical debacle of Florida in the year 2000?

It is important to remember that events led to the establishment of the Presidential Election Campaign Fund and the EAC—the Watergate scandal of the early 1970s and Florida in 2000, respectively. These historical controversies eroded the public's faith in our political system. These measures were meant to restore their faith, to restore accountability to Washington and, most importantly, to ensure that the people were heard. All this bill will do is weaken further what little faith the American electorate has left.

Today I stand with every letter writer that has pleaded with us not to terminate the EAC. I stand with those who cannot afford to make huge contributions and would rather speak with their votes than their wallets. I, along with Democratic colleagues, stand with the principles that voter inclusion, not voter exclusion, is what we should strive for, and the attempted disenfranchisement of any eligible voters is despicable and is beyond words and cannot be tolerated.

On this bill I urge a ''no'' vote.

LEAGUE OF WOMEN VOTERS
OF THE UNITED STATES,
Washington, DC, May 24, 2011.

To: Members of the Committee on House Administration
From: Elisabeth MacNamara, President
Re H.R. 672, To Terminate the Election Assistance Commission

The League of Women Voters urges you to oppose H.R. 672, which would terminate the Election Assistance Commission and transfer some of its functions to the Federal Election Commission. Instead of eliminating the EAC, we believe that Congress should strengthen the commission and expand its responsibilities. Moreover, the FEC is dysfunctional; expanding its role would be a mistake.

The League believes that elections are fundamental to a functioning democracy and that every effort should be made to elevate their administration to the highest importance. Congress should not turn its back on federal efforts to ensure election integrity, improve voter access to the polls, and improve election systems. The value of the EAC far outweighs its monetary costs; in fact, the costs of poorly run elections are intolerable. It is time for election administration to move into the 21st Century, not back toward the 19th.

Unfortunately, elections in our country are still not well-administered, and we are concerned that many states and localities are not doing a good job ensuring federally-protected voting rights. For example, a GAO report on the 2008 election said that there are significant problems for persons with disabilities in gaining access to the polls. Physical barriers remain in far too many cases. In fact, 31 states reported that ensuring polling place accessibility was ''challenging.''

There many other areas of election administration that cause concern, including statewide voter registration lists, provisional balloting, list cleaning, voting machines and tabulating, access to registration, and meeting voter information needs. In addition, there are critical questions that must be addressed about the application of new technologies like the Internet to the voting and registration processes. Each of these areas would benefit from additional study, data gathering and information sharing among election officials at every level, the public, and concerned organizations.

With these continuing problems, now is certainly not the time to abolish the only federal agency that devotes its full resources and attention to improving our elections. Let us not go back to the 2000 election but go forward, improving each election over the last. We know what needs to be done; now let us devote the resources to what should be done.

———

THE LEADERSHIP CONFERENCE ON
CIVIL AND HUMAN RIGHTS,
Washington, DC, May 24, 2011.

DEAR REPRESENTATIVE: On behalf of the Voting Rights Task Force of The Leadership Conference on Civil and Human Rights, we urge you to oppose H.R. 672, which would terminate the Election Assistance Commission (''EAC'' or ''Commission''). As organizations

that are committed to supporting and expanding the civil and voting rights of all Americans, we have devoted substantial resources to the passage of both the National Voter Registration Act and the Help America Vote Act. Terminating the EAC puts our work at jeopardy and risks reducing the voting and civil rights of our citizens—rights for which many have given their lives.

The EAC does valuable work to ensure the reliability and trustworthiness of our nation's election systems. The Commission plays a major role in collecting accurate and comparable election data. With our nation's complex and diversified election administration system, central data collection is essential if we are going to improve our citizens' trust and confidence in election results. The Commission develops and fosters the training and organization of our nation's more than 8,000 election administrators. Through its many working committees and the work it does to foster robust dialogue among advocates, manufacturers and administrators, the Commission is improving the administration of elections. The EAC's award-winning web page has become the ''go to'' site for election administrators, advocates, and academics.

The Commission is charged with developing standards for voting systems, and this precedent-setting work has been recognized by nations around the world. Several countries are so impressed with our system that they have signed agreements with the EAC for technical assistance as they develop their own voting system standards and certification procedures. The EAC's certification program uses its oversight role to coordinate with manufacturers and local election officials to ensure that existing voting equipment meets durability and longevity standards. This saves state and local governments from the unnecessary expense of new voting equipment.

The EAC has also played a central role in improving the accessibility of voting for the country's more than 37 million voters with disabilities. We still have a long way to go to achieve the Help America Vote Act's mandate to make voting accessible. The EAC's leadership is essential to continuing the effort to offer all Americans the right to vote ''privately and independently.''

As we approach the 2012 elections, the EAC must continue to do its important work. Rather than abolishing the agency just before the 2012 elections, we believe Congress should strengthen the Commission by broadening its data collection responsibilities and by giving it regulatory authority to ensure that persons with disabilities have full access to the polls.

Thank you for your consideration of our position. If you have any questions about this letter, please contact Leadership Conference Senior Counsel Lisa Bornstein, at (202) 263–2856 or Bornstein@civilrights.org.

Sincerely,

WADE HENDERSON,
President & CEO.
NANCY ZIRKIN,
Executive Vice President.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, June 2, 2011.

MEMBERS,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I strongly urge you to do all you can to support the Election Assistance Commission and to oppose and vote against efforts to terminate this crucial tool in our arsenal to strengthen our democracy. The right to vote is a cornerstone of our democracy and we as a Nation should do all we can to ensure that every eligible American can cast an unfettered vote of their own free will and that their vote is counted.

As established by the 2002 Help America Vote Act, the Election Assistance Commission provides research and data, guidance and grants to states and local governments so they can employ the best practices and the most up-to-date methods of registering and voting. The Election Assistance Commission has provided crucial help to many localities in the efforts to identify and reach groups which had heretofore been disenfranchised, including racial and ethnic minorities, members of the Armed Services (especially those serving overseas), disabled Americans and senior citizens.

We should be supporting and enhancing groups like the Election Assistance Commission, whose mission is to engage more Americans in the democratic process so that their voices may be heard. I therefore must again strongly urge you to oppose and work against bills such as H.R. 672, which would terminate the Election Assistance Commission within 60 days of enactment. Sadly, this shortsighted legislation which is, in fact, a direct attack on one of the most fundamental components of our form of government, the right to vote and have that vote count, was passed out of the House Administration Committee and may come before you on the House floor in the very near future.

Thank you in advance for your attention to the NAACP position: I look forward to working with you to see that we work toward a more inclusive democracy and to protect the integrity of our Nation and our government. Should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463–2940.

Sincerely,

HILARY O. SHELTON,
Director, NAACP Washington Bureau & Senior Vice President for Advocacy and Policy.

DĒMOS,
New York, NY, May 24, 2011.

Committee on House Administration, Subcommittee on Elections, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: Dēmos respectfully urges the members of the Subcommittee on Elections to oppose H.R. 672, legislation that would terminate the Elections Assistance Commission (EAC). Without the EAC there would be no federal agency focused on improving the quality of elections—a vital function in ensuring the success of our democratic institutions.

Dēmos is a non-partisan public policy research and advocacy organization committed to building an America which achieves its highest democratic ideals—a nation where democracy is robust and inclusive, with high levels of electoral participation and civic engagement; an economy where prosperity and opportunity are broadly shared and disparity is reduced; and a strong and effective government with the capacity to plan for the future.

The EAC does valuable work to ensure the efficacy, reliability, and trustworthiness of our nation's election systems. For example, the Commission plays a major role in collecting accurate and comparable election data. With our nation's complex and diversified election administration system, central data collection is essential to accurately assess its state and therefore to improve our citizens' trust and confidence in election results. The Commission also develops and fosters the training and organization of our nation's more than 8,000 election administrators. The EAC's award-winning web page has become the ''go to'' site for election administrators, advocates, and academics.

Moreover, the Commission is charged with developing standards for voting systems, and this precedent-setting work has been recognized by nations around the world. Several countries are so impressed with our system that they have signed agreements with the EAC for technical assistance as they developed their own voting system standards and certification procedures. The EAC's certification program is helping state and local governments to save money by using its oversight role to coordinate with manufacturers and local election officials to ensure that the existing equipment meets its durability and longevity potential. This saves state and local governments from the unnecessary expense of new voting equipment.

Importantly, the EAC has played a central role in improving the accessibility of voting for the country's more than 37 million voters with disabilities. Although we still have a way to go to achieve the Help America Vote Act's mandate to make voting accessible, the EAC's leadership is essential to continuing the effort to offer all Americans the right to vote ''privately and independently.''

We recognize that H.R. 672 would transfer many of the EAC's functions to the FEC but this would not be wise. The FEC is dysfunctional. It is overwhelmed by its current responsibilities, as evidenced by repeated court orders to correct its regulations to bring them in line with the laws of the United States. The FEC is starkly divided on partisan lines, making it particularly inappropriate for election administration responsibilities. And the FEC is increasingly unable to make decisions or even to agree on staff-negotiated recommendations.

Rather than abolishing the EAC, Congress should provide the EAC with resources and a renewed commitment to sponsoring and encouraging information sharing among state and local officials, EAC committees, the non-partisan voting rights community, technical experts and others.

Elections are the life blood of a democracy. We strongly urge the committee to strengthen the Election Assistance Commission instead of terminating it.

Sincerely,

MILES RAPOPORT,
President.

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW,
Washington, DC, June 21, 2011.

Hon. NANCY PELOSI,
Minority Leader, U.S. House of Representatives, Washington, DC.

DEAR MADAM LEADER: The Lawyers' Committee for Civil Rights Under Law (''Lawyers' Committee'') writes to express our opposition to the ''To Terminate the Election Assistance Commission, and For Other Purposes Act'' (H.R. 672). In the 2000 presidential election, many voters in Florida were wrongfully denied access to the ballot based on faulty voting equipment and a lack of discernible standards for vote counting. This bill would roll back the progress being made to bring more uniformity and equity to the election process across the states.

The Lawyers' Committee is a nonpartisan, nonprofit organization, established in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to protect the rights of individuals affected by racial discrimination. The defense of voting rights has been a core part of the Lawyers' Committee's work since our founding nearly 50 years ago. We believe that

abolishing the Election Assistance Commission (EAC) fails to further voting transparency and reliability that was at the heart of the Help America Vote Act (HAVA). Predictably, those who would be most frequently disenfranchised are also those least able to advocate for their right to vote, whether poor, uneducated, infirm or elderly.

Faced with a challenge to our democratic system, Congress immediately rushed to action to take bold steps to bring our elections into the 21st century by passing HAVA which established the EAC. The EAC tests and certifies voting machines for use in elections to avoid a repeat of the 2000 election debacle in Florida; administers electronic voting for our brave men and women in uniform fighting overseas so that they are able to vote abroad; and creates voluntary voting guidelines for states, instilling confidence in the democratic process of this country for all voters. Since its inception, the Lawyers' Committee has been intimately acquainted with the work of the EAC, especially as Barbara Arnwine our Executive Director has served on the EAC advisory board. Our work and experience with the EAC leads us to believe that its establishment was the right course of action, and that its existence has helped bring some clarity to our multi-faceted election process.

The work of the EAC to improve and modernize our election system is far from over. Moving the functionality of the EAC to the FEC would not only be ineffective, but costly. The Federal Election Committee (FEC), institutionally partisan and consistently ineffective in achieving even its current mandate, is not the organization we need to test and certify voting machines, or safeguard the votes of our service men and women.

With the presidential election on the horizon, it is more important than ever that we ensure the voice of the people is heard through a reliable, transparent democratic system. Termination of the EAC will take us backwards when we are trying to move forward.

Sincerely,

BARBARA R. ARNWINE,
Executive Director.
TANYA CLAY HOUSE,
Director of Public Policy.

NATIONAL DISABILITY RIGHTS NETWORK,
Washington, DC, June 21, 2011.

Re Opposition to H.R. 672, the Election Support Consolidation and Efficiency Act.

As the Executive Director of the National Disability Rights Network (NDRN), I write to express the opposition of NDRN and the 57 Protection and Advocacy systems it represents to H.R. 672, the Election Support Consolidation and Efficiency Act (ESCEA). Voting is a fundamental right, and the Election Assistance Commission has played an important role since its creation to ensuring that polling places and the voting process are accessible to people with disabilities. The ESCEA would hinder progress toward accessibility of polling places and the voting process by abolishing the Election Assistance Commission (EAC).

NDRN is the national membership association for the 57 Protection & Advocacy (P&A) agencies that advocate on behalf of persons with disabilities in every state, the District of Columbia, and U.S. territories. For over 30 years, the P&A agencies have been mandated by Congress to protect and enhance the civil rights of individuals with disabilities of any age and in any setting. One area of focus for the P&As is voting through the Protection and Advocacy for Voting Access Act (PAVA) which charges P&As with helping to ensure the full participation of individuals with disabilities in the entire electoral process, including registering to vote, casting a ballot, and accessing polling places.

The EAC has played a central role in improving the accessibility of voting for voters with disabilities. A Government Accountability Office report from 2009 *http://www.gao.gov/newitems/d09685.pdf*) found that 72 percent of polling places surveyed on Election Day 2008 had impediments that hinder physical access or limit the opportunities for private and independent voting for people with disabilities. This is an improvement over the results of a similar study done during the 200 election, in which 84 percent of polling places had impediments. The EAC, established following the 2000 election, has helped improve these results by acting as a national clearinghouse of information on accessible voting and providing technical assistance and guidance for election commissioners and how to make polling places, and the voting process as a whole, more accessible.

There remains much work to be done not only relating to physical accessibility, but also relating to other barriers to voting, such as a lack of voting and registration materials in accessible formats for people with sensory disabilities. In some instances, there have been outright denials of the right to register and vote based on false assumptions about a person's legal capacity to vote. Abolishing the EAC at this point in time would be a step back for people with disabilities and the goal of full accessibility to the voting process, and prevent people with disabilities from partaking of this most fundamental civil right.

As we rapidly approach the 2012 elections, the EAC must continue to do its important work. Rather than abolishing the agency just before the 2012 elections, Congress should strengthen the EAC to ensure that persons with disabilities fully enjoy the right to vote privately and independently. Therefore, on behalf of the NDRN and the 57 P&A agencies it represents, I ask that you oppose H.R. 672 when it is considered by the full House of Representatives today.

Sincerely,

CURTIS L. DECKER, JD,
Executive Director.

Mr. Speaker, I reserve the balance of my time.

□ 1300

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

It is clear that what has happened here is that there has been no response to many of the allegations of mismanagement that we've heard so far. It is clear from the things that have happened that the EAC, in particular, it is time for this to come to a conclusion. It is an agency whose average salary for its employees—and the employee size has more than doubled since 2007—the average salary is $106,000 for this agency. Ronald Reagan said that the closest thing on earth to eternal life is a temporary government program. This was supposed to last for a period of 3 years.

The National Association of Secretaries of State in 2005 did a resolution, a bipartisan group, they did a resolution saying bring this to an end. They renewed that resolution again in 2010, and yet it remains. If we cannot get rid of an agency like the EAC, then we're never going to be able to get rid of anything up here.

With that, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. I thank the gentleman for yielding.

I rise in opposition to the bill.

Instead of focusing on jobs and helping middle class families, the Republican leadership is hard at work today creating additional ways in which corporations and special interests can dominate our elections process. Ending the Presidential Election Campaign Fund opens the door for large political spenders to enjoy an even greater role in the funding of political campaigns.

The voluntary public finance system for Presidential campaigns was created in the early seventies as a direct result of the corruption of Watergate, the largest political scandal of our generation. Stopping corruption and the appearance of corruption is as important today as it was during the Nixon years. The level of spending by corporations and special interests since the Supreme Court's decision in Citizens United should give every American reason for concern. Do my Republican colleagues really believe that more corporate and special interest money in politics is going to benefit in any way the 99 percent of Americans who don't have lobbyists?

The current public finance system for Presidential elections has problems. Most notably, it has not kept pace with the cost of modern campaigns, so we should fix it instead of eliminating it. And I would note that the Republican National Committee recently received $18 million from the fund, so if the Republicans think it's such a bad idea, perhaps they should ask the RNC to return the money.

As for the Election Assistance Commission, the EAC is the only Federal agency focused on improving Federal elections. This was an outgrowth of the disastrous process of the 2000 election. Remember, 100 million votes were cast, but it took a decision of the Supreme Court before a winner was declared. The experience left a black eye on our elections process. It's not something America should go through again.

As State and local budgets are cut, the value of this commission is going to grow.

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

Mr. BRADY of Pennsylvania. I yield the gentlelady an additional 30 seconds.

Ms. ZOE LOFGREN of California. Have there been problems at the EAC? Yes, there have been problems. What should we do about it? We need oversight and reform. We shouldn't just abolish this commission because we are going backwards to the bad old days of inconsistency among voters. I urge my colleagues to focus on the economy, focus on jobs, and don't pass bills that give corporations and special interests even greater influence in our elections.

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

It is amazing that there is a reference to the need that we need to focus on jobs instead of doing something like this. If that's the case, we've passed about 25 bills this year out of the Republican-led House that dealt with jobs and dealt with the economy. We have done our job on that, and now they're sitting over in the Senate who knows where or why awaiting action. So we have been doing those things, the tough decisions, the things that will create jobs if the Senate and the White House would join with us on those things. So that is simply not accurate to say that we haven't been focusing on jobs because we have done that since we started this year, and we will continue to do so and encourage and urge our colleagues over in the Senate to bring these matters up. They include things that will help on overburdensome EPA regs, with things that will deal with permitting and drilling in the Gulf of Mexico and things that will have a direct impact on our economy and jobs.

You know, it is clear, particularly on the EAC, which was created in 2002 after HAVA, the Help America Vote Act, after the Bush-Gore recount so that we wouldn't have another hanging chad or butterfly ballot situation, and this agency administered over $3 billion worth of grants to the States for machines. When it was passed, it was designed to be a 3-year agency and program. We're 9 years into this. And instead of trying to say, okay, and we showed the chart a minute ago with $5.4 million worth of management costs, and yet only a little over $3 million in program costs. And the grants for the machines, Mr. Speaker, are now gone and they are not there.

We have the letter from the National Association of Secretaries of State which restates their position on the resolution to eliminate the EAC done in 2005, and again in 2010. Again on the EAC, we have reports from different agencies. We have an IG report criticizing the management practices of the EAC. This report was done in March of 2010.

We have a report from the EAC's financial records back in November of 2008 which I dealt with when I first got on the Committee on House Administration in early 2009. This report is an audit of the Election Assistance Commission fiscal year 2008 financial statements. The records were so mismanaged, this agency that the other side wants to keep instead of trying to make us more efficient, it was so bad that the agency couldn't be audited. The records were too bad to tell them how bad it was. So that lengthy report is available to anyone who cares to read it.

Then we have a report from the Office of Special Counsel that was done in 2009. The Office of Special Counsel talks about having to settle a political discrimination case. An agency that is supposed to talk about fairness and helping in elections themselves get sued for political discrimination. And one of those that created that problem is the one that voluntarily resigned and received unemployment benefits for a voluntary resignation.

We have the organizational chart that shows that the EAC included a special assistant to a vacant position. I can go on and on, Mr. Speaker, on the mismanagement of the EAC. It is clearly time to say—and I understand that there are some things that we need to keep. We are saying that the essential functions of this group, send them over to the FEC, and we can take care of those situations on testing and certification, make the process more efficient, and we'll save money for the taxpayers.

With that, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise in opposition to H.R. 3463.

It might sound surprising, but right behind jobs, one of the top concerns my constituents contact me about is campaign reform. You'd think that campaign rules would be the very last thing people would think about when they're worried about their livelihoods, their mortgages, and their family's health care. But they know that the electoral process is at the heart of everything their government can do for them.

The American people are frustrated. They are frustrated by what I call super-sized campaigns. It's all too much. It's too slanderous. It's too hard to tell who's paying for what and who's saying what. They feel that big donors, big corporations, and ideological groups are running the show, and they're being left out. But the American people care, and they believe in ''we the people.''

Public financing gives the voice back to the middle class. The Election Assistance Commission can help election officials better the process for voters. Neither of these is perfect right now. We acknowledge that, but we should be improving rather than eliminating them. Throwing away what public financing we have, what financing worked for every President from 1976 to 2004 and making it harder to bring election improvements together is a step in the wrong direction.

□ 1310

Rather than making it even harder for the average voter to make a difference, Congress should be improving access to democracy by expanding public financing, assisting election officials, and increasing voting opportunities for all Americans.

Our people are our strength, and we have no business shutting them out. The supporters of this bill say it will save us money. But in fact, Mr. Speaker, it will mean our democracy is up for sale.

Mr. HARPER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the gentleman from Mississippi for yielding.

One of the arguments that's been made about the EAC, Mr. Speaker, is that it's the Federal Election Commission that ensures every American citizen's right to vote. If only that were true, Mr. Speaker.

The National Association of Secretaries of State, which is the organization in each State that oversees the elections, has called for the dissolution of the EAC. The committee has heard firsthand testimony from Secretaries of State all across the country. Both in 2005 and again in 2010, the National Association of Secretaries of State has called for the dissolution of the EAC.

If the organizations that are actually responsible in each State for holding the elections, Mr. Speaker, are asking that the Federal agency that's supposed to help them should be dissolved, I think it would behoove the Congress to listen to the States and in this case dissolve this commission.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, there are ongoing attempts to suppress the valid legal vote of some communities in this country. Earlier efforts to stop selected Americans from voting, such as literacy tests and poll taxes, were overturned by this Congress. But while the tactics of these people have changed, their strategy remains the same—intimidate, discourage, or otherwise prevent certain groups of American citizens from voting.

Current tactics include burdensome voter ID laws, outrageous registration requirements, dishonest ''inactive voter lists,'' and unlawful disenfranchisement of ex-offenders. To these flagrant tactics proponents of voter suppression have added more subtle approaches, including disinformation campaigns and behind-the-scenes, quiet—and unfair—purging of voter rolls.

Now we are presented with their latest plan to deny certain Americans their right to vote—the elimination of two programs whose sole aim is to ensure that every American's voice is heard in our election. The Presidential Election Campaign Fund and the Election Assistance Commission are in need of strengthening, not elimination. They help make sure that all voices can be heard and that all votes will be counted. I support improving these programs.

But the only reason to want to eliminate them is to further suppress votes. The votes are the same groups who were targeted by Jim Crow laws decades ago. The votes are the same groups who are now targeted by ''inactive voter lists'' and voter ID laws and

all of the other new tactics designed for a single goal—voter suppression.

I urge my colleagues to defeat this bill and defeat yet another attempt to stop American citizens from voting.

Mr. HARPER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I can't believe what I just heard from my friend from Missouri. Doing away with the Presidential Election Campaign Fund is not a Jim Crow law. And I'll put my record alongside his on ensuring voting rights to minorities as the author of the latest extension of the Voting Rights Act and one who got the 1982 compromise passed and signed into law by President Reagan.

The Presidential Election Campaign Fund was destroyed 3 years ago by President and then-Candidate Barack Obama. He refused to be bound by its restrictions. Senator JOHN MCCAIN was. And he was put at a significant disadvantage in the general election campaign by running against Candidate Obama, who rejected the Election Campaign Fund's funds and raised huge and unlimited amounts of money.

Mr. CLAY. Will the gentleman yield?

Mr. SENSENBRENNER. I have a limited amount of time. If I have time left, I will be happy to yield.

This year, so as not to disadvantage themselves, none—that means none—of the Republican primary candidates have signed up for Presidential Election Campaign Fund money. The Obama moneymaking machine is running all around the country. We see this in the newspapers. We hear it on television. And because the campaign fund would limit the amount of money that whoever the Republican nominee, if they took these funds, could use in order to spread his message on why Obama ought to be replaced by the voters, we ought to just get rid of this fund altogether. It was destroyed 3 years ago by then-Candidate Obama. We might as well not spend any more taxpayers' funds on it. May it rest in peace.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman.

Mr. Speaker, we already know that in 38 States there is introduced legislation that would suppress the participation and the votes of young, minority, and elderly voters. Now we see their allies here in Congress who are trying to eliminate the only Federal agency charged with improving the conduct of elections and making sure that every vote counts. If you like the direction of the State legislatures, you're going to be thrilled by the legislation before us today to close the Election Assistance Commission.

The voter's vote should be behind a curtain of secrecy, but the process by which registration and elections are conducted should be transparent. If not, voters will cease to believe that the process is fair and that their vote counts.

Let me remind my colleagues there is nothing more crucial to democracy than guaranteeing the integrity, the fairness, the accountability, the accuracy of elections. Democracy works only if the citizens believe it does. The system must work, and the people must believe in it; but voting shouldn't be an act of blind faith. It should be an act of record.

The EAC helps maintain the integrity of the American electoral process. Too many people across the country have lost confidence in the legitimacy of the election results. Dismantling the EAC would further erode that necessary faith in the process.

We've discussed several times—and others have talked about it—if manipulating the outcome of elections occurs, how much easier will it be once the EAC is eliminated. Millions of Americans are casting their votes now on unauditable voting machines and the results of most elections are not audited.

□ 1320

Eliminating the EAC would increase the risks that our electoral process would be compromised by vote manipulation, by targeted voter ID laws, by voter system irregularities. Can we afford to take that risk? Certainly not. Do we want problems to go undetected? I would hope not.

Less oversight, lesser standards, less transparency in reporting, less testing, fewer audience weakens our democracy. Abolishing the EAC is the wrong way to go.

Mr. HARPER. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. COLE), a distinguished member of the Appropriations and Budget Committees, who also has been heavily involved in this matter as a cosponsor and also has done great work on trying to eliminate and bring to an end the Presidential Election Fund.

Mr. COLE. I thank the gentleman for yielding.

The legislation before us actually does three important things: First, it eliminates an antiquated, outdated system of public financing; second, it terminates an obsolete commission; and then finally, and not incidentally, it actually saves money, something that we talk a lot about around here but we very seldom actually do.

When the Presidential Election Campaign Fund was actually created in 1973, it was during the time before things like Facebook, YouTube, and Twitter. The widespread use of the Internet did not exist. That's no longer the case today. Today, it's pretty easy to actually contribute money to a Presidential candidate if you want to do it. I would advise anybody, regardless of their political persuasion, to simply type the name of the candidate that they like into the Internet and wait and see what pops up, and they're going to have an immediate opportunity to donate to that individual.

There is no need to take public money at a time that we're running $1.5 trillion deficits and divert it to what's essentially political welfare for Presidential candidates—absolute waste of money. It's so much a waste that our President, who defends the system but chose not to participate in the system—in 2008, he did not participate, did not raise money this way, did not do it during the public campaign, actually broke precedent and, frankly, the commitment he had made earlier in the campaign and just chose not to do it. And that's fine. That was his right. He was certainly more than adequately funded. His opponent, Senator Clinton, now Secretary Clinton, was also adequately funded. She did not use the public financing system. The one person who did, JOHN MCCAIN, was heavily outspent, although I don't think that had much to do with his defeat.

I think, honestly, Americans know how to contribute to Presidential candidates. They don't need the Federal Government letting them check off a portion of their taxes and divert it for that purpose.

In addition, public participation in this system has declined radically. It's never reached even one-third of American taxpayers that are willing to do this—peaked at 28 percent, and in 2009 was down to 7 percent of American taxpayers who chose to do it.

So we're not denying anybody the ability to participate. We are giving very expensive welfare to Presidential candidates and to political parties at a cost to the taxpayer when that cost can't be afforded.

Two weeks ago, we had something that occurred that honestly ought to concern everybody on this floor. And I don't fault either party for it, but the Democratic Party and the Republican Party both received $17 million for their conventions from the Federal Treasury of the United States; $17 million for two political parties—actually, 34 in total—to actually run their conventions from the American taxpayer. Who really believes that's a needed expenditure? Each one of those parties—and I can tell you because I used to be the chief of staff of one of them—will spend over $100 million on its convention. They don't require additional Federal help. It's simply a waste of time and a waste of money.

As for the Election Assistance Commission—and I say this as a former secretary of State—this is a commission whose time has come and gone. Whatever good it did, it currently spends over 50 percent of its budget on administration, not on direct assistance to the States. And the idea that State governments and States who have been running elections for 200 years suddenly need the Federal Government to tell them how to do it and spend this kind of money I think is just absurd.

Frankly, the National Association of Secretaries of State, which is the oldest public association of elected officials and appointed officials in the United States, has twice called for the

elimination of this. They don't feel the need for it. They certainly don't see that they're getting any assistance from it.

So whatever good it played in the immediate aftermath of the 2000 election I think is now concluded.

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

Mr. HARPER. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. COLE. I appreciate the gentleman for yielding.

Without putting too fine a point on it, this is a system and this is a commission that simply exists to solve problems that aren't problems. We have no problem funding Presidential campaigns in the United States. There's plenty of money—probably too much money—around. There doesn't need to be taxpayer money. Nor do political parties have a problem funding their conventions. They can do it themselves. Nor do we need a commission whose purpose has now passed into history and whose entities it's supposed to serve, the Secretaries of State around the country, have actually asked us to abolish it.

So let's just finally prove we can get rid of outmoded programs, end the expenditures, and actually save the taxpayers some money. And in doing so, I can assure everybody on the floor that our democracy will remain healthy, our elections will be fair, and the American people, in their wisdom, will figure out which candidate to contribute to if they choose to contribute to any candidate at all.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I rise for the third time this year to oppose a measure that would summarily repeal our system of public funding for Presidential elections.

Once again, the House majority seems intent on dismantling the few remaining safeguards we have left against the influence of special interests in politics following the Supreme Court's Citizens United ruling. The fact that they are ostensibly bringing this bill forward as a deficit reduction measure in order to pay for a bill to undermine workers' rights is the height of cynicism.

This bill before us today would destroy one of the most successful examples of reform that followed the Watergate scandal. Dare we forget what that scandal was about? The Committee to Reelect the President, fueled by huge quantities of corporate cash, paying for criminal acts and otherwise subverting the American electoral system.

The hallmark of the Federal Election Campaign Act of 1974, enacted at a time when public confidence in government was dangerously low, was our voluntary program of public financing for Presidential elections. To this day, this innovative reform stands as one of the greatest steps we have taken to bring transparency and accountability to our electoral system. And it has worked remarkably well, being utilized in the general election by every Republican and Democratic Presidential nominee from 1976 through 2004 and by JOHN MCCAIN in 2008, although in recent years the need for modernization has become evident.

Perhaps the best example of this program's success is President Ronald Reagan, who participated in Presidential public financing in all three of his Presidential campaigns—in 1976, 1980, and 1984. The Reagan case illustrates the positive effects public financing has had in both parties at both the primary and the general election stages. It illuminates the way in which the system benefits candidates who challenge the party's establishment. It also highlights the system's focus on small donations rather than big bucks from the large contributors. Note that this is no free ride, no willy-nilly spending program. Candidates must seek the support of thousands of small donors during the primary to prove their viability, and only then do they receive matching funds.

Today one could wish, in light of the positive history of this program and prior Republican support, for a bipartisan effort to repair the system and restore its effectiveness. I don't know of any policy that exemplifies the maxim ''mend it, don't end it'' better than this one.

Earlier this year, Congressman VAN HOLLEN and I reintroduced a bill that would do just that. It would modernize the Presidential public financing system and again make it an attractive and viable option for Presidential candidates. Our bill would bring available funds into line with the increased cost of campaigns, adjust the program to the front-loaded primary calendar, and enhance the role of small donors. The bill has been carefully designed and deserves deliberation and debate.

□ 1330

Instead, we're faced with yet another Republican attempt to open the floodgates for corporate cash and special interest influence to pour into our political system.

With confidence in government at rock bottom, and the perception of government corruption through the roof, why is the majority trying to return us to the dark days of Watergate? Let's instead restore and improve our public financing system and move on to real solutions to put our Nation's fiscal house in order.

Let's not use valuable floor time to pass a bill that has no chance of becoming law. The American people want us to get to work on important measures to revive the struggling economy and put people back to work. So I urge the majority to heed that call. Get to work on passing appropriations bills, fixing the Medicare physician reimbursement, extending the payroll tax cut and unemployment benefits, patching the AMT, and reauthorizing the FAA in time for families' holiday travel.

I'm afraid such pleas are falling on deaf ears in this Chamber these days. But we need to get to work on the people's business, not on this flawed bill that threatens to allow big money to play an even larger role in our politics.

Mr. HARPER. I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ), a valued member of the House Administration Committee.

Mr. GONZALEZ. Mr. Speaker, I rise in opposition to this bill in its entirety but especially to that provision which attempts to eliminate the Election Assistance Commission.

I need to address a few points that have been made by the proponents of this bill because I was there when this original bill came up for consideration years ago, and I've been there for the subsequent hearings in the committee of jurisdiction.

First of all, when it comes to the secretaries of state, they've been opposed to the creation of the Election Assistance Commission from its very beginning. This is nothing new. Their renewal of opposition basically used a form letter that didn't even change the 2006 date. The 2010 opposition letter actually referred and still used the same letter of previous years.

But the most important thing to point out is that secretaries of state have multifaceted responsibilities and obligations. One of them is to conduct elections. But each one of us in this body knows who really runs an election, and it's going to be your local election administrators.

You and I and anybody involved in the electoral process knows that on Election Day you're not going to find secretary of state personnel at the polling places. When the ballots are mailed for absentee voting, you're not going to find anyone from the Secretary of State's Office. They're not going to count the ballots. They're not going to be there. It is a local effort, and that's what the Election Assistance Commission is doing.

It was never meant to have a life span of 3 years. If you read the bill carefully, and Mr. HOYER, who will be taking the floor later, will remind us of the legislative history of that particular bill that created this commission.

If we are to criticize them for an inordinate amount of their budget being applied to personnel, then we must look in the mirror as Members of Congress, because I assure you, because I also sit on a committee, obviously the same committee, that entertains the budget requests of the different committees. Each one of those committees and individual Members of Congress will tell you that they spend a greater proportion of their budget on personnel than the Election Assistance Commission. And there's good reason for it.

It was never really intended to fully fund every effort at the local level. It's to give advice. That's why I have received in the past, from local election officials in Maryland, Texas, Florida, and Ohio—the local experience in Texas, in my county there, was that we saved $100,000 by the suggestions and recommendations that were issued by the commission.

Lastly, you criticize the commission for not functioning because it doesn't have a full body of commissioners. But whose fault is that? It's the individuals on the other side of the aisle that have blocked consideration.

That reminds me. When I was a lawyer, we used to have an old joke about the individual defendant who was there charged with murdering his parents, and at the end of the trial goes before the jury and asks for mercy because he's an orphan. It is a self-fulfilling prophecy.

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

Mr. BRADY of Pennsylvania. I yield the gentleman an additional 10 seconds.

Mr. GONZALEZ. If you want to help your local election officials, vote ''no'' on this bad bill.

Mr. HARPER. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. ROKITA), who is a distinguished member of the Committee on House Administration, a former secretary of state for the State of Indiana, and he has served as president of the National Association of Secretaries of State.

Mr. ROKITA. I thank the gentleman for yielding time.

Mr. Speaker, listening to the prior comments, I can't help but wonder if certain Members of this body can't help but not do more than one thing at a time. But certainly, your secretaries of state and your local election officials can multitask, and they do an excellent job of executing the States' elections.

I want to focus on the portion of the bill that eliminates the Election Assistance Commission, Mr. Speaker. As has been said, I have a unique perspective on this. In 2005, as Indiana's secretary of state, and serving as the president of the National Association of Secretaries of State, I coauthored the successful resolution that was talked about earlier to dissolve the EAC after the 2006 election. As the oldest organization of bipartisan elected officials in the Nation, we at NASS renewed the call to dissolve the commission in 2010.

And, no, Mr. Speaker, I can assure you, from the debates that we had in that organization, it was not a form letter. It was not a form renewal.

Furthermore, the vote for the renewal was 24–2, with 13 Republicans and 11 Democrats calling for its dissolution. This is not a partisan issue. We recognized, on a bipartisan basis, that the Election Assistance Commission cannot be justified on the grounds of fairness, justice, opportunity, or necessity.

EAC bureaucrats do not make elections fair. In fact, EAC makes them less fair by producing biased, inaccurate reports on the state of elections in our Nation and offering recommendations based on these junk studies. EAC bureaucrats do not enfranchise voters. States and individuals do that, as our Federal Constitution dictates.

Giving unelected, unaccountable bureaucrats in Washington more power over elections does not lead to more just election outcomes. If anything, it interferes with a just outcome because these bureaucrats, many with an ideological axe to grind, face little or no accountability for their actions, and they know it.

Voting is fundamental to our system and the legitimacy of our government. Ensuring qualified American citizens have an opportunity to vote is essential. The Constitution tasks the States with execution and maintenance of elections, not Federal bureaucrats.

Like I said, Mr. Speaker, I believe States do an excellent job. And by managing elections closest to the voters at the State and local level, we stand the best chance of ensuring opportunity for all and correcting injustice if the opportunity to vote is denied or interfered with.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. As a former secretary of state for the State of Rhode Island, and now a Member of the United States Congress, I have serious concerns about this bill.

Mr. Speaker, voter participation is the cornerstone of our democracy and a fundamental civic duty that empowers every citizen to effect change within our society. Unfortunately, many individuals with disabilities have been historically shut out of the voting process due to lack of accessibility. That's among my particular concerns with this bill.

We have made impressive strides in recent years to close that gap, and the Election Assistance Commission, established under the Help America Vote Act, was an important part of that effort. As a Member of Congress who lives with a disability, cofounded the bipartisan Disabilities Caucus, and has worked at both the State and Federal levels to modernize and make accessible our voting systems, I find it unconscionable that the Republican leadership is considering this bill to abolish the Election Assistance Commission, an agency whose fundamental mission is to promote security, accessibility, and trust in our electoral process.

Could the EAC use some reforms? Yes. But the Republican solution of eliminating an agency with such an important mission is unnecessary. Everyone, Mr. Speaker, should have full faith in our system of elections including seniors, military members, minorities, and people with disabilities, and that's exactly what the Election Assistance Commission seeks to provide.

Mr. Speaker, we have precious little time left before the end of this Congressional session. Instead of considering a bill that will only serve to erode America's faith in our democracy, our time would be far better spent rebuilding it by focusing on job creation, getting this economy back on track.

I urge my colleagues to oppose this bill and turn our attention to legislation that will extend tax relief for families and small businesses, reduce unemployment, and create greater economic stability. That is exactly what my constituents expect from me, and that's exactly what the American people expect from this Congress.

□ 1340

Mr. HARPER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), the distinguished chairman of the House Administration Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, H.R. 3463 will eliminate the Presidential Election Campaign Fund and the Election Assistance Commission. That's good news. The American people have been asking this Congress to get serious about spending, begging us to take a critical look at government operations and get rid of the dead weight. Mr. Speaker, if there ever was a government program or a government agency that is ripe for the cutting, it is the Presidential Election Campaign Fund and Election Assistance Commission.

The Election Campaign Fund is an unused government program only supported by a meager 7 percent of the American people. In other words, 93 percent of the American taxpayers have opted out of participating in this program. Candidates and nominees have routinely opted out of the system altogether.

In 2008 we know then-Candidate Barack Obama declined public financing in the general election. In 2012, it's expected that neither general election candidate will participate in the program, and no candidate has requested eligibility thus far in the election cycle.

According to CBO, elimination of this program would save the American taxpayers $447 million over the next 5 years and return nearly $200 million to the public Treasury for deficit reduction immediately.

I know some people think $500 million isn't much. Where I come from, that's a lot. We can eliminate something that the American people have rejected by a vote of 93–7. It seems to me to make sense.

Mr. Speaker, in the last Congress, the Committee on House Administration held hearings on the issue of taxpayer financing of campaigns. And one of our witnesses asked this question. He said, if the voters are not willing to pay for the program, then why should it continue?

As for the Election Assistance Commission, this agency has been the subject of two hiring discrimination lawsuits, spends over 50 percent of its budget on administrative costs, and is asking this Congress for $5.4 million to manage programs totaling $3.5 million.

In short, Mr. Speaker, this bill before us eliminates an unused government program, shuts down an obsolete government agency, saves the taxpayers $480 million over 5 years, and returns almost $200 million to the Treasury. How could we not vote for it?

Mr. BRADY of Pennsylvania. Mr. Speaker, may I inquire how much time we have.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 7 minutes. The gentleman from Mississippi has 2½ minutes.

Mr. BRADY of Pennsylvania. Thank you, Mr. Speaker.

I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

After $5.3 billion was spent in the 2008 Federal elections, I never heard anyone utter a word that said the problem we face today in Washington is that we need more private money in politics. Never has anyone said to me, I wish the super-rich had more influence over our government and elected officials, especially in campaigns for President and Congress.

I never received a letter from a constituent that expressed a desire to get further away from one person-one vote and move closer to one corporation-one vote. What I have heard from my constituents is a deafening demand to get money out of politics. This bill takes us in the opposite direction.

We should be chasing the moneychangers out of the people's temple, not turning our government into an auction house. This legislation is upside down.

Private financing of elections corrodes our democracy. Private contributions of Federal elections must end. Private financing equals government in the private interest. Public financing—the hope of government in the public interest.

We need to restore our democracy and end private contributions. We shouldn't have any contributions from special interests. We need government of the people, by the people, and for the people returned to this government.

Mr. HARPER. I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Let me just take this from 30,000 feet for a minute and reiterate what the gentleman from Ohio said.

We have too much private money in the people's House. We can't get anything done now because it somehow may affect what Wall Street is doing.

We had a China currency bill on the floor last year, 350 votes, 99 Republicans. We can't even get it up for a vote now in the House because Wall Street doesn't want it. We're in dire straits with trying to balance our budget.

We need to ask people making more than a million dollars a year to help us close this gap so we can reinvest back in our country. Nothing is happening because Wall Street doesn't want it.

We've got oil and gas still getting benefits when profits are going through the roof. We can't close that loophole because the oil and gas industry doesn't want it closed.

There is too much private money in the people's House. We need public funding of elections. Let every citizen kick in fifty or a hundred bucks, and we run elections by letting people on the airwaves making these debates, making these discussions having a little bit of money to do it.

We've got to reform this country and set us on a path to prosperity. No wonder we can't invest in public education, public health, public infrastructure, because the private interests are running the whole show here.

Mr. HARPER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia, Dr. GINGREY, chairman of the Subcommittee on Oversight of the House Administration Committee.

Mr. GINGREY of Georgia. Mr. Speaker, maybe the President will listen to the advice of the gentleman from Ohio and sign up for public financing of his re-election effort.

But mainly I rise today in strong support of the combined efforts of my good friends, Mr. HARPER of Mississippi and Mr. COLE of Oklahoma, to reduce Federal spending by ending the public financing of campaigns and conventions and to terminate this Election Assistance Commission.

As Presidential campaigns in this day and age are becoming increasingly expensive to the tune of billions of dollars, the idea of having taxpayers contribute matching funds to them has become ludicrous.

The end of this practice would save $617 million over 10 years, and I commend the gentleman from Oklahoma for his work to reduce spending.

As far as the gentleman from Mississippi's efforts regarding the Election System Commission, as a member of the committee of jurisdiction over EAC, the House Administration Committee, I've learned firsthand that this agency has outlived its usefulness, it's mismanaged its resources, all the while costing taxpayers, we the taxpayers, millions of dollars a year.

Mr. Speaker, the Election Assistance Commission budget request for 2012 devoted 51.7 percent of its budget to management overhead costs. Let's eliminate this commission and support this bill.

Mr. Speaker, following is my statement in its entirety:

I rise today in strong support of the combined effort of my good friends, Mr. HARPER of Mississippi and Mr. COLE of Oklahoma, to reduce federal spending by ending the public financing of campaigns and conventions, and to terminate the Election Assistance Commission.

As Presidential campaigns in this day and age have become increasingly expensive to the tune of hundreds of millions of dollars, the idea of having taxpayers contribute matching funds to them has become ludicrous. Ending this practice would save $617 million over 10 years and I commend Mr. COLE for his work to reduce spending.

As far as Mr. HARPER's efforts regarding the Election Assistance Commission, as a member of the committee of jurisdiction over the EAC—the House Administration Committee—I have learned first-hand that this agency that has outlived its usefulness and mismanaged its resources—all while costing taxpayers millions of dollars a year.

In the midst of our record levels of debt, we must scrutinize where every dollar of taxpayer money is being spent to ensure we are allocating these funds responsibly and delivering the best possible value to our citizens.

Mr. Speaker, the Election Assistance Commission's budget request for 2012 devoted 51.7 percent of its budget to management and overhead costs. It should be hard for anyone to argue that an agency that spends $5.5 million dollars managing programs totaling $3.5 million dollars is a responsible use of taxpayer funds.

The EAC has more than doubled in size—without an increase in its responsibilities—since it was originally supposed to sunset in 2005. It is long past time, Mr. Speaker, that we allow government programs that have outlived their usefulness to be shut down, rather than maintain unnecessary and redundant layers of bureaucracy.

Eliminating this red tape would save American taxpayers $33 million dollars over five years, while at the same time preserving the EAC's necessary functions—voting system testing and certification—at the Federal Election Commission, which can more efficiently handle these responsibilities.

Mr. Speaker, the National Association of Secretaries of State—who are the direct beneficiaries of the EAC's services—have themselves called for the EAC's dissolution. This body should follow suit today. I urge all of my colleagues to support this bill.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 3 minutes to the distinguished Democratic whip, the gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. First of all, we ought to be talking about jobs. The contention that this bill funds bills that are about jobs is spurious, in my opinion; and no economist, in my opinion, will assert that that is the fact. We ought to be dealing with jobs.

But what are we dealing with?

Now, I know of what I speak, I tell the gentleman from Georgia. I understand. I was a Member of the House Administration Committee for, I think, some 15 years. I, along with Bob Ney, was the sponsor of the Help America Vote Act, which created the Election Assistance Commission. So I know something about the Election Assistance Commission.

It was created because in the year 2000 we had a disastrous election which was resolved finally but not very acceptably by most people, whether your candidate won or lost. So the Election Assistance Commission was created for the purpose, for the first time in history, of having some Federal presence in the oversight of Federal elections. Not mandatory, but advisory.

Now, what we see, frankly, throughout America in Republican-controlled legislatures in many, many States is an effort to make voting more difficult to, in my opinion, suppress the vote, to require more and more documentation of people who have already registered to vote and claiming problems that exist that do not exist.

□ 1350

Now, if you want to obfuscate the election process, if you want to suppress the vote, if you want to make it more difficult, what is one of the things you want to do?

Eliminate the Election Assistance Commission, whose responsibility it is to advise and counsel on best practices to assure that every American not only has the right to vote but is facilitated in casting that vote and in making sure that that vote is counted. That's what the Election Assistance Commission does.

And what do they want to do with the Election Assistance Commission's responsibility? Transfer it to the Federal Election Commission, whose sole responsibility is to oversee the flow of money into elections. They neither have the expertise nor, frankly, do they have the time. They hardly have the time to do what they're supposed to do right now.

Now, the Bush administration did not fund the Election Assistance Commission very robustly. Like every agency, it requires and should have proper oversight, and should, in my view, be more vigorous in the carrying out of its responsibilities. That is not, however, a reason for eliminating it. The only reason for eliminating it is to make voting more obscure, with less oversight and less assurance to our citizens that they not only have the right to vote but that a vote will be cast and counted correctly.

Mr. HARPER. Mr. Speaker, may I inquire as to the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Mississippi has 1½ minutes remaining, and the gentleman from Pennsylvania has 2½ minutes remaining.

Mr. HARPER. Mr. Speaker, I yield 1 minute to a distinguished member of the Judiciary Committee and a former judge, the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Let's cut to the chase. This is a tax credit for people who want to contribute to the President's campaign fund. They're told you can check this box and it doesn't cost you anything. No, but it takes $40 million-plus a year away from the fund that could be used for other things, including for Social Security, and it gives it to the President's campaign fund.

I stand with our President, Barack Obama, on this issue, who found that that fund is worthless and that it's an impediment to getting elected. So I stand with President Obama in saying let's get rid of the fund and not use it anymore, and let the $200 million in that fund go to something helpful instead of being an impediment to being elected President.

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

The Presidential campaign fund currently has over $190 million. Tens of thousands of Americans put that money there. They wanted their money to go for this purpose. We would be fooling and deceiving our very own citizens if we were to pass this bill. They put that money there to be able to have the small say that they can—with their $1 or $3 or whatever it may—and be able to say who they would want to support and put it towards campaigns. We would be giving it back to the Treasury. They already put their money in the Treasury. This would be wrong, and we would be fooling the American people.

We would be telling them, We told you to check off a box and give us X number of dollars for a campaign. Now we're going to take $100 million of the money we told you to check off to use for that purpose, and we're no longer going to use it for that purpose.

That's wrong. It's not right. It's deceptive, which is why I urge a ''no'' vote on this bill.

OHIO ASSOCIATION OF
ELECTION OFFICIALS,
OCTOBER 12, 2011.

Hon. ROB PORTMAN,
Russell Senate Office Building,

DEAR SENATOR PORTMAN: We are writing today regarding the possible elimination of the US Election Assistance Commission (EAC) as part of the Super Committee's recommendations for budget reductions. The EAC is an independent federal agency created in the wake of the 2000 election to help solve election related problems. The EAC provides assistance to election officials in the form of best practices, guidance, and the testing and certification of voting systems. Basically, the EAC provides an outlet and open forum for election officials to share their experiences, consider alternatives, deliberate their outcomes, and establish continuity of process, thus strengthening our democracy by helping election officials to do their job well. However, if Congress has its way, the EAC may not provide these services much longer. There has been movement in the House to eliminate the agency since last year, labeling it ''wasteful'' and ''unneeded.'' However, election administrators on the local level feel differently.

Although it has been argued that the EAC has outlived its usefulness because the Help America Vote Act funding it oversees has been exhausted, the EAC has become far more than a distributor and auditor of money; the EAC is a repository and resource of election management procedures, performance measures, election materials, and administrative knowledge. Effective designs of polling place signage, webinars on topics such as contingency planning, minority language glossaries of election terminology, Quick Start Guide publications regarding Developing an Audit Trail, Conducting a Recount, and Acceptance Testing are all pertinent reminders for veteran election officials as well as critical learning tools for those officials newly elected, appointed, or hired.

The EAC is not without its issues. The agency's Voting System Testing and Certification program was slow to develop and continues to struggle to certify systems in a timely manner. As with many federal agencies greater efficiencies of operation should be considered in order to more effectively produce election materials at less cost to the public. Also, as the EAC has grown so has its overhead costs and management size. These areas should all be addressed through greater Congressional oversight, not through eliminating the agency.

Ironically, proponents of the elimination of the EAC would simply reassign the various function of the Commission to other more bureaucratic federal agencies such as the Federal Election Commission (FEC). Claims that any savings would be realized by its elimination are specious at best. We see no need to eliminate or dismantle the only federal resourc available to local election officials.

The EAC has never been needed more than now. Election officials across Ohio and the United States are doing more with less and it's only going to get worse. As budgets tighten and voting equipment ages, the chances of another election disaster increase. Without the EAC's help, another Florida 2000 election may be inevitable, and Congress will have no one to blame but itself. With a total operating budget of just under 18 million dollars the EAC would make up approximately half a percent of the total federal operating budget: a small price to pay for helping protect our democracy. If you think a good election costs a lot, you should see how much a bad election costs.

We urge you to reject these efforts as part of the Super Committee review of federal spending.

Respectfully submitted,

DALE FELLOWS,
President, Ohio Association of Election Officials.

LLYN MCCOY,
First Vice President, Ohio Association of Election Officials.

STATE BOARD OF ELECTIONS,
Raleigh, NC, March 27, 2011.

Chairman GREGG HARPER,
Committee on House Administration, Subcommittee on Elections, Washington, DC.

Ranking Member ROBERT BRADY,
Committee on House Administration, Washington, DC.

Re H.R. 672.

GENTLEMEN: As with any governmental agency, commission, department or other entity, methods of improving efficiency, streamlining procedures, and modernizing responsiveness should all be considered to maintain viability for constituents. These

studies would be beneficial for the Election Assistance Commission. However, I strongly oppose H.R. 672. Termination of this Commission is not in the best interests of the elections process. The EAC serves a vital role in the conduct of Federal elections as well as the smallest municipal election. During an election, information sharing is vital—from clerical administration to public communication. The EAC can serve as a clearinghouse of information so that local jurisdictions receive real-time, necessary data during the conduct of a Federal election.

North Carolina adopted uniform procedures and forms for Elections Administration while still allowing for local input and decision-making that fits individual jurisdictions. Many of the problems Federal elections in the United States face can be traced to a lack of consistency and efficiency. The Election Assistance Commission (EAC) is the Agency that can provide that needed consistency and broad guidance. In fact, in its short history, the EAC already has adopted standards for voting systems that can allow for nationwide uniformity. Elections jurisdictions may use those standards as a baseline when choosing voting systems and vendors.

One of the most disturbing trends occurring in the field of elections is the rapid turnover of commission officials, board members and elections staff. Although elections comprise a mere fraction of a percent of total budgets, the elections budgets are continually cut and reduced. Already understaffed, we are reaching a point of compromising our ability to adequately perform necessary duties. The EAC is essential, filling a vital role when a local jurisdiction does not have the personnel or equipment to conduct an election without assistance.

Even more important is the status of voting systems and equipment. By transferring the certification of voting systems to the National Institute of Standards and Technology (NIST) and the Voluntary Voting System Standards to the Federal Election Commission (FEC), the very real possibility emerges that there will be no communication or compatibility between the two efforts. This could lead to an impasse. Much progress has been made in the struggle to uplift voting equipment standards. The significant work done by the EAC will be lost amongst the myriad other NIST responsibilities.

Additionally, the FEC is already overburdened, understaffed, and currently does not handle any aspect of election administration. How can the FEC effectively advise state and local officials or provide the necessary support and guidelines needed for full voter confidence in the elections process? Piling more responsibility on an already encumbered agency will only lessen its efficacy and will do a disservice to taxpayers.

Perhaps a focus of this legislation should be to address keeping both the EAC and the FEC fully staffed with Commissioners so that each Agency has the ability to function at full capacity, providing much-needed guidance to election administrators while also judiciously stewarding taxpayer dollars. As H.R. 672 is written, there is no provision for the election community to provide input to either NIST or the FEC. This participation and dialogue is critical to make sure that all future voting systems truly meet the needs of the voter as well as the requirements and limitations of poll workers.

The EAC has amassed the most comprehensive public elections library in the country. Their website is a wonderful tool for both elections officials and the general public. Similarly, North Carolina's award-winning website has been heralded as an invaluable resource for our citizens. These communications tools are an integral facet of the way election administrators must interface with the American public in this rapidly changing technological world. Without dedicated resources for the public broadcasting of election information and news, the elections process will become less transparent and voters will become less aware of processes, procedures and laws.

Another facet of the elections process in North Carolina is the concept of the ''Wellness Check.'' Wellness Checks are audits of our county boards of elections, serving as preventative maintenance to keep things on the right track and identify problems before they manifest. Results are available for public inspection, with the goal of further increasing voter confidence in elections. This concept could become a function of the EAC, be carried into other aspects of elections, and could further strengthen the integrity of and faith in the national elections process.

Although elections are the responsibility of the States and of local jurisdictions, they are mandated by Federal law. Congress needs to do its part to ensure the Federal government adequately and appropriately contributes to local responsibilities. The EAC is an excellent way in which Congress may manifest its support. Reassigning these responsibilities to other, already strained entities will diminish the modernization progress accomplished during the first decade of the twenty-first century.

One of the greatest gifts Congress could give to the nation is its continued support and investment into the elections modernization process. By stewarding and tending the process begun in the earlier years of this decade, Congress can guarantee that all jurisdictions; large, small and somewhere in-between, are equally equipped to handle the future of elections; that each has modern and certified equipment; and that the resources are available so that every qualified voter in America has the same access to and confidence in the elections process.

Respectfully, I ask that you reconsider the submission of H.R. 672. My opposition to this legislation has been articulated herein. Please do not hesitate to contact me should you have any questions or require further commentary.

Yours sincerely,

GARY O. BARTLETT,
Executive Director.

ELECTION OFFICIALS OF ARIZONA,
October 14, 2011.

The Next 2000 Election May be Just Around the Corner

Honorable Members of Congress Representing the Great State of Arizona.

Is another 2000 election disaster lurking? At this point it may not be a question of when, but rather a question of where. While pundits, newspapers and politicians debate issues like voter ID and early voting, election administrators across the country are worrying about the issues that will directly impact an election. The number one issue facing election officials today is limited and ever-shrinking budgets combined with aging equipment, technology, and workers.

Direction on how to address these concerns exists . . . for now. The Election Assistance Commission (EAC) is an independent federal agency created in the wake of the 2000 election to help solve these problems. The EAC provides assistance to election officials in the form of best practices, guidance, and the testing and certification of voting systems. Basically, the EAC provides an outlet and open forum for election officials to share their experiences, consider alternatives, deliberate their outcomes, and establish continuity of process thus strengthening our democracy by helping election officials to do their job well. However, if some members of Congress have their way, the EAC may not provide these services much longer. There has been movement in the House to eliminate the agency since last year, labeling it ''wasteful'' and ''unneeded.'' However, election administrators on the local level feel differently.

Although it has been argued that the EAC has outlived its usefulness because the Help America Vote Act funding it oversees has been exhausted, the EAC has become far more than a distributor and auditor of money; the EAC is a repository and resource of election management procedures, performance measures, election materials, and administrative knowledge. Effective designs of polling place signage, webinars on topics such as contingency planning, minority language glossaries of election terminology, Quick Start Guide publications regarding Developing an Audit Trail, Conducting a Recount, Acceptance Testing are all pertinent reminders for veteran election officials as well as critical learning tools for those officials newly elected, appointed, or hired.

The EAC has never been needed more than now. Election officials across the United States are doing more with less and it's only going to get worse. As budgets tighten and voting equipment ages, the chances of another disaster increase. Without the EAC's help, another Florida 2000 election may be inevitable, and Congress will have no one to blame but itself. With a total operating budget of just under 18 million dollars the EAC would make up approximately half a percent of the total federal operating budget: a small price to pay for helping protect our democracy. If you think a good election costs a lot, you should see how much a bad election costs.

We speak out in opposition to the dissolution of the EAC and the distribution of the remaining functions to the Federal Election Commission.

Respectfully submitted for your consideration by the Election Officials of Arizona.

I yield back the balance of my time.

Mr. HARPER. Mr. Speaker, it has been said that we haven't done anything about jobs. Here we have a card that lists 25 different bills that we've passed which help manufacturing, the economy, energy—bills that are going to be great job creators. Yet the complaint has been that the EAC is not dealing with those issues.

Members on the other side of the aisle who said that this is not appropriate and that it's going to disenfranchise voters should remember they all voted for this in 2002 when it had its 3-year provision to sunset after that. So I think that argument will not fail. In addition, the EAC has no regulatory or enforcement authority.

Mr. Speaker, I urge my colleagues to support this important legislation, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong opposition to H.R. 3463, which simply combines two bills, H.R. 672 and H.R. 359, previously considered during this Congress. I opposed those bills then and I oppose them now. Terminating the Election Assistance commission and the Presidential Election Campaign Fund, is a worse idea and a greater waste of precious legislative time today than they were when the Republican majority first brought these bills to the floor earlier this year.

Mr. Speaker, since its creation, the Federal Election Commission has served the valuable purpose of preserving the voting and civil rights of our citizens which was born out of the scandal know as Watergate. The Presidential Election Campaign Fund succeeds in its purpose of leveling the playing field when it comes to corporate versus public funding of campaigns. By terminating taxpayer financing of presidential election campaigns and party conventions, the Republican majority seeks to permanently tilt the playing field in favor of special interest groups and corporate money at the expense of the public interest.

Presidential campaigns are currently funded through the voluntary $3 check-off on income tax returns. Given the size of the deficit and the national debt, the amount of money saving by terminating taxpayer financing is de minimis—less than $1 billion—but will achieve a goal long sought by conservatives who have never believed that public financing of campaigns is a permissible use of federal revenues.

The Election Assistance Commission is charged with developing standards for voting systems, advising and counseling on best voting practices, assuring that every American has the right to vote, as well as to facilitate such vote, and to make sure that every single vote is counted. The precedent-setting work of the Election Assistance Commission has been recognized by nations around the world. The Election Assistance Commission has also played a central role in improving the accessibility of voting for the country's more than 37 million voters with disabilities.

Let us not forget that the Election Assistance Commission was borne out of the 2000 presidential election fiasco with its unforgettable contributions to the political lexicon: ''hanging'' chads, ''pregnant'' chads, ''dimpled'' chads; ''butterfly ballots''; and ''voter intent.''

In response to the 2000 debacle, the Election Assistance Commission has performed valuable work to ensure the reliability and trustworthiness of our nation's election systems. It has played a central role in collecting accurate and comparable election data. With our nation's complex and diversified election administration system, central data collection is essential if we are going to improve our citizens' trust and confidence in election results. The Election Assistance Commission develops and fosters the training and organization of our nation's more than 8,000 election administrators.

Mr. Speaker, every vote counts—and every vote should be counted—and that is why we must preserve the Election Assistance Commission and oppose this legislation.

It is also important to note that abolishing the Election Assistance Commission will not save taxpayers money, but rather simply shift costs to the Federal Election Commission, FEC, and local governments. The FEC is not an agency that can make decisions in a timely and responsive fashion due to its partisan divisions. Consequently, transferring the functions performed by the Election Assistance Commission to the FEC is inconsistent with the national interest in ensuring election integrity, improving voter access to the polls, and enhancing the quality of election systems.

Mr. Speaker, the American people elected us to work on their priorities and real problems, like the lack of jobs. They do not want us to waste time on inconsequential matters of interest only to the Tea Party. H.R. 3463 is unnecessary and a diversion from addressing the real challenge facing our country. Therefore, I strongly oppose H.R. 3463 and I would urge my colleagues to join me in defeating this misguided and reckless legislation that puts the integrity of our election systems, and public confidence in campaign financing at risk.

Mr. WAXMAN. Mr. Speaker, the last thing we need to do in this House as this legislative year draws to a close is to further the corrupting influence of special interest money in presidential campaigns. But this is what the Republican leadership is determined to do.

Last January, the House Republicans stampeded one part of this bill through the House—provisions that terminate the system of public funding of presidential campaigns that was established in the wake of the infamous Watergate scandals, under Richard Nixon's presidency, nearly 40 years ago. It's not enough to pass this bill once—the Republicans insist we pass it again today. It is not enough that virtually unlimited amounts of private money can now slosh through our political system—over $280 million last year alone, thanks to the Citizens United decision by the Supreme Court last year—we have to pass a bill that asphyxiates the supply of public money in our presidential campaigns.

The Republicans are also practicing gross hypocrisy. While this bill ends public financing of presidential campaigns, the Republican Party is seeking $18 million in public funding to support their nominating convention next year.

Everyone knows that this bill is dead on arrival in the Senate and would be vetoed by the President—because it is a corruption of good government. But that does not impede the Republican leadership in the House today. Rather than work with us on real legislation that would deliver real jobs, real investment and real growth to the American economy, the House Republicans would rather waste our time and continue to deliver nothing to the American people.

To treat our democracy so cavalierly is disgraceful; to persist in policies that, should they ever become law, will result in the complete privatization of the political process by monied special interests, is shameful.

The other part of this bill would eliminate the Election Assistance Commission, which was established in the wake of the 2000 election debacle in Florida. Its mission is to ensure that elections are conducted properly, with assistance that promotes voter registration, trained poll workers, and access to the polls by disabled Americans. There is no justification for terminating this small agency, which helps ensure our democracy works as intended.

The American people, and our democratic processes, deserve far better than this legislation in the House today.

Mr. CONNOLLY of Virginia. Mr. Speaker, once again, this House is taking up a proposal that represents a direct attack on the will of the American people.

Public financing for Presidential elections, which began in the 1970s, is one of the few opportunities where Americans are allowed to specify how they want their tax dollars spent.

As Members of Congress, we are charged with representing the interests of our constituents. In this particular instance, however, we know precisely what the American people want. By voluntarily checking this box on their tax forms, more than 10 million of our fellow Americans have made their intentions explicitly clear. The Presidential Election Campaign Fund exists because individual Americans expressly opted to dedicate a portion of their taxes to that purpose.

In January, House Republicans voted to ignore the explicit intentions of the American people and eliminate the Presidential Election Campaign Fund. Thankfully, the Senate heard Americans' call and killed the bill. And this year, millions of Americans again checked the box on their tax forms for calendar year 2010, once again, explicitly telling the government how they wanted their taxes spent.

Ironically, our Republican colleagues cite their own YouCut website as a representative site, with at most, a few hundred thousand followers. They disdain 10 million citizens but revere the few. This is selective representation in its most rawest and worst form.

The bill before us today, H.R. 3463, will break faith with the American people by ignoring their direction. Mr. Speaker, I urge my colleagues to join me in defending the will of American taxpayers by opposing this bill.

Mr. HOYER. Mr. Speaker, while the Republican sponsors of the two bills before us contend they will create jobs, their claim is spurious. Economists have told us again and again that easing regulations has a negligible effect on job creation. The only thing these bills will do is make it harder for federal agencies to protect Americans through safety standards and environmental protections.

One of the bills adds 35 pages to what is currently a 45 page law, and is likely to add 21 to 39 months to the rulemaking process. Agencies will be tied in knots and leave businesses without the certainty they need.

To pay for this expansion of the federal regulatory process, Republicans would have us eliminate the Election Assistance Commission.

I was proud to be one of the authors of the Help America Vote Act, which established the EAC in order to fix the flawed system that led to the electoral debacle of 2000. It passed with a strong bipartisan vote of 357–48. The Commission's sole purpose is to provide states with the resources they need to ensure everyone eligible to vote can cast their ballots and have them counted. We cannot risk having our elections determined by ''hanging chads.''

Instead of trying to erode our ability to protect voters, and instead of promoting regulatory bills that will not put Americans back to work, Republicans should join with Democrats to pass real jobs legislation. Democrats have two plans on the table to create jobs and grow our economy—the President's American Jobs Act and our Make It In America plan. We should be debating and voting on those.

I strongly urge the defeat of these bills and hope Republicans will finally set partisanship aside and work with us to help businesses hire workers and to invest in our economy's future.

Ms. PELOSI. Mr. Speaker, I come to the House floor today to reaffirm a fundamental value of our democracy: elections must be decided by the American people, not the special interests. I come to the floor to defend the right of American citizens to vote in every election. I come to the floor on behalf of clean campaigns.

Republicans, instead, have brought to the floor legislation that would both diminish the

voting rights of Americans and shift control of our elections into the hands of secret corporate donors. Once again, Republicans refuse to focus on creating jobs and strengthening the economy for middle-class Americans, the 99 percent, but are instead pursuing a narrow agenda to benefit special interests, the 1 percent.

Last year, the Supreme Court overturned decades of precedent in a court case called the Citizens United case. Their decision has undermined our democracy and empowered the powerful by opening the floodgates to big, secret money, resulting in a corporate takeover of our elections.

As a result, the Democratic majority in the Congress, working with President Obama, created the DISCLOSE Act. It would restore transparency and accountability to federal campaigns, and ensure that Americans know who is behind political advertisements.

Democrats in the House passed the DISCLOSE Act, but Senate Republicans blocked its progress.

As a result, secret dollars are flowing into campaigns that represent the interests of the 1 percent—not the urgent national interest—to create jobs. Indeed, special-interest groups spent tens of millions of dollars more in 2010 than any previous election cycle.

Today, Republicans want to take it another step further. The anti-reform legislation we debate today strengthens the role of foreign-owned entities and large corporations in funding political campaigns by eliminating the Presidential Election Fund. For nearly 30 years, the Fund has promoted small campaign donations and disclosure. It should be strengthened and reformed, not eliminated.

Likewise, the legislation also eliminates the Election Assistance Commission, which was created in the aftermath of 2000 elections. The EAC should also be strengthened, especially as states across the nation are taking active efforts to enact partisan measures to disenfranchise the rights of American voters.

According to the Brennan Center for Justice at NYU: since the 2010 elections, almost 34 states have introduced voting legislation in 2011 that significantly impacts access to voting. These laws have the potential of eliminating or making voting harder for more than 5 million Americans—harming millions of minorities, and hindering the rights of seniors, students, and low income voters.

This legislation is opposed by a broad range of good government organizations, from the League of Women Voters, to Americans for Campaign Reform, to Democracy 21, and U.S. PIRG. In a letter, they have warned against a 2012 presidential campaign ''being dominated by bundlers, big donors, Super PACs, candidate-specific Super PACs, secret contributions and the like.''

Further, polls have found that more than 70 percent of the American people support the continuation of the presidential public financing system.

In our democracy, voters determine the outcome of our elections—not special interests.

I urge my colleagues to oppose this effort to further empower the special interests—the 1 percent—in American elections—and to protect the right to vote for all Americans.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 477, the previous question is ordered on the bill.

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.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3463 is postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 56 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1405

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DENHAM) at 2 o'clock and 5 minutes p.m.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further 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, will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. BISHOP of Georgia. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of Georgia. I am in its present form.

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

The Clerk read as follows:

Mr. Bishop of Georgia moves to recommit the bill H.R. 3463 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new section:

SEC. 207. PROTECTIONS FOR ELDERLY, DISABLED, AND MILITARY VOTERS.

Notwithstanding any provision of this Act or any amendment made by this Act, to the extent that the Election Assistance Commission is responsible for the administration or enforcement of any of the following provisions of law as of the Commission termination date described in section 1004(a) of the Help America Vote Act of 2002 (as added by section 201(a)), any successor to the Commission shall remain responsible for the administration or enforcement of such provisions after such date:

(1) Any provision of law relating to the rights of the elderly to vote and cast ballots in elections for Federal office.

(2) Any provision of law relating to the rights of the elderly and other individuals who are registered to vote in elections for Federal office to obtain absentee ballots in such elections.

(3) Any provision of law relating to the access of the elderly, the disabled, and other individuals to polling places in elections for Federal office, including the Americans with Disabilities Act of 1990.

(4) Any provision of law relating to the protection of the rights of members of the uniformed services and overseas citizens to vote and cast ballots in elections for Federal office, including the Uniformed and Overseas Citizens Absentee Voting Act.

(5) Any other provision of law relating to the protection of the right of citizens of the United States to vote in elections for Federal office, including the Voting Rights Act of 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia is recognized for 5 minutes in support of his motion.

Mr. BISHOP of Georgia. Mr. Speaker and my colleagues, I offer the final amendment of the bill which, if adopted, will not kill the bill or send it back to committee. Instead, the bill will proceed to final passage, as amended. The purpose of my amendment is simple. It deals with one of my most valuable rights as an American citizen.

It is a right which many Americans throughout the course of our history have shared blood, sweat, and tears to protect, including our colleague and my dear friend, Representative JOHN LEWIS of Georgia. He marched from Selma to Montgomery and endured billy clubs, horses, and tear gas to preserve this sacred right.

The right to which I'm referring is the right to vote, as enshrined in the 14th Amendment to the Constitution and further protected in the landmark Voting Rights Act of 1965 and the Help America Vote Act of 2002 and various other measures.

Today, nearly five decades after the Voting Rights Act was signed into law and nearly 10 years since the Help America Vote Act, there is still an unprecedented attack on voting rights in States across this country.

Yet, the underlying legislation before the House today would abolish one of the key provisions of the Help America Vote Act, the Election Assistance Commission, which was designed to avoid a repeat of the turmoil surrounding the 2000 Presidential election in Florida, where problems with absentee and military ballots played a large role and led to many of these ballots not being counted.

If the commission is abolished, it will undermine America's faith in the integrity of our elections. According to the Brennan Center for Justice, more than 5 million Americans in 2012 could be adversely impacted by laws that tighten or restrict voting that were put into effect just this year. The number is larger than the margin of victory in two of the last Presidential elections.

Seniors, the disabled, and our Nation's veterans are now being turned away from the polls for not having the photo identification. Popular reforms like early voting and same-day voter registration are being rolled back.

□ 1410

Mr. Speaker, this situation should not be happening in the United States of America today.

My final amendment, therefore, is simple. It states that any successor to the Election Assistance Commission

shall remain responsible for the administration or enforcement of laws relating to the rights of the elderly, the disabled, members of the uniformed services, and overseas citizens to vote and cast ballots in elections for Federal office.

In signing the Voting Rights Act of 1965, President Lyndon Johnson said that ''the vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.''

If this final amendment is approved, we can continue to tear down the walls of injustice and ensure that our democracy is open for all Americans to deliberate, to participate, and to engage with each other.

I urge my colleagues to vote ''yes,'' and I yield the balance of my time to my colleague, Representative MARCIA FUDGE of Ohio.

Ms. FUDGE. I thank the gentleman for yielding.

Mr. Speaker and my colleagues, there is no doubt that a concerted voter suppression effort is under way in this Nation. Abolishing the Election Assistance Commission, an agency charged with ensuring that the vote of every American counts, is just another step in the voter suppression effort and would completely remove oversight of the most important process in our democracy.

Does it make sense to remove oversight at a time when Republican-led legislatures across this Nation are passing laws to obstruct voting? No, it absolutely does not.

In the first three quarters of 2011, 19 new State laws and two executive actions were enacted to limit the ability of American citizens to vote. They would make it significantly harder for more than 5 million eligible voters to cast ballots in 2012.

Many of the bills, including one signed into law in my home State of Ohio, include the most drastic voter restrictions since before the Voting Rights Act of 1965.

Seniors will be denied their right to the franchise, and the disabled will find it more difficult to vote. Minorities and students will face more challenges than ever before. Soldiers honorably serving our country will be left with their absentee ballots uncounted. And let's not forget the people who died for our right to vote. People were slain to create the rights we enjoy today.

This determined effort is really about targeting a specific population of eligible voters to change the outcome of the 2012 elections. Plain and simple, H.R. 3463 is yet another voter suppression tactic.

Join me today in supporting this final amendment to guarantee the right of every American citizen to cast their vote.

Mr. HARPER. Mr. Speaker, I rise in opposition to this motion.

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for 5 minutes.

Mr. HARPER. Mr. Speaker, I am amazed that an argument could be made that in any way the elimination of the EAC would result in disenfranchising any voter. We all believe that every person who should vote, that needs to vote, that's allowed to vote, that wants to vote should be allowed to do so.

I would like to point out that all of those that are speaking in opposition that were here in 2002 when HAVA passed voted for HAVA. And in HAVA, it contained the provision that created the EAC, which was only supposed to last for 3 years. This is not a complicated lift to do away with this. Does that mean when they voted for this in 2002 that they were trying to disenfranchise voters? Obviously not. In no way is this intended to do anything but clean up an agency that has an average employee salary of $106,000 a year, has been sued for political discrimination, problems with the military, an agency that cannot be corrected but needs to be eliminated.

I urge my colleagues to vote against this motion to recommit and to support this bill.

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.

Mr. BISHOP of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 190, nays 236, not voting 7, as follows:

[Roll No. 872]

YEAS—190

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
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
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
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
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Welch
Wilson (FL)
Yarmuth

NAYS—236

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

Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Bachmann
Giffords
Hartzler
Paul
Schmidt
Waxman
Woolsey

□ 1442

Mrs. BLACKBURN and Mr. HALL changed their vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. WOOLSEY. Mr. Speaker, on December 1, 2011, I was unavoidably detained and was unable to record my vote for rollcall No. 872. Had I been present I would have voted "yea"—On Motion to Recommit with Instructions.

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. BRADY of Pennsylvania. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 190, not voting 8, as follows:

[Roll No. 873]

AYES—235

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—190

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
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
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
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
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—8

Bachmann
Giffords
Gohmert
Hartzler
McNerney
Paul
Schmidt
Waxman

□ 1449

Mr. RUSH changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REGULATORY FLEXIBILITY IMPROVEMENTS ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 527.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 477 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. 527.

□ 1450

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. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with Mr. DENHAM 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.

General debate shall be confined to the bill and shall not exceed 1 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.

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes. The gentleman from Missouri (Mr. GRAVES) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

America's economic recovery remains sluggish, with the unemployment rate still at 9 percent. Jobs are the key to economic recovery, and small businesses are the primary job creators in America.

A study for the Small Business Administration found that regulations cost the American economy $1.75 trillion annually, or over $15,000 per household.

Mr. Chairman, while job creators suffer under the weight of these regulations, Federal employees are visibly writing even more to implement the mandates of new laws like ObamaCare and Dodd-Frank. The same study also found that the cost of regulatory compliance is disproportionately higher for small businesses. This hurts their ability to create jobs for Americans.

Last month a Gallup poll found that small business owners consider ''complying with government regulations'' as the ''most important problem'' they face.

On February 8, 2011, I introduced H.R. 527, the Regulatory Flexibility Improvements Act of 2011, to provide urgently needed help to small businesses. Mr. GRAVES and Mr. COBLE are original cosponsors along with the bill's 24 additional cosponsors.

This bill primarily reinforces the Regulatory Flexibility Act of 1980 and the Small Business Regulatory Enforcement Fairness Act of 1996.

It only requires agencies to do what current law and common sense dictate that they should be doing. Current law requires agencies to prepare a regulatory flexibility analysis so agencies will know how a proposed regulation will affect small businesses before it is adopted. But the Government Accountability Office has found in numerous studies that agencies are not always adhering to these laws.

For example, current law allows an agency to avoid preparing a regulatory flexibility analysis if the agency head certifies that the new rule will not have a significant economic impact on a substantial number of small businesses. But these terms are not defined in the law, and agencies routinely take advantage of this and fail to prepare any analysis.

The bill fixes this problem by requiring the Small Business Administration to define these terms uniformly for all agencies. Also, it requires agencies to justify a certification in detail and to give the legal and factual grounds for the certification. And this bill restricts agencies' ability to waive the Regulatory Flexibility Act's requirements.

The legislation also requires agencies to document all economic impacts, direct and indirect, that a new regulation could have on small businesses. Agencies already must account for indirect economic impacts under the National Environmental Policy Act. Small businesses deserve the same level of scrutiny.

This bill assures that small businesses will have a voice in the regulatory process. Currently, only three agencies, the Occupational Safety and Health Administration, the Environmental Protection Agency, and the Consumer Financial Protection Bureau must consult with small business advocacy review panels before issuing new major regulations. Building on this, the bill requires all agencies to use advocacy review panels.

Equally important, this bill strengthens requirements that agencies review and improve existing regulations whenever possible to lower the burden on small business. It enhances the Small Business Administration's ability to comment on and help shape major rules. It assures that the law is uniformly implemented so agencies can not interpret their way out of its requirements. And the bill improves judicial review.

Some critics of regulatory reform may claim that this bill undermines agencies' ability to issue new regulations. On the contrary, the bill only strengthens the existing law with carefully tailored commonsense reforms.

Especially in light of current economic conditions, this bill is a timely and logical step to protect small businesses from overregulation. Like the Regulatory Flexibility Act of 1980 and the Small Business Regulatory Enforcement Fairness Act of 1996, the Regulatory Flexibility Improvements Act of 2011 recognizes that economic growth ultimately depends on job creators, not regulators.

The economy is already on shaky footing. It is more important than ever for regulators to look before they leap to impose more regulations. I urge my colleagues to support the bill, and I reserve the balance of my time.

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

I would just like to point out that the Crain study referred to already by the distinguished chairman of the committee, apparently he hasn't found out that it's been held in error in a number of ways but mostly by the Crain study people themselves, who said that their analysis was not meant to be a decisionmaking tool for lawmakers or Federal regulatory agencies to use in choosing the right level of regulation.

In other words, the study is flawed because it fails to account for any benefits of regulation. So I want everybody to know that this correction about $1.75 trillion has been thoroughly debunked by not only CRS but other authorities as well.

Now, this debate follows a number of pieces of legislation that we're considering. It's sort of a regulation tidal wave—or anti-regulation tidal wave: H.R. 3010, Regulatory Accountability; H.R. 10, which we will see soon, the REINS Act; and H.R. 527, the bill before us now, the Regulatory Flexibility Improvements Act.

□ 1500

Now, it's strange to say that this trio of public safety-killing legislation would make it harder to control and make safe our products that we count on. Under the law presently, rulemaking must make an analysis for every new rule that would have a significant economic impact on small businesses. Among other things, the bill would repeal the authority that allows the agency to waive or delay this analysis in response to even an emergency. It's hard to imagine how the bill under consideration would make regulations more cumbersome, would take longer, would risk national emergencies, and would lose a lot of the safety and health protections that we now enjoy. I feel that there hasn't been a careful consideration of what the real final goal is.

The Wall Street Journal, which is no enemy of big business, said: The main reason United States companies are reluctant to step up hiring is scant demand rather than uncertainty over government policies.

So even the business community recognizes that the big problem with our economy is not that rules are tying up businesses but that we don't have enough people buying, because they don't have enough jobs to create the demand. If you examine it carefully, as many on our Committee on the Judiciary have done, you will find that the safety standards of which we are really very proud are going to be compromised in a very embarrassing way.

Regulations don't kill jobs; they save lives.

There are plans underway—this is one of them—here in the House to undermine the regulatory process that guarantees the health and the safety of millions of Americans. I urge all of the Members of the House to carefully consider the direction of this bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. COBLE), the chairman of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee.

Mr. COBLE. I thank the gentleman from Texas (Mr. SMITH) for having yielded to me.

Mr. Chairman, those who oppose H.R. 527 insist that those of us who support it are willing to compromise health and safety standards. Since criticism is not justified, we simply are refining the process. Excessive regulations and bad regulations serve no good purpose.

My district is not unlike many others. We are still suffering from the recession. While we once claimed many manufacturing and producing distinctions, much of our manufacturing has either disappeared or has gone to other places. Bad regulations don't help matters. They create unnecessary costs, uncertainty for employers, do not improve public health or safety, and they are particularly burdensome for small businesses.

Two critical laws that help ensure regulators will take into account the impact of proposed regulations on

small businesses are the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act. In essence, these laws require agencies to conduct economic impact analyses of proposed rules on small businesses. Unfortunately, regulators routinely utilize waivers and exceptions from both laws and promulgate regulations without taking into account their economic impacts on small businesses.

The Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act do not block the flow of Federal regulation. They, rather, help guide it. We need regulations and small businesses need regulations, but the regulations must be effective and efficient or they could do more harm than good.

H.R. 527 will improve future regulations by requiring agencies to conduct the economic impact analyses of proposed regulations on small businesses before they are implemented. In doing so, it will enhance the basic requirements of the Regulatory Flexibility Act and of the Small Business Regulatory Enforcement Fairness Act, and it will extend the advocacy review panel requirements to all agencies, including to all of the independent agencies.

The Administrative Procedure Act was not intended to create a regime whereby executive agencies could implement a regulation without recourse. Unfortunately, there are countless situations in which agencies have implemented rules and regulations that are unnecessary, redundant, or unjustifiably costly. H.R. 527 will help ensure that agencies do not overlook the critical interests of small businesses, and it will help prevent agencies from promulgating wasteful regulations.

Finally, the Congressional Budget Office estimated that H.R. 527 will cost $80 million between 2012 and 2016. Although there may not be a quantifiable means to assess the benefits of H.R. 527, from the perspective of a small business, they are, indeed, priceless. Also, it's important to note that, among many others, the National Taxpayers Union, the National Association of Independent Business, the United States Chamber of Commerce, and the National Association of Manufacturers have endorsed H.R. 527.

H.R. 527 is critical for small businesses, Mr. Chairman, and it will not impede the ability of agencies to promulgate regulations. This is good government legislation. We do not need more regulation. We need better regulations, which is exactly what H.R. 527 will achieve; so I urge support in the final passage of this bill.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to the ranking member of the Courts, Commercial and Administrative Law Subcommittee, the gentleman from Tennessee, STEVE COHEN.

Mr. COHEN. I want to thank the ranking member for yielding time.

This bill amends the Regulatory Flexibility Act of 1980, which requires agencies to engage in so much analysis and in so many new procedures that it basically befuddles the agencies in bringing forth any rules in the future. It is elimination by burdensome regulation. While it doesn't say it is eliminating rules, that's the effect of it. It subjects all major rules and other rules, those which have a significant economic impact on a substantial number of small entities, to review by small business review panels.

The cumulative effect of these and other changes in H.R. 527 will be to undermine the ability of agencies to effectively regulate consumer health and product safety, environmental protection, workplace safety, and financial services industry misconduct, among other critical concerns.

We talk about small businesses. Small businesses are important, and they create more jobs than any other sector of our economy, but small businesses are made up of human beings. To paraphrase Mitt Romney, who said that corporations are people, small businesses are people, too. Small businesses are concerned about consumer health and product safety because they are the victims of it. Small businesses are concerned about environmental protection and workplace safety and food and drug safety and, certainly, about financial services industry misconduct, which almost brought this country to its knees in what could have been a depression but for the work of our great President and the Congress that worked with him at that time.

This bill does little to help small businesses shape or comply with Federal regulations. Right now, we can take for granted that the food we eat, the water we drink, the air we breathe, the places we work, the planes we fly on, the cars we drive, and the bank accounts in which we put our savings are going to be safe because we have strong regulation; but if H.R. 527 is enacted, it will be harder, much more difficult, maybe impossible, to provide those protections for future generations.

□ 1510

H.R. 527 is based on the well-intentioned, but false, premise that regulations result in economically stifling costs.

In particular, proponents of H.R. 527, and of anti-regulatory legislation generally, of which we have seen an abundance in this Congress, repeatedly cite a thoroughly debunked study by economists Mark and Nicole Crain, which made the ridiculous claim that Federal regulations impose a $1.57 trillion cost on the economy.

Ridiculous? Why, you say. Because they even admitted, and the Congressional Research Service said, it failed to account for any benefits of regulation. There are indeed benefits of regulation and great—and the Office of Management and Budget said great benefits outweigh costs.

Moreover, the study was never intended to be a decisionmaking tool for lawmakers or Federal regulatory agencies to use in choosing the right level of regulation. But they still use that as the basis for this law.

So let's focus on the real facts.

H.R. 527 will bring agency rulemaking to a halt because of multiple layers of bureaucratic review and analysis that it adds to the rulemaking process. It is the de facto end of regulations.

As Sherwood Boehlert, a colleague of mine here in Congress, of the previous Congresses from the State of New York and a Republican and a long time chair of the House Science Committee, recently warned, this measure ignores history—Newt Gingrich—''ignores history, larding the system with additional reviews based on previous efforts that have slowed progress while helping nobody.''

Second, the bill clearly presents a serious threat to public health and safety for all Americans. It does this by eliminating the emergency authority that currently allows agencies to waive or delay certain analyses so they can expeditiously respond to national crises such as a massive oil spill, or a nationwide outbreak of food poisoning, or an emerging financial marketplace meltdown. We've experienced all of these.

The priority in the face of an emergency is to have emergency agencies to say, sorry, we can't do this. We have to conduct regulatory analysis first before we aid the American people.

H.R. 527 is simply chock full of crafty provisions to slow down rulemaking, requiring small business advocacy review panels to analyze rules promulgated by all agencies, and not just those from the three agencies for which review panels are currently required. Moreover, it would require review panels for all major rules, not just those that have a significant economic impact on a substantial number of small entities. And this bill would force agencies to engage in seemingly endless, wasteful and speculative analysis, including assessment of all reasonably foreseeable, indirect—indirect—economic effects of a proposed rule.

I think we may see agencies purchasing crystal balls so they can comply with this inane requirement of looking into the future. As any first-year law student would know, it can take years of costly and time-consuming litigation to figure out exactly what is reasonably foreseeable and what is indirect. Where is Mr. PAUL's graph?

While adding analytical requirements and opportunities for industry to disrupt rulemaking, H.R. 527 provides absolutely no assistance to business in complying with Federal regulations, which is what small business really needs. And for those of us who should really be worried about the national deficit, this bill has a hefty price tag. The most conservative estimates,

$80 million, and a more realistic estimate is $291 million over a 5-year period.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 2 minutes.

Mr. COHEN. Thank you.

H.R. 527, like H.R. 3010, which we will also consider this week, is simply a wolf in sheep's clothing. What proponents seem to describe as commonsense revisions to current law actually would result in a dramatic overhaul of the rulemaking process, threatening agencies' ability to ensure basic health, safety, and other precautions.

I oppose this bill and urge my colleagues to do so. Also the cumulative effect of these and other bills would be to be undermine the ability of agencies to effectively regulate consumer health, work product safety, environment protection, financial services misconduct, and others. Right now we can take these for granted.

This is a dangerous bill, and I would ask our Members to vote against it and think about the safety of the public and the future. Small businesses are people, as Mr. Romney said about corporations, and those people also suffer from lack of regulation.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a senior member of the Judiciary Committee.

Mr. CHABOT. I thank our distinguished chairman for yielding the time.

Mr. Chairman, when I talk to small business owners back in my district in Cincinnati in southwest Ohio, I continue to hear the same thing over and over again. Overbearing regulations are crushing their ability to grow and create jobs, and that's what we are supposed to be about is getting this economy moving and getting people back to work again; but the regulations are just crushing them.

Over the last year, however, the Obama administration has enacted more than 3,500 new rules and regulations, and they have another 4,000 pending. So rather than reduce the regulations, they are talking about putting on even more.

Mr. Chairman, small businesses in this country are struggling. Unemployment is at record levels and our economy is showing little or no signs of improvement.

We must pass legislation that reduces redtape and repeals burdensome regulations. This bill will reform the rulemaking system and provide much needed regulatory relief to small business.

If President Obama is serious about job creation, then he must sign this bill. Small businesses are struggling to keep up with the overwhelming costs of compliance that his administration has put on our Nation's job creators.

If Congress wants to give the American people a gift this Christmas season, let it be regulatory relief and the jobs that will result.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to a distinguished member of our committee, the gentlelady from California, JUDY CHU.

Ms. CHU. I rise in opposition to the so-called Regulatory Flexibility Act. This bill shows just how out of touch the House leadership is, not only with the American people, but with America's small businesses.

A recent poll conducted by the Hartford Financial Group asked small businesses to name their biggest barrier to success. Despite the majority's claim, do you know how many cited government rules and regulations as the biggest barrier? Just 9 percent. Instead, a majority, a vast majority, in fact, 59 percent of small businesses, said they struggle the most with finding qualified talent.

So it's clear that this bill does nothing to knock down barriers and help the majority of small businesses with their greatest needs. Instead, it just slows down the regulation process and stops government from protecting the consumers from unsafe products, dirty air or water that could make them sick, a dangerous workplace, or gross misconduct in the financial industry.

Our country's small businesses don't have time for this nonsense. We should be working on a bill that creates jobs and actually helps small business.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. POE), a former district judge and a senior member of the Judiciary Committee.

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

Mr. Chairman, when I meet with small business owners back in southeast Texas, the one thing they always tell me is that they are not comfortable with expanding their businesses or hiring new employees because of the Federal regulators. ''We just don't know what the Federal Government is going to do next,'' is what I often hear. And considering that the code of Federal regulations is currently over 150,000 pages long, no wonder they are saying that they cannot plan for the future.

Mr. Chairman, do we really need more than 150,000 pages of regulations to be imposed across the fruited plain? Good thing the regulators weren't around to draw up regulations on the Ten Commandments. No telling what that would look like.

Anyway, a recent Gallup Poll found regulation and red tape is the most important problem currently facing business owners. That's right, not the economy but red tape. Why are we allowing the regulators to administratively pass many unnecessary rules that destroy this economic system?

Unnecessary regulations hurt all American businesses, but hurt the small businesses the most. It's not easy for a mom-and-pop shop to hire a legal department to navigate through the ever-growing list of Federal regulations that may be applicable to their small business. In fact, on average, small businesses spend 36 percent more per employee per year complying with Federal regulations than large businesses do.

□ 1520

This legislation will help the problem by requiring that Federal agencies just analyze the impact of a new regulation on small businesses before adopting the regulation. Once a mom and pop shop goes out of business, there's often no going back.

Regulators and elitist bureaucrats in Washington, D.C., do not always know what is best for people who own a small business. Many of these regulators have never owned a small business or even understand capitalism. They have never signed the front of a paycheck. But yet they make rules. Congress needs to ensure that we do not overregulate America to death and self-destruct our economic system.

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

Members of the House, it's important for us to realize who else has difficulty in supporting a bill that ends up creating unsafe products, promotes dirty air, and other kinds of harms to our citizenry. The American Lung Association is opposed to H.R. 527. The Environmental Defense Fund is opposed to this bill. The National Women's Law Center does not support this bill. Public Citizen is opposed to it. The Union of Concerned Scientists is opposed to it. And, indeed, a total of more than 70 organizations have all written urging us to very carefully consider what we are doing here today.

It's absolutely critical, and it is very important that we understand that there is no evidence, credible evidence that regulations depress job creation. Now, this is great rhetoric, but we're passing laws here today.

The majority's own witness before the House Judiciary Committee agrees with us. Christopher DeMuth, who appeared before the House Judiciary Committee on behalf of the American Enterprise Institute, stated in his prepared testimony that the focus on jobs can lead to confusion in regulatory debates, and that the employment effects of regulation, while important, are indeterminate. He can't figure it out, and he was a pretty good witness for our position that regulations have no discernible impact on job creation.

If anything, regulations may promote job growth and put Americans back to work. The BlueGreen Alliance notes: Studies on the direct impact of regulations on job growth have found that most regulations result in modest job growth or have no effect.

Economic growth has consistently surged forward in concert with these health and safety protections. The Clean Air Act is a perfect example. The economy has grown 204 percent and private sector job creation has expanded 86 percent since it was passed in 1970. And so, my colleagues, regulation and

economic growth can go hand in hand. We recently observed that 40 years of success with the Clean Air Act has demonstrated that strong environmental protections and strong economic growth go hand in hand.

What's in this bill is a provision that every regulation change would have to come back through the Congress. It would be unthinkable that we could add this to our schedule, especially if there was a health emergency that required a rapid passage.

So I want every Member of this House to examine the grossly different analyses that are being made here and come to your own conclusion. I think if you do, you will realize that regulations have no discernible impact on job creation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentleman from Texas has 7½ minutes remaining. The gentleman from Michigan has 3½ minutes remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO), a member of the Financial Services Committee.

Mr. MANZULLO. Mr. Chairman, this is one of the most important bills that we will pass in Congress.

I'm just amazed at what I hear from the other side—we're over here endangering safety; we're poisoning water; we're doing everything we can in the workplace. That's not what this is about. All this bill says is, when you put in a regulation, at least have some type of basis so the people impacted by it know where to go from there. Have some good, sound science. Let's have an economic impact study.

Let me just give you five instances specifically. Talk to the doctors today about all of the regulations impacting them, and you'll hear complaints about spending more time on paperwork than with their patients.

Talk to the banks. I was talking to a small banker, only 19 employees. Two little banks in my district, they have to hire a full-time compliance officer just because of Dodd-Frank, and that bank didn't do one thing wrong to bring about this economic collapse.

And now the farmers. EPA is going to regulate cow manure under CERCLA, as opposed to the present rules.

Several years ago, this House passed the Clean Air Act Amendments of 1990. One of those was something called the employee commute option that said that counties around Chicago had to have something called an employee commute option that was forced carpooling. Well, one of those counties was McHenry County, which is still a rural county. And I had to work with HENRY WAXMAN for 2 to 2½ years to come up with a reasonable interpretation and corrective language in order to make sure that the people of that county were not strapped with that incredible mandate and at the same time we did not compromise the quality of the air.

The Hope Scholarship reporting requirements that said that the 7,700 schools across the country had to report who it was that gave them the money—turned them into some kind of a supercomputer. And I worked with the 7,700 schools and with the commissioner of the IRS—this was a $100 million mandate upon all of these schools in the country because nobody took the time to say, what impact will this regulation have upon the schools of this country?

This before me is one day of regulation, just one day in America. Just one day in Washington, just one more day when the small business people have to read through 500 pages of 9-point type dealing with air particulates.

And then I hear today that oh, you don't need any relief, it's not necessary. Regulations are good. And then we take a look at the impact that this has, the financial impact that it has on the small businesses today.

This is a great bill. It's long overdue. And as a former chairman of the Small Business Committee, I say it's about time, and our colleagues on the other side should all vote unanimously for this bill.

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

I'm glad my friend is still on the floor because he asked, what do the doctors have to say about this? The doctors oppose the bill. And I'd like to point out, the American Lung Association and the Center for Science in the Public Interest do not agree with you, and they agree with our position on the bill.

□ 1530

Mr. MANZULLO. Will the gentleman yield?

Mr. CONYERS. In just a minute I'll be very pleased to.

The Environmental Defense Fund, the Friends of the Earth, and the Union of Concerned Scientists are all in agreement with us. And so I want you to know that the medical people that have spoken about this bill are not in support of it.

I will yield briefly to the gentleman.

Mr. MANZULLO. I thank the gentleman for yielding.

First of all, the doctors that I talk to—the experts themselves, not the lobbyists in Washington—I talk to them on a continuous basis. They're very upset with more regulations. And NFIB is behind the bill.

Mr. CONYERS. Just a moment. These are not lobbyists. I don't know if these organizations have any offices here. But the Union of Concerned Scientists probably doesn't have any lobbyists. I doubt if the American Lung Association does.

Mr. MANZULLO. Will the gentleman yield?

Mr. CONYERS. I would, except that your side has far more time than my side does.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, we are prepared to close; so I will reserve the balance of my time.

Mr. CONYERS. I yield myself such time as I may consume. I too am prepared to close on this side.

Ladies and gentlemen of the House, we have two starkly opposing views of what this bill does. I have over 70 organizations that are from the labor movement, from the health movement, from the science world, from the Women's Law Center, from the Union of Concerned Scientists all telling us that this is a very dangerous process that we're involved in, that the results wouldn't be that the authors of this amendment intended to harm people or that they intended to produce unsafe air products or that they were supporting making the air unbreathable, but that is the result of this bill.

It's been stated twice on the other side that we are accusing you of bad intent. I don't do that. I want you to be very clear. It's not a matter that your intentions are not honorable, but the results of a bill like H.R. 527 would create unsafe products. It would ultimately produce air that is more polluted than the air that we're dealing with now. It would delay the promulgation of regulations that we need. It is exactly going in the wrong way because we, as a matter of fact, need to have more regulation surrounding products, particularly children's toys. We want the air to be much better than it is.

And so I urge my colleagues to examine the premises starkly different than have been presented here today and to join us in turning back and sending back to the committee a bill that would make our health much more endangered.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

Job creation is the key to economic recovery, and small businesses are America's main job creators. But overregulation kills jobs and is especially burdensome for small businesses. Anyone who doesn't believe that probably hasn't spent much time in the private sector. Even President Obama, who has not spent much time in the private sector, wrote in a Wall Street Journal oped and recognized that overregulation ''stifles innovation'' and has ''a chilling effect on growth and jobs.''

It has been 15 years since Congress last updated the Regulatory Flexibility Act of 1980. Experience during that time reveals that further reforms are necessary. The Regulatory Flexibility Improvements Act of 2011 makes carefully targeted reforms to the current law to ensure that agencies properly analyze how a new regulation will affect small businesses before adopting that regulation. In the current economic climate, with millions of Americans looking for work, we simply cannot afford to overburden small businesses with more wasteful or inefficient regulations.

I urge my colleagues to support the bill. I look forward to its passage.

I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 527, the Regulatory Flexibility Improvements Act of 2011. I was the original cosponsor. I want to thank Chairman SMITH for the opportunity to work with him on this very important piece of legislation.

Opponents will argue that the bill stops agencies from issuing regulations. However, in reality, H.R. 527 will force agencies to consider how their actions affect small businesses and other small entities. More importantly, if the effects are significant, agencies, not small entities, will have to develop less burdensome and costly alternatives.

Shouldn't a government understand the consequences of its regulations? Of course, it should. And by doing so, the government may arrive at a more efficient and less costly way to regulate. In a nutshell, that is what H.R. 527 does.

Some may argue that agencies already do this when they draft regulations. However, nearly 30 years of experience with the Regulatory Flexibility Act, or the RFA, shows that agencies are not considering the consequences of their actions, and it is about time that they start doing that.

Government regulations do have consequences. Small businesses must expend scarce and vital capital complying with these rules. If there's a better way to achieve what an agency wants while imposing lower costs on small businesses, the sensible approach would be to adopt the lower cost methodology. This will enable small businesses to meet the requirements imposed by regulators while freeing up scarce resources to expand their businesses and hire more workers.

H.R. 527 ensures the consideration of consequences of rulemaking through the removal of loopholes that the agencies have used to avoid compliance with the RFA. In addition, the bill will require a closer consideration of the impact of rules on small businesses and other small entities. Yet nothing in H.R. 527 will prevent an agency from issuing a rule. It just stops the government from issuing a rule without understanding its effect on America's job creators—small businesses.

With that, I urge my colleagues support this very carefully crafted measure to improve the Federal regulatory process.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Reducing the cost of regulation is a very important issue, but it's not going to turn the economy around. In order for this to happen, businesses need to see more customers coming through their doors—and not just during the holiday season we are now in. With this in mind, it is necessary to create an environment where regulations are not overburdening small businesses, as they do in fact bear the largest burden.

□ 1540

These entrepreneurs face an annual regulatory cost of $10,585 per employee, which is 36 percent higher than the regulatory cost facing large firms. And this brings us to the bill before us.

Too often on the House floor legislation is painted as either being totally perfect or completely awful. With this bill, neither of these characterizations is appropriate. In fact, on many fronts, H.R. 527 contains several very positive provisions and will make a real difference for small businesses.

Many of the provisions were previously advanced by Democrats in the Small Business Committee, and for this Chairman GRAVES and Chairman SMITH and their staff should be commended. For instance, the bill makes agencies' regulatory flex analyses more detailed so that they cannot simply overlook their obligations to small businesses. It also gives real teeth to periodic regulatory look-backs, which require agencies to review outdated regulations that remain on the books. Agencies will also be required to evaluate the entire impact of their regulations, something that is long overdue.

And it cannot go without mention that the bill brings the IRS under the purview of the RFA. This is a real improvement for small firms, which will undoubtedly benefit from greater scrutiny of complex and burdensome tax rules. These are all constructive changes that will bring real relief to entrepreneurs.

With that said, there are other items in this legislation that leave you scratching your head. Adding 50 new agencies to the panel process is a recipe for disaster. Such a dramatic change will require new bureaucratic processes, more staff, and more paperwork.

It must be ironic for my colleagues on the other side of the aisle that this bill attempts to reduce Federal regulation by dramatically expanding the role and scope of government. In fact, H.R. 527 creates more government as a means to limit government. How does that make sense?

It also applies reg flex to land management plans, something I have never heard small businesses complain about in my 18 years on the committee. Doing so will enable corporate interests to more readily challenge land use decisions, which could have adverse consequences for the environmental stewardship of public lands. The reality is that the RFA was just not intended to cover this action, and it should not do so going forward.

Finally, it is important to note that the Office of Advocacy's footprint has traditionally been minimal, with a budget of $9 million and 46 employees. According to CBO, its budget will have to increase by up to 200 percent per year to handle the new responsibilities of H.R. 527. It is already taxed in meeting its current role, and expanding its powers geometrically is well beyond its capacity. Members are well aware of the fiscal constraints facing the U.S. Government. Now is not the time to make costly statutory leaps when smaller steps might be more appropriate.

So, in conclusion, there are some good and some not-so-good things in this bill. I want to acknowledge the effort by the bill's manager, but in the end it is not something I could support, given the imposition of too many questionable policies. However, I want to thank Chairman GRAVES for always being open to discussions, and I look forward to continuing our dialogue on this legislation.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I yield such time as he may consume to the gentleman from the 24th District of New York (Mr. HANNA).

Mr. HANNA. Mr. Chairman, I rise today in support of H.R. 527, the Regulatory Flexibility Improvements Act.

The small businesses I meet on a regular basis tell me that regulation has become an overwhelming problem. Small business owners are the backbone of the American economy. I know this because I'm a small business owner. Like so many, my life was built by a belief in hard work, free enterprise, an entrepreneurial spirit, and a love to get out of bed in the morning and just do what I love to do, as you know yourself, Mr. Chairman. The preponderance of regulations is stifling that spirit.

This country can't do well unless small businesses do well. They provide the jobs, the growth, and the opportunity for the rest of society. Small businesses are drowning in regulation. Federal agencies should periodically review their rules to ensure that regulations are not unduly burdensome. As with the 1099 reporting provision and the 3 percent withholding rule, the law of unintended consequences can be crippling. Fortunately, this House has repealed both.

We all agree that regulations are absolutely necessary to protect the public good, but we need to ensure that regulations reflect a proper balance that does not unreasonably hinder entrepreneurship, job creation, and innovation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member on the Judiciary Committee.

Mr. CONYERS. I thank the gentlelady from New York.

My friend on the other side from Missouri, who is managing the bill, I was happy to hear you say that this measure that we are examining does nothing to hinder the rulemaking process. And I'd like to help you out in that area if I may because this expands in the bill the use of small business review panels to include rules promulgated by all agencies, and to include all major rules.

I would say to the gentleman from Missouri that right now there are only three agencies that are affected. What this does, my friend, is extend the review process to every agency. Do you recognize, sir, that there are over 50 agencies in the Federal system? And so for it to be thought that this isn't going to change much is a grievous mistake. And of course I am here to help you out, to the extent that I can.

The other thing that it does—and you think that this will not change the rulemaking process—is that this measure would force agencies to engage in speculative analysis, including an assessment of all reasonably foreseeable, indirect economic effects of a proposed rule.

The CHAIR. The time of the gentleman has expired.

Mr. GRAVES of Missouri. Mr. Chairman, I yield such time as he may consume to the chairman of the Subcommittee on Investigations, Oversight and Regulations, the gentleman from the Sixth District of Colorado (Mr. COFFMAN).

(Mr. COFFMAN of Colorado asked and was given permission to revise and extend his remarks.)

Mr. COFFMAN of Colorado. The Obama administration is currently choking the lifeblood out of our Nation's middle class, small businesses, and entrepreneurs through excessive regulation. According to the Small Business Administration, regulations cost the American economy $1.75 trillion annually.

□ 1550

The Obama administration has issued 200 such regulations that are expected to cost our economy at least $100 million each, and seven of these regulations have a pricetag of over $1 billion.

The President has long touted the job creation of his so-called stimulus. But every $1 million increase in the Federal regulatory budget costs 420 private sector jobs for hardworking Americans. This is why I am urging passage of House Resolution 527, the Regulatory Flexibility Improvements Act of 2011. This legislation will give real teeth to the Regulatory Flexibility Act of 1980, which mandated that Federal agencies first assess the economic impact of their regulations on small businesses before going forward with them. It is time to put small businesses first.

Ms. VELÁZQUEZ. Mr. Chairman, may I inquire as to how much time each side has.

The CHAIR. The gentlewoman from New York has 3 minutes remaining. The gentleman from Missouri has 5 minutes remaining.

Ms. VELÁZQUEZ. I yield myself 1 minute.

I need to set the record straight regarding the previous Member who just spoke about how many regulations have been issued under the Obama administration.

Let me remind people here that, according to the conservative Heritage Foundation, net regulatory burdens increased in the years George W. Bush assumed the Presidency. Between 2001 and 2008 the Federal Government imposed almost $30 billion in new regulatory costs on America. About $11 billion was imposed in fiscal year 2007 alone.

With regard to the number of pages of regulations, the Code of Federal regulations totaled 145,000 pages in 2007 alone. The Obama administration issued an Executive order, 13563, and a memorandum on small businesses and job creation, and the Executive order instructs agencies to seek the views of affected entities prior to proposed rulemaking. The Executive order also calls on agencies to engage in periodic reviews of existing regulations.

The CHAIR. The time of the gentlewoman has expired.

Ms. VELÁZQUEZ. I yield myself 15 seconds more.

If we're going to come here and, instead of dealing with the issues that are impacting small businesses—and that is access to affordable capital so that they could create jobs—but rather come and criticize the Obama administration for issuing regulations, let's set the record straight and talk about the regulations that were issued under the Republican administration.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Ms. VELÁZQUEZ. How much time do I have left, please?

The CHAIR. The gentlewoman from New York has 1¾ minutes remaining.

Ms. VELÁZQUEZ. I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Chairman, it is clear, when I have the ranking member of the Small Business Committee who has an enormous history of commitment to small businesses, and the ranking member of the Judiciary Committee, both former chairs, opposing this bill, then we obviously know that it is problematic.

What I know of small businesses is that they, frankly, want to have an anchor to promote and propel their business needs. The regulatory scheme and the underlying premise of this bill is to eliminate any anchor for our small businesses. And when you do that, you're clearly undermining their growth and opportunity.

I would add, as well, that I challenge as to whether or not this debate today creates any opportunity for small business, provides them access to credit, guarantees any loans, creates any jobs. Absolutely not, and it is absurd that we would suggest that agencies that are trying to promote small businesses are stopping small businesses and, therefore, we want to implode the regulatory scheme.

The APA provides an opportunity for due process through the court system. If our colleagues have problems with regulations, they can run to the courts. You don't have to implode the process to be able to address the problem.

Let's help small businesses, let's discuss how to create jobs, and let's vote against this legislation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentlewoman from New York is recognized for 45 seconds.

Ms. VELÁZQUEZ. Since its enactment in 1980, the Reg Flex has reduced the burden of Federal rules on small businesses. It has evolved over time to include new tools, expanding its purview and making a real difference for entrepreneurs across the country.

With this important role in mind, the legislation before us makes some essential changes. However, in other areas the bill goes too far. At a time of mounting deficits and growing taxpayer anger at how tone-deaf Congress has become, H.R. 527 will dramatically expand the Federal bureaucracy at a cost of $80 million.

For these reasons, I urge a ''no'' vote, and I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, the gentlelady, my colleague from the Small Business Committee, pointed out that the Bush administration added $60 billion in regulatory burdens out there, which is not a good thing at all. In fact, that scares me in and of itself. In 8 years of the Bush administration you had $60 billion in extra regulations.

The Obama administration has added $40 billion in only 3 years. So at the rate that that administration's on, it's going to far outweigh any administration.

But my point is, I don't care what administration it is. I don't care if it's a Republican administration or a Democrat administration. I want to make darn sure that those agencies comply with the Regulatory Flexibility Act, and I want to make darn sure that those agencies take into account how much this is going to cost small business when they're implementing some of these ridiculous regulations that they're asking small business staff to comply with.

Some of this stuff is outrageous, and it needs to be studied, or it needs to be taken care of, or it needs to be stopped. But these agencies—and again, I don't care what administration it is—they need to have to comply with this and they need to understand what the consequences are.

With that, I would urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. HOLT. Mr. Chair, two of the bills before us this week are just two more bills that will not create jobs, endanger the public health, and waste the time and money of the American people. These bills are trying to block new regulations under the misguided notion that all regulations are bad and prevent economic growth. This misguided approach deliberately ignores that regulations have improved the safety of our children's toys, made our air

and water cleaner, and even saved the lives and limbs of our nation's workers.

As the AFL–CIO has H.R. 527, the so-called "Regulatory Flexibility Improvements Act" would expand the reach and scope of the Regulatory Flexibility Act by covering regulations that may have an indirect effect on small businesses and adding a host of new analytical requirements that will make it even more difficult for agencies to take action to protect workers and the public. Almost any action an agency proposes—including something as simple as a guidance document designed to help a business comply with a rule—could be subject to a lengthy regulatory process. While the bill purports to be focused on small business, it would cover more than 99 percent of all employers, including firms in some industries with up to 1,500 workers or $35.5 million in annual revenues. It is a special interest bailout for business.

H.R. 3010, the so-called "Regulatory Accountability Act", is equally odious. This bill would effectively eviscerate the Occupational Safety and Health Act and Mine Safety and Health Act. As critics have noted, the bill would require agencies to adopt the least costly rule, instead of the most protective rule as is now required by the OSH Act and MSH Act. It would make protecting workers and the public secondary to limiting costs and impacts on businesses and corporations. If enacted, this legislation would be a license for businesses to cut corners and endanger workers and the public in the pursuit of ever greater profits—all at the expense of the public good.

I urge my colleagues to join me in rejecting both of these atrocious bills so we can get on with the business of creating real jobs.

The CHAIR. All time for general debate has expired.

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

In lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Small Business printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated November 18, 2011. That amendment in the nature of a substitute shall be considered as read.

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

H.R. 527

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Regulatory Flexibility Improvements Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Paragraph (2) of section 601 of title 5, United States Code, is amended to read as follows:

''(2) RULE.—The term 'rule' has the meaning given such term in section 551(4) of this title, except that such term does not include a rule of particular (and not general) applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances.''.

(b) INCLUSION OF RULES WITH INDIRECT EFFECTS.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(9) ECONOMIC IMPACT.—The term 'economic impact' means, with respect to a proposed or final rule—

''(A) any direct economic effect on small entities of such rule; and

''(B) any indirect economic effect on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule).''.

(c) INCLUSION OF RULES WITH BENEFICIAL EFFECTS.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (c) of section 603 of title 5, United States Code, is amended by striking the first sentence and inserting ''Each initial regulatory flexibility analysis shall also contain a detailed description of alternatives to the proposed rule which minimize any adverse significant economic impact or maximize any beneficial significant economic impact on small entities.''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—The first paragraph (6) of section 604(a) of title 5, United States Code, is amended by striking ''minimize the significant economic impact'' and inserting ''minimize the adverse significant economic impact or maximize the beneficial significant economic impact''.

(d) INCLUSION OF RULES AFFECTING TRIBAL ORGANIZATIONS.—Paragraph (5) of section 601 of title 5, United States Code, is amended by inserting ''and tribal organizations (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))),'' after ''special districts,''.

(e) INCLUSION OF LAND MANAGEMENT PLANS AND FORMAL RULE MAKING.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 603 of title 5, United States Code, is amended in the first sentence—

(A) by striking ''or'' after ''proposed rule,''; and

(B) by inserting ''or publishes a revision or amendment to a land management plan,'' after ''United States,''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 604 of title 5, United States Code, is amended in the first sentence—

(A) by striking ''or'' after ''proposed rulemaking,''; and

(B) by inserting ''or adopts a revision or amendment to a land management plan,'' after ''section 603(a),''.

(3) LAND MANAGEMENT PLAN DEFINED.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(10) LAND MANAGEMENT PLAN.—

''(A) IN GENERAL.—The term 'land management plan' means—

''(i) any plan developed by the Secretary of Agriculture under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and

''(ii) any plan developed by the Secretary of Interior under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

''(B) REVISION.—The term 'revision' means any change to a land management plan which—

''(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(5) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)); or

''(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5–6 of title 43, Code of Federal Regulations (or any successor regulation).

''(C) AMENDMENT.—The term 'amendment' means any change to a land management plan which—

''(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) and with respect to which the Secretary of Agriculture prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); or

''(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5–5 of title 43, Code of Federal Regulations (or any successor regulation) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).''.

(f) INCLUSION OF CERTAIN INTERPRETIVE RULES INVOLVING THE INTERNAL REVENUE LAWS.—

(1) IN GENERAL.—Subsection (a) of section 603 of title 5, United States Code, is amended by striking the period at the end and inserting ''or a recordkeeping requirement, and without regard to whether such requirement is imposed by statute or regulation.''.

(2) COLLECTION OF INFORMATION.—Paragraph (7) of section 601 of title 5, United States Code, is amended to read as follows:

''(7) COLLECTION OF INFORMATION.—The term 'collection of information' has the meaning given such term in section 3502(3) of title 44.''.

(3) RECORDKEEPING REQUIREMENT.—Paragraph (8) of section 601 of title 5, United States Code, is amended to read as follows:

''(8) RECORDKEEPING REQUIREMENT.—The term 'recordkeeping requirement' has the meaning given such term in section 3502(13) of title 44.''.

(g) DEFINITION OF SMALL ORGANIZATION.—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows:

''(4) SMALL ORGANIZATION.—

''(A) IN GENERAL.—The term 'small organization' means any not-for-profit enterprise which, as of the issuance of the notice of proposed rulemaking—

''(i) in the case of an enterprise which is described by a classification code of the North American Industrial Classification System, does not exceed the size standard established by the Administrator of the Small Business Administration pursuant to section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code; and

''(ii) in the case of any other enterprise, has a net worth that does not exceed $7,000,000 and has not more than 500 employees.

''(B) LOCAL LABOR ORGANIZATIONS.—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.

''(C) AGENCY DEFINITIONS.—Subparagraphs (A) and (B) shall not apply to the extent that an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions for such term which are appropriate to the activities of the agency and publishes such definitions in the Federal Register.''.

SEC. 3. EXPANSION OF REPORT OF REGULATORY AGENDA.

Section 602 of title 5, United States Code, is amended—

(1) in subsection (a)—

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

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) a brief description of the sector of the North American Industrial Classification System that is primarily affected by any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities; and''; and

(2) in subsection (c), to read as follows:

''(c) Each agency shall prominently display a plain language summary of the information contained in the regulatory flexibility agenda published under subsection (a) on its website within 3 days of its publication in the Federal Register. The Office of Advocacy of the Small Business Administration shall compile and prominently display a plain language summary of the regulatory agendas referenced in subsection (a) for each agency on its website within 3 days of their publication in the Federal Register.''.

SEC. 4. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided;

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available; and

''(7) describing any disproportionate economic impact on small entities or a specific class of small entities.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking ''an explanation'' and inserting ''a detailed explanation'';

(B) in each of paragraphs (4), (5), and the first paragraph (6), by inserting ''detailed'' before ''description''; and

(C) by adding at the end the following:

''(7) describing any disproportionate economic impact on small entities or a specific class of small entities.''.

(2) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Paragraph (2) of section 604(a) of title 5, United States Code, is amended by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis''.

(3) PUBLICATION OF ANALYSIS ON WEBSITE.—Subsection (b) of section 604 of title 5, United States Code, is amended to read as follows:

''(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency's website, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof which includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Subsection (a) of section 605 of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis which is required by any other law and which satisfies such requirement.''.

(d) CERTIFICATIONS.—Subsection (b) of section 605 of title 5, United States Code, is amended—

(1) by inserting ''detailed'' before ''statement'' the first place it appears; and

(2) by inserting ''and legal'' after ''factual''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.''.

SEC. 5. REPEAL OF WAIVER AND DELAY AUTHORITY; ADDITIONAL POWERS OF THE CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Section 608 is amended to read as follows:

''§ 608. Additional powers of Chief Counsel for Advocacy

''(a)(1) Not later than 270 days after the date of the enactment of the Regulatory Flexibility Improvements Act of 2011, the Chief Counsel for Advocacy of the Small Business Administration shall, after opportunity for notice and comment under section 553, issue rules governing agency compliance with this chapter. The Chief Counsel may modify or amend such rules after notice and comment under section 553. This chapter (other than this subsection) shall not apply with respect to the issuance, modification, and amendment of rules under this paragraph.

''(2) An agency shall not issue rules which supplement the rules issued under subsection (a) unless such agency has first consulted with the Chief Counsel for Advocacy to ensure that such supplemental rules comply with this chapter and the rules issued under paragraph (1).

''(b) Notwithstanding any other law, the Chief Counsel for Advocacy of the Small Business Administration may intervene in any agency adjudication (unless such agency is authorized to impose a fine or penalty under such adjudication), and may inform the agency of the impact that any decision on the record may have on small entities. The Chief Counsel shall not initiate an appeal with respect to any adjudication in which the Chief Counsel intervenes under this subsection.

''(c) The Chief Counsel for Advocacy may file comments in response to any agency notice requesting comment, regardless of whether the agency is required to file a general notice of proposed rulemaking under section 553.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 611(a)(1) of such title is amended by striking ''608(b),''.

(2) Section 611(a)(2) of such title is amended by striking ''608(b),''.

(3) Section 611(a)(3) of such title is amended—

(A) by striking subparagraph (B); and

(B) by striking ''(3)(A) A small entity'' and inserting the following:

''(3) A small entity''.

SEC. 6. PROCEDURES FOR GATHERING COMMENTS.

Section 609 of title 5, United States Code, is amended by striking subsection (b) and all that follows through the end of the section and inserting the following:

''(b)(1) Prior to publication of any proposed rule described in subsection (e), an agency making such rule shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with—

''(A) all materials prepared or utilized by the agency in making the proposed rule, including the draft of the proposed rule; and

''(B) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities and the type of small entities that might be affected.

''(2) An agency shall not be required under paragraph (1) to provide the exact language of any draft if the rule—

''(A) relates to the internal revenue laws of the United States; or

''(B) is proposed by an independent regulatory agency (as defined in section 3502(5) of title 44).

''(c) Not later than 15 days after the receipt of such materials and information under subsection (b), the Chief Counsel for Advocacy of the Small Business Administration shall—

''(1) identify small entities or representatives of small entities or a combination of both for the purpose of obtaining advice, input, and recommendations from those persons about the potential economic impacts of the proposed rule and the compliance of the agency with section 603; and

''(2) convene a review panel consisting of an employee from the Office of Advocacy of the Small Business Administration, an employee from the agency making the rule, and in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), an employee from the Office of Information and Regulatory Affairs of the Office of Management and Budget to review the materials and information provided to the Chief Counsel under subsection (b).

''(d)(1) Not later than 60 days after the review panel described in subsection (c)(2) is convened, the Chief Counsel for Advocacy of the Small Business Administration shall, after consultation with the members of such panel, submit a report to the agency and, in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), the Office of Information and Regulatory Affairs of the Office of Management and Budget.

''(2) Such report shall include an assessment of the economic impact of the proposed rule on small entities, including an assessment of the proposed rule's impact on the cost that small entities pay for energy, and a discussion of any alternatives that will minimize adverse significant economic impacts or maximize beneficial significant economic impacts on small entities.

''(3) Such report shall become part of the rulemaking record. In the publication of the proposed rule, the agency shall explain what actions, if any, the agency took in response to such report.

''(e) A proposed rule is described by this subsection if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, the head of the agency (or the delegatee of the head of the agency), or an independent regulatory agency determines that the proposed rule is likely to result in—

''(1) an annual effect on the economy of $100,000,000 or more;

''(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, tribal organizations, or geographic regions;

''(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

''(4) a significant economic impact on a substantial number of small entities.

''(f) Upon application by the agency, the Chief Counsel for Advocacy of the Small Business Administration may waive the requirements of subsections (b) through (e) if the Chief Counsel determines that compliance with the requirements of such subsections are impracticable, unnecessary, or contrary to the public interest.''.

SEC. 7. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a) Not later than 180 days after the enactment of the Regulatory Flexibility Improvements Act of 2011, each agency shall publish in the Federal Register and place on its website a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any adverse significant economic impacts or maximize any beneficial significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the agency's website.

''(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the date of enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration and the Congress.

''(c) The plan shall include a section that details how an agency will conduct outreach to and meaningfully include small businesses for the purposes of carrying out this section. The agency shall include in this section a plan for how the agency will contact small businesses and gather their input on existing agency rules.

''(d) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress, the Chief Counsel for Advocacy of the Small Business Administration, and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (e) and a detailed explanation of the reasons for such determination.

''(e) In reviewing a rule pursuant to subsections (a) through (d), the agency shall amend or rescind the rule to minimize any adverse significant economic impact on a substantial number of small entities or disproportionate economic impact on a specific class of small entities, or maximize any beneficial significant economic impact of the rule on a substantial number of small entities to the greatest extent possible, consistent with the stated objectives of applicable statutes. In amending or rescinding the rule, the agency shall consider the following factors:

''(1) The continued need for the rule.

''(2) The nature of complaints received by the agency from small entities concerning the rule.

''(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration.

''(4) The complexity of the rule.

''(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State, territorial, and local rules.

''(6) The contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (d).

''(7) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

''(f) The agency shall publish in the Federal Register and on its website a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.''.

SEC. 8. JUDICIAL REVIEW OF COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATORY FLEXIBILITY ACT AVAILABLE AFTER PUBLICATION OF THE FINAL RULE.

(a) IN GENERAL.—Paragraph (1) of section 611(a) of title 5, United States Code, is amended by striking ''final agency action'' and inserting ''such rule''.

(b) JURISDICTION.—Paragraph (2) of such section is amended by inserting ''(or which would have such jurisdiction if publication of the final rule constituted final agency action)'' after ''provision of law,''.

(c) TIME FOR BRINGING ACTION.—Paragraph (3) of such section is amended—

(1) by striking ''final agency action'' and inserting ''publication of the final rule''; and

(2) by inserting '', in the case of a rule for which the date of final agency action is the same date as the publication of the final rule,'' after ''except that''.

(d) INTERVENTION BY CHIEF COUNSEL FOR ADVOCACY.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting before the first period ''or agency compliance with section 601, 603, 604, 605(b), 609, or 610''.

SEC. 9. JURISDICTION OF COURT OF APPEALS OVER RULES IMPLEMENTING THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Section 2342 of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (7) the following new paragraph:

''(8) all final rules under section 608(a) of title 5.''.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 2341 of title 28, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

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

''(F) the Office of Advocacy of the Small Business Administration, when the final rule is under section 608(a) of title 5.''.

(c) AUTHORIZATION TO INTERVENE AND COMMENT ON AGENCY COMPLIANCE WITH ADMINISTRATIVE PROCEDURE.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting ''chapter 5, and chapter 7,'' after ''this chapter,''.

SEC. 10. CLERICAL AMENDMENTS.

(a) Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(1) the term'' and inserting the following:

''(1) AGENCY.—The term'';

(2) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(3) the term'' and inserting the following:

''(3) SMALL BUSINESS.—The term'';

(3) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(5) the term'' and inserting the following:

''(5) SMALL GOVERNMENTAL JURISDICTION.—The term''; and

(4) in paragraph (6)—

(A) by striking ''; and'' and inserting a period; and

(B) by striking ''(6) the term'' and inserting the following:

''(6) SMALL ENTITY.—The term''.

(b) The heading of section 605 of title 5, United States Code, is amended to read as follows:

''§ 605. Incorporations by reference and certifications''.

(c) The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following new item:

''605. Incorporations by reference and certifications.'';

(2) by striking the item relating to section 607 and inserting the following new item:

''607. Quantification requirements.''; and

(3) by striking the item relating to section 608 and inserting the following:

''608. Additional powers of Chief Counsel for Advocacy.''.

(d) Chapter 6 of title 5, United States Code, is amended as follows:

(1) In section 603, by striking subsection (d).

(2) In section 604(a) by striking the second paragraph (6).

SEC. 11. AGENCY PREPARATION OF GUIDES.

Section 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended to read as follows:

''(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to distribute such guides. In developing guides, agencies shall solicit input from affected small entities or associations of affected small entities. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.''.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of House Report 112–296. 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. CRITZ

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 112–296.

Mr. CRITZ. 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 10, line 26, insert ''', or the cumulative impact of any other rule stemming from the implementation of the Free Trade Agreements,'' before ''on small entities''.

The CHAIR. Pursuant to House Resolution 477, the gentleman from Pennsylvania (Mr. CRITZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CRITZ. Mr. Chairman, I yield myself as much time as I may consume.

Trade is critical to the growth of small business. A quarter of a million U.S. companies export to foreign markets, the large majority of them small and medium-sized enterprises that employ 500 or fewer workers. In fact, according to the U.S. Chamber of Commerce, more than 230,000 small and medium enterprises now account for nearly 30 percent of U.S. merchandise exports. The number of such companies exporting has more than doubled since 1992 and, according to SBA, 96 percent of the world's customers live outside the U.S., representing two-thirds of the world's purchasing power.

Given this critical role, we need to make sure trade agreements assist small businesses. Trade agreements should help reduce redtape and increase transparency, but too often small businesses lack the resources and foreign business partners available to large companies to navigate through opaque customs and legal systems to reach their customers.

Numerous fees and other nontariff barriers that can be no more than a nuisance to large multinationals can be deal-breakers for small companies. Trade agreements must streamline rules, reduce nontariff barriers, and provide arbitration procedures so that even small U.S. exporters can successfully participate in foreign markets.

□ 1600

Trade agreements must also open up opportunities for small U.S. exporters to compete for foreign government contracts. U.S. companies should be given a fair shake at the important government procurement market in these foreign countries. Such agreements can help to lower the threshold at which contracts must be put out for competitive bid ensuring that even small U.S. companies can be part of the process. Some of those contracts for roads, schools, clinics, distance learning, and medical equipment, for example, can be ideally suited to smaller U.S. companies.

My amendment makes sure that small businesses are not forgotten when trade agreements are implemented. It requires that agencies' regulatory flexibility analyses assess the cumulative impact of any rule stemming from the implementation of a free trade agreement. Doing so will make certain that small firms' voices are part of the process in these important deliberations.

Being part of the process will enable small firms to benefit from trade agreements and use them as a means to access foreign markets and customers. I urge Members to vote ''yes'' on this amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I claim time in opposition to the amendment even though I do not oppose the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, I support this amendment.

The amendment aims to require an agency to account for rules implementing the free trade agreements when the agency considers the cumulative impact of a proposed rule. I support free trade because I believe it is in the best interest of American business, workers, and consumers alike.

The gentleman from Pennsylvania and I may differ on this issue, but in the context of this amendment, that is beside the point. It can't hurt to make sure that agencies consider the impact of rules implementing the free trade agreements in their regulatory cumulative impact calculations. I don't think the analysis will show that free trade destroys American small businesses. Quite the opposite is true, in fact. But that isn't a reason not to do the analysis. We should know how these kinds of regulations contribute to the cumulative regulatory burden on small businesses.

In conclusion, Mr. Chairman, I do support this amendment and hope to have the gentleman from Pennsylvania's support for the bill on final passage.

I yield back the balance of my time.

Mr. CRITZ. I urge a ''yes'' vote on my amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CRITZ).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 112–296.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 613. Exemption for certain rules

''Sections 601 through 612, as amended by the Regulatory Flexibility Improvements Act of 2011, shall not apply in the case of any rule promulgated by the Department of Homeland Security. The provisions of this chapter, as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding after the item relating to section 612 the following new item:

''613. Exemption for certain rules.''.

Page 24, line 13, insert after ''5'' the following: ''(other than rules to which section 613 of title 5 applies)''.

Page 27, lines 5 and 6, strike ''The agency shall'' and insert the following:

''(A) IN GENERAL.—Subject to subparagraph (B), the agency shall''.

Page 27, line 18, strike the quotation marks and second period.

Page 27, add the following after line 18:

''(B) TREATMENT OF CERTAIN RULES.—In the case of any rule promulgated by the Department of Homeland Security, this paragraph as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any such rule, in lieu of subparagraph (A).''.

The CHAIR. Pursuant to House Resolution 477, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise today to call upon the rational and reasonable thinking of my colleagues on both sides of the aisle and really discuss an amendment that speaks the obvious.

The underlying bill puts into process a regulatory scheme that delays the implementation of regulations. Whether you agree or disagree with that approach, we all recognize that securing the homeland continues to be a top priority for this Nation.

I'm standing alongside some of our first responders looking over one of the Nation's major ports. Many who live in those areas recognize the vulnerability of America through her ports or aviation or mass transit or highways or bridges or dams.

Every moment after 9/11 is a new moment in this Nation. My amendment simply says to waive the provisions of this bill, H.R. 527, when it deals with homeland security.

I hold in my hand the National Security Threat List that lists the issues that our Homeland Security Department and intelligence communities have to address. The listing is not classified, so I will mention the many tasks that they have to address: terrorism, espionage, proliferation, the moving forward on the question of economic espionage, targeting the national information structure, cybersecurity. Why would we want to interfere with the movement of regulations to protect the homeland under the premise of this bill?

I ask my colleagues to support the Jackson Lee amendment that would waive the bill's provisions in light of protecting the homeland.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. BISHOP of Utah). The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I will reserve the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentlewoman is recognized for 3 minutes.

Ms. JACKSON LEE of Texas. Let me again appeal to the bipartisanship of my colleagues. This is a very troublesome bill, and this bill interferes with the normal process, if you will, of dealing with the regulatory scheme. Although it's called the Regulatory Flexibility Act, I can assure you that the purpose of this legislation is, one, not to create jobs, and certainly not to help us secure the homeland.

The bill would add new review requirements to an already long and complicated process allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation. This is what Homeland Security regulations would have to go through.

Since the creation of the Department of Homeland Security in 2002 and since my membership on the committee that was a select committee, we've overhauled the government in ways we've never done before. Steps have been taken to ensure that the communication failures that led to 9/11 are corrected.

More than 220 million tons of cargo moved, for example, through the Port of Houston in 2010. That cargo has to be inspected. And the port ranked first in foreign waterborne tonnage for the 15th consecutive year. Just imagine a regulation dealing with the scanning or the security of that tonnage to be interfered with by H.R. 527.

If Coast Guard intelligence had evidence of a potential attack on the Port of Houston and they wanted the Department of Homeland Security to address it or they used a regulation or there was a regulation in process, then it would have to be stopped by this legislation.

It is important to recognize that homeland security is not security by appointment. It is not security by ''let me address regulations by having them vetted by H.R. 527.''

This is a commonsense amendment that simply says, as it deals with the homeland security or the securing of our Nation as we look to be better than what occurred in 9/11 where agencies were not communicating with each other, where the fault of the cybersecurity system did not work, and we had the heinous tragedy of losing 3,000-plus of our souls in New York City. As we see the franchising of terrorism where there is the shoe bomber and the Christmas Day bomber and the Times Square bomber, it's important not to have a fettered Homeland Security Department in a regulatory process that is stopped by overlying legislation.

This legislation is a job-killer, we already know. Let's not let it be a killer of Americans because it gets in the way of Homeland Security efforts doing the work that is necessary.

I ask my colleagues to support the Jackson Lee amendment that asks simply for a waiver of this legislation as it addresses the question of securing the homeland and the regulatory scheme that is needed by intelligence agencies, our Border Patrol agencies, our TSOs that deal with aviation security, our cargo inspectors. As it relates to that work, our front line, let us waive this legislation.

Mr. Chair, I rise today in support of my amendment to H.R. 527, the Regulatory Flexibility Improvements Act of 2011. This bill would amend the Regulatory Flexibility Act, RFA. The bill would expand the number of rules covered by the RFA and requires Federal agencies to perform additional analysis of regulations that affect small businesses.

As a senior member of the Homeland Security and ranking member of the Transportation Security Subcommittee, I am very concerned about any legislation that would hinder the Department of Homeland Security's ability to respond to an emergency, which is why the Department of Homeland Security, DHS, should be exempt from this legislation.

This bill delays the promulgation of federal regulations, and delays a Federal agency's ability to issue regulations when responding to an emergency and grants the Small Business Administration's, SBA, Office of Advocacy additional authority to intervene in agency rulemaking, without providing additional funding. Further, H.R. 527 repeals an agency's authority to waive regulatory analysis during an emergency.

The bill would add new review requirements to an already long and complicated process, allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation that would add more costs and delays to the rulemaking process, potentially putting the lives, health and safety of millions of Americans at risk.

The Department of Homeland Security simply does not have the time to be hindered by frivolous and unnecessary litigation, especially when the safety and security of the American people are at risk.

According to a study conducted by the Economic Policy Institute, public protections and regulations ''do not tend to significantly impede job creation'', and furthermore, over the course of the last several decades, the benefits of Federal regulations have significantly outweighed their costs.

There is no need for this legislation, aside from the need of some of my colleagues to protect corporate interests. This bill would make it more difficult for the government to protect its citizens, and in the case of the Department of Homeland Security, it endangers the lives of our citizens.

In our post 9/11 climate, homeland security continues to be a top priority for our Nation. As we continue to face threats from enemies foreign and domestic, we must ensure that we are doing all we can to protect our country. The Department of Homeland Security cannot react to the constantly changing threat landscape effectively if they are subject to this bill.

Since the creation of the Department of Homeland Security in 2002, we have overhauled the government in ways never done before. Steps have been taken to ensure that the communication failures that led to 9/11 do not happen again. The Department of Homeland Security has helped push the United States forward in how we protect our Nation. Continuing to make advances in homeland security and intelligence is the best way to combat the threats we still face.

Hindering the ability of DHS to make changes to rules and regulations puts the entire country at risk. As the Representative for the 18th District of Texas, I know about vulnerabilities in security firsthand. The Coast Guard, under the directive of the Department of Homeland Security, is tasked with protecting our ports of entry. Of the 350 major ports in America, the Port of Houston is one of the busiest.

More than 220 million tons of cargo moved through the Port of Houston in 2010, and the port ranked first in foreign waterborne tonnage for the 15th consecutive year. The port links Houston with over 1,000 ports in 203 countries, and provides 785,000 jobs throughout the state of Texas. Maritime ports are centers of trade, commerce, and travel along our Nation's coastline, protected by the Coast Guard, under the direction of DHS.

If Coast Guard intelligence has evidence of a potential attack on the port of Houston, I want the Department of Homeland Security to be able to protect my constituents, by issuing the regulations needed without being subject to the constraints of this bill.

The Department of Homeland Security deserves an exemption not only because they may need to quickly change regulations in response to new information or threats, but also because they are tasked with emergency preparedness and response.

There are many challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to deal with hurricanes directly reflects our ability to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak.

On any given day the City of Houston and cities across the United States face a widespread and ever-changing array of threats, such as: terrorism, organized crime, natural disasters and industrial accidents.

Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and territorial governments, nongovernmental organizations, and the private sector. We can hinder the Department of Homeland Security's ability to protect the safety and security of the American people.

This bill expands the review that agencies must conduct before issuing new regulations and the review they must conduct of existing rules to include an evaluation of the ''indirect'' costs of regulations, and grants the SBA authority to intervene in agency rulemaking. The measure also expands the ability of small businesses and other small entities impacted by an agency's regulations to challenge those rules in court.

Under current law, the process already takes as long as eight years to complete. Given the nature of its mission, the Department of Homeland Security is the last agency that needs to be subject to more levels of regulation and scrutiny. Some advocates groups also have expressed concern that by extending the rulemaking process, regulatory uncertainty could increase, which may make it more cost effective for agencies to seek enforcement through the courts, and thereby reduce the public's ability to participate in the process.

These costs add to the cost of doing business with the Department of Homeland Security, and eat away at the profits of our businesses, particularly our small businesses which often are not as equipped to absorb additional costs. Moreover, many businesses dealing with national security have higher costs because of expensive equipment, and as such are already working with lower profit margins.

The prolonged or indefinite delay of these life saving regulations threaten the security, stability, and the delivery of vital services to the American people. I cannot speak for my colleagues on the other side of the aisle, but I certainly do not want to slow the promulgation of regulations to a drip.

I have offered this amendment to mitigate the uncertainty regarding federal laws and rulemaking in the area of national security because of the increased urgency when dealing with these often sensitive matters. The Department of Homeland Security is the newest federal agency, and as such already is subject to pioneering levels of oversight and scrutiny.

I urge the Committee to make my amendment in order to ensure that life saving regulations promulgated by the Department of Homeland Security are not unnecessarily delayed by this legislation.

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Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

The bill only requires agencies to do what common sense and current laws dictate they should be doing right now. The Department of Homeland Security is not exempt from the Regulatory Flexibility Act. Like other agencies, the Department should analyze how a new regulation will affect small businesses before issuing the regulation. If the Department needs to issue a regulation in a true emergency situation, such as one involving national security, it can already do so under the ''good cause'' exception to notice-and-comment rulemaking in the Administrative Procedure Act. This good cause exception would allow the agency to bypass the analysis required by the Regulatory Flexibility Act as well.

As written, the amendment would exempt the Department from H.R. 527 but not from the Regulatory Flexibility Act, itself. The result of this would be two versions of the Regulatory Flexibility Act at play in the Federal Government—one for the Department and one for everyone else.

Small businesses do not need any more confusion and uncertainty when they are trying to participate in the Federal regulatory process.

For these reasons, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. COHEN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 112–296.

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 613. Exemption for certain rules

''Sections 601 through 612, as amended by the Regulatory Flexibility Improvements Act of 2011, shall not apply in the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality. The provisions of this chapter, as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding after the item relating to section 612 the following new item:

''613. Exemption for certain rules.''.

Page 24, line 13, insert after ''5'' the following: ''(other than rules to which section 613 of title 5 applies)''.

Page 27, lines 5 and 6, strike ''The agency shall'' and insert the following:

''(A) IN GENERAL.—Subject to subparagraph (B), the agency shall''.

Page 27, line 18, strike the quotation marks and second period.

Page 27, add the following after line 18:

''(B) TREATMENT OF CERTAIN RULES.—In the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality, this paragraph as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any such rule, in lieu of subparagraph (A).''.

The Acting CHAIR. Pursuant to House Resolution 477, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

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

My amendment would exempt from this particular bill the rules it has when it relates to food safety, workplace safety, consumer product safety, air quality, and water quality—things we all hold dear, things that will be jeopardized if this bill passes.

As I noted in my opening remarks, this threatens to halt agencies' ability to promulgate rules by adding analytical requirements and numerous opportunities for industry to challenge agency rulemaking. Yet you should be able to challenge agency rulemaking, but courts shouldn't be able to summarily throw them out based on a lack of knowledge that they have of an area in which the agencies are really expert, but that's what would happen.

The societal cost of enacting H.R. 527 would be to place public health and safety at risk. As we enter this holiday season, it would be well to remember that the reason we take for granted that the food we eat and the water we drink—and the drinks we drink—at all our holiday dinners and receptions won't kill us or sicken us is because of effective rulemaking. Likewise, because of strong regulations, we can take for granted that toys given to our children or grandchildren won't poison them; but the consequences of failing to regulate can be dire.

In 2006 24-year-old Jillian Castro became gravely ill after eating spinach tainted with E. coli bacteria. Her organs were rapidly deteriorating; her kidneys were failing; her red blood cells and platelets were dropping rapidly; and she nearly died.

According to the best available estimates by public health and food safety experts, millions of illnesses and thousands of deaths each year in this country can be traced to contaminated food.

The Centers for Disease Control and Prevention estimates that foodborne microorganisms have caused 48 million illnesses, 128,000 hospitalizations, and 3,000 deaths. Many of these could be avoided with the proper regulations of food and drug. That's why I ask that food safety be eliminated from this

bill, because it will be expensive to treat these people, let alone the fact that they will die. The CDC estimates that salmonella alone affects a million people a year. Just today, the Food and Drug Administration issued a recall of grape tomatoes because of potential salmonella contamination.

Other recent examples of regulatory failure include the Listeria-tainted cantaloupes that killed 29 people across the country in October. Pedal entrapment issues that cause cars to accelerate unexpectedly resulted in Toyota's recall of nearly 2 million vehicles. There was Mattel's recall of nearly a million toys in 2007 because the toys were covered in lead paint. There are other examples of this.

Public health and safety precautions have been on the books for a long time and were passed with bipartisan support. The fact is there were more regulations during President Bush's term than there were overall in President Obama's when you calculate the time they've been in office. Yet there was no call to cut back when President Bush was in office. It's only since President Obama has been in office.

The Pure Food and Drug Act was enacted in 1906 by Teddy Roosevelt, then the Food, Drug and Cosmetics Act in 1938. The Clean Air Act and the Occupational Safety and Health Act were enacted in 1970 when Richard Nixon was President. The Clean Water Act was enacted in 1977. They've served our country well for many years.

If H.R. 527 is enacted without adopting this amendment, we can no longer take protections from these harms for granted because, in the future, agencies will be hamstrung from passing regulations to protect the public.

I would urge us to pass this amendment and to protect our workers, our consumers, our small businesses, and our small business people when they eat their breakfasts, their lunches and their dinners, when they buy toys for their children and their grandchildren, when they drive their cars, and when they work in their workplaces.

I yield back the balance of my time and ask for a positive vote.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, even the President and his regulatory czar, Professor Cass Sunstein, admit that over-regulation hampers job creation. The Regulatory Flexibility Act of 1980 is based on the fact that regulatory compliance is especially costly for small businesses, which are America's main job creators. In this economy, we have no room for error when it comes to over-regulation.

The bill ensures that all agencies follow the Regulatory Flexibility Act. H.R. 527 does not ask agencies to do anything that they should not be doing already right now.

There is no reason to create the blanket exemptions proposed by this amendment. There are no such exemptions currently in the Regulatory Flexibility Act for the categories of rules described in the amendment. Further, the amendment would create tremendous confusion among agencies and small businesses regarding which version of the law would apply to a future rulemaking. We need less confusion and uncertainty, not more, in the regulatory process.

If the amendment stems from a concern about the ability of agencies to make rules in emergency situations, I would note once again that agencies may avail themselves of the ''good cause'' exception to the notice-and-comment rulemaking process already in the Administrative Procedure Act. If an agency justifiably invokes this exemption, it will not have to conduct the analysis required under the Regulatory Flexibility Act.

For these reasons, I oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 112–296.

Mr. PETERS. 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 27, insert after line 18 the following:

SEC. 12. EXCEPTION FOR CERTAIN RULES.

Chapter 6 of title 5, United States Code, 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996, section 2341 of title 28, United States Code, and section 2342 of such title, as amended by this Act, shall not apply in the case of any proposed rule, final rule, or guidance that the Director of the Office of Management and Budget determines will result in net job creation. Chapter 6 of title 5, United States Code, 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996, section 2341 of title 28, United States Code, and section 2342 of such title, as in effect before the enactment of this Act shall apply to such proposed rules, final rules, or guidance, as appropriate.

Page 1, in the matter preceding line 6, insert after the item relating to section 11 the following:

Sec. 12. Exception for certain rules.

The Acting CHAIR. Pursuant to House Resolution 477, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

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

There is no question that Congress must act immediately to help our Nation's small businesses succeed, create jobs and boost our economy. Unfortunately, instead of moving commonsense legislation to extend the payroll tax cuts for middle class families and enacting the American Jobs Act to help small businesses afford new hires and investments, we are today considering H.R. 527, the Regulatory Flexibility Improvements Act.

This legislation, while well intentioned, is a step in the wrong direction. In addition to making it more difficult for agencies to take action to protect workers and the public, it will also slow down agency guidance that could help create certainty and spur job creation. This bill will create ''paralysis by analysis'' by subjecting any action an agency proposes to a lengthy regulatory process. Even agency guidance issued to small businesses clarifying how well they can comply with existing rules will be slowed down considerably.

This is why I've put forward an amendment to improve this bill and to cut through the additional red tape that it creates when it matters most, which is when new jobs are on the line. My amendment simply says that the new administrative hurdles that this bill creates will not apply to any rule, final rule or guidance that the Director of OMB determines will result in net job creation.

□ 1620

While my Republican colleagues keep repeating the story that new regulations are slowing down our economic growth, this simply isn't the case. A recent study by the National Federation of Independent Businesses of its members found that ''poor sales,'' and not regulation, is the biggest problem facing businesses today.

Effective regulations can promote job growth and put Americans back to work. As someone living in southeast Michigan, I have seen firsthand the way increased fuel economy standards have made American autos more competitive while also saving drivers money on gas and helping our environment. According to the United Auto Workers and the National Resources Defense Council, these new standards have already led to the creation of more than 100,000 jobs.

Whether it is providing small businesses with the guidance they need so that they can have the certainty while making investment and hiring decisions or enacting environmental reforms to help bring about the next generation of green technology, the Federal Government cannot waste any more time dragging its feet when it comes to job creation.

For years, my friends on the other side of the aisle have repeatedly railed against government red tape. But let's be clear: If they oppose this amendment, they will, in fact, be voting to

create more red tape and stymie small business job creation.

I urge my colleagues to support this commonsense, pro-jobs amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The Acting CHAIR. The gentleman from Michigan has 2 minutes remaining.

Mr. PETERS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Thank you, Mr. Chairman.

First of all, I would like to point out that the National Federation of Independent Business actually does support this legislation. I also would like for the record to show that a recent Gallup poll taken on October 24 of this year said that small business owners themselves cite ''complying with government regulations'' as their most important problem. Now, that's why we are here today.

Mr. Chairman, I oppose this amendment because it puts the cart before the horse. The reason we require agencies to conduct regulatory flexibility analysis is so the agencies and the public will know how a new regulation will affect small businesses before the agency issues the regulation.

The amendment would exempt from the Regulatory Flexibility Act any rule that would result in net job creation. We certainly know that regulations can destroy jobs. Even the administration acknowledges that.

Whether regulations can ever truly create jobs is another question all together. Assuming that a regulation could create jobs, an agency will not know this without analysis first, which is what the bill requires agencies to do.

There is no good reason to transfer this responsibility to conduct this analysis from the agency, themselves, to the Office of Management and Budget, as the amendment proposes.

For these reasons, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PETERS. 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 Michigan will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 112–296.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

SEC. 12. GAO REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report on the cost effectiveness of the amendments made by this Act. Such report shall include the following:

(1) A list of all additional costs and resources that each agency will have to expend to carry out this Act and the amendments made by this Act.

(2) The effect of this Act and the amendments made by this Act on the efficiency of the rule making process (including the amount of time required to make and implement a new rule).

(3) To what extent this Act or the amendments made by this Act will impact the making and implementation of new rules in the event of an emergency.

(4) The overall effectiveness of this Act or the amendments made by this Act (including the extent to which agencies are in compliance with the Act or the amendments to the Act).

The Acting CHAIR. Pursuant to House Resolution 477, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I would like to think that our colleagues are in their offices communicating with their constituents and doing much of the work that we do and writing probably other great legislative initiatives, and they are paying attention to this debate and they keep hearing the words ''small businesses'' and they want to know why would any of us have a disagreement about small businesses when we have, I think, a consensus that small business are in fact the backbone of America; they are the job creators of America.

I recall many of us have initiatives. I have an initiative of visiting small businesses. Just a couple of weeks ago, I donned the clothing of a medical practice. I went to a beauty school and tried to do a little bit of hair design. I went to an energy company. I went on to a small export-import company, and I stood out as a safety officer for a construction company owned by a single mother.

So we all speak the language of small businesses. And you would think that my good friends on the other side of the aisle would have looked more closely at how damaging H.R. 527 is because, for those who may be listening in their offices and others, right now you have a three-agency framework of reviewing regulations dealing with small businesses.

Now you're going to include that all the agencies have to get into the act in stifling small businesses' activities and their growth and opportunity. Remember now, right now we have three, and then we're going to open up the lot so that every agency now has to go through a regulatory process to determine its impact on small businesses. It expands the use of small business review panels to review rules promulgated by all agencies to include all major rules, and some of these, of course, having the positive impact on our small businesses.

What is the significant economic impact? Nobody knows. It forces agencies to engage in wasteful, speculative analysis. It imposes an absurd and wasteful requirement on those agencies.

So I have a simple amendment. Ask the question beforehand: What is the economic impact of all of this vast new inclusion of other agencies to come down on our small businesses? It requires my amendment, a GAO study, to determine the cost of carrying out this bill and the effect it will have on Federal agency rulemaking. Simple, bipartisan amendment, I ask my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I am prepared to close; so I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from Texas has 2½ minutes remaining.

Ms. JACKSON LEE of Texas. I thank the gentleman.

Let me just continue looking for bipartisanship. I am hoping that I can convince my friend from Texas to not desire to have a can of worms, a potpourri of agencies coming out with the hand of oppression on small businesses.

This is a simple question that I'm asking. The GAO, the Government Accountability Office, simply would be asking the question: What is the significant economic impact on a substantial number of small entities which will greatly slow down the rulemaking process and substantially empower other competitors to small business to throw sand in the gears of rulemaking that will help small businesses, women-owned businesses, minority-owned businesses, disabled veterans?

What is the reason for not agreeing to an important study? It forces agencies to again engage in wasteful, speculative analysis, including an assessment of all reasonably foreseeable indirect economic effects.

We can do it ahead of time. Will this kill jobs is the question. It expands judicial review to include all agency actions and not just final agency action.

Mr. Chairman, can we not find an opportunity to come together on this? I would much rather have a report to tell me how many small businesses will shut down waiting for agency review of the rules that would be helpful to them.

Have we engaged with the Small Business Committee? Has anyone

asked the ranking member of that committee, even the chairman of that committee, who are champions of small business? I don't think I have seen the chairperson, but I have seen the ranking member, who listens to small businesses across the country. If there is a regulation that is going to help a small business, this bill kills it.

The small businesses are hanging on for dear life. Pass the rule. Pass the rule. Now you have put in all these agencies, dilly-dallying around trying to be able to find a way to stifle the growth of the small business.

Mr. Chairman, common sense tells Members that it doesn't hurt to have just this one bipartisan effort to get the answer of the economic impact beforehand. Down in Texas we say, close the barn door before the cow gets out, or the cart before the horse, the horse before the cart. We've got all of that. We've got confusion.

I am simply having a simple amendment that would allow the GAO to report on how we can better serve our small businesses and create the jobs that are necessary. I ask my colleagues, including Mr. SMITH, to support this amendment.

Mr. Chair, I rise today in support of my amendment to H.R. 527, the ''Regulatory Flexibility Improvements Act of 2011.'' My amendment would require a GAO study to determine the cost of carrying out this bill and the effect it will have on federal agency rulemaking. In addition, the report must contain information on the impact of repealing the ability of an agency to waive provisions in the Regulatory Flexibility Act when responding to an emergency.

This bill would amend the Regulatory Flexibility Act of 1980 in such a manner that it would result in significant delays in the agency rule-making processes by mandating multi-agency analyses of both direct and indirect costs for rules proposed or finalized by a single agency.

My amendment simply requires that the Comptroller General, within 2 years after the enactment of the legislation, issue a report to Congress on the cost effectiveness of the changes implemented by this Act.

The report would list all additional costs and resources that each agency will have to expend to carry out this Act and the amendments made by the Act.

It would also show the effect of this Act and its amendments on the efficiency of the rule making process, including the amount of time required to make and implements a new rule.

This study would report on any impact that this Act or its amendments would have on the ability to implement new agencies in the event of an emergency. Lastly, this study would examine the overall compliance of agencies with the Regulatory Flexibility Improvement Act (RFIA).

By requiring that multiple agencies conduct detailed economic analyses of a rule proposed by a single agency, each agency will have to expend time and resources to uncover the indirect economic effects of the proposed rule. This is unduly burdensome on a process that is already sufficient in length, as rules currently require a 30 day period after publication prior to effectiveness.

There is one overarching problem with H.R. 527. Although it claims to make improvements, one thing it does not do is provide the needed clarification that the GAO has repeatedly pointed out, and that the agencies have asked for.

In the past, there have been GAO reports showing incidents of agency noncompliance with the current regulatory flexibility rules for rule making. The reports cited that this noncompliance is due largely to confusion surrounding the meaning of ''significant economic impact on a substantial number of small entities.'' Agencies have expressed the need to better clarification of this clause to aide them in determining when rule making analysis and review is necessary.

Another part of this expanded review and analysis called for in H.R. 527 that concerns me is the potential it has to impede upon emergency rulemaking. Every so often, there are instances when an agency has to implement a new rule or regulation in response to an emergency. Under the current law, there is an exception allowing agencies to bypass the review process in the event of an emergency. The provisions of this bill cloud that exception.

Furthermore, the rule-making process is made more cumbersome and expensive by requiring multi-agency review. If the purported reason for amending the Regulatory Flexibility Act with this bill is to save the American taxpayers money by including provisions requiring analyses of direct and indirect effects of proposed rules, then it should follow that the costs of implementing such provisions should not outweigh the benefits they provide.

My amendment will ensure just that by requiring the Comptroller General to issue a report to Congress that includes (1) the additional costs and resources that each agency must expend to maintain compliance with this Act, (2) an analysis of the effect that this Act has on the efficiency of the rule-making process, and (3) an analysis of the potential difficulties that may arise in an emergency situation in which an agency must implement new rules.

If the process by which government agencies create rules is changed to require the disclosure of all costs associated with a proposed rule, then shouldn't the Act that makes such changes have its own costs to the American taxpayers disclosed? My amendment will ensure that this disclosure is made to the public upon this legislation's enactment.

I yield back the balance of my time.

□ 1630

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

I oppose this amendment because it is unnecessary and would result in a biased study by the Government Accountability Office.

The study proposed by the amendment focuses excessively on costs to agencies to comply with the Regulatory Flexibility Act, and how the bill would affect agencies' abilities to pass new regulations. The study would not focus enough on how the bill would benefit small businesses and lead to better regulations, which is where our focus should be.

It is worthwhile to require agencies to finally comply with the law. That is especially true if it means that agencies will reduce unnecessary regulatory burdens and free small businesses to create jobs.

In the future, I certainly would like to know whether agencies comply with the Regulatory Flexibility Act as amended by this bill, or whether they remain disobedient. This amendment, however, favors the idea that the bill places too heavy of a burden on regulators.

Fundamentally, the purpose of the Regulatory Flexibility Act is to reduce the regulatory burden on small businesses, not on agencies. Job creators, not job regulators, are the key to our economic recovery.

Mr. Chairman, for these reasons, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 112–296.

Mr. JOHNSON of Georgia. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of the bill the following:

SEC. 12. APPLICATION WITH REGARD TO CERTAIN STATUTE.

None of the amendments made by this Act shall apply to any rule making to carry out the FDA Food Safety Modernization Act (21 U.S.C. 2201 note).

The Acting CHAIR. Pursuant to House Resolution 477, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in support of my amendment to this hazardous and radioactive bill called the Regulatory Flexibility Improvements Act.

Now, I want this body to consider my amendment to the bill for the following reason: The FDA Food Safety Modernization Act became law in January of this year, January 4, 2011. It was necessitated by a continuing series of incidents, such as the October 2009 Stephanie Smith incident, which I will tell you a little bit about. She's a children's dance instructor from Minnesota. She became partially paralyzed from E. coli. According to a New York Times article, ''The frozen hamburgers that the Smiths ate, which were made

by the food giant Cargill, were labeled 'American Chef's Selection Angus Beef Patties.' Yet confidential grinding logs and other Cargill records show that the hamburgers were made from a mix of slaughterhouse trimmings and a mash-like product derived from scraps that were ground together in a plant in Wisconsin. The ingredients came from slaughterhouses in Nebraska, Texas, and Uruguay, and from a South Dakota company that processes fatty trimmings and treats them with ammonia to kill bacteria.'' Stephanie has sued Cargill, and I know that many of my colleagues on the other side of the aisle would want to limit her ability to recover for this injury through misguided so-called tort reform.

But getting back to this matter, this amendment is simple. It would ensure that Americans have access to safe and untainted food. It would create an exception for any rulemaking that seeks to carry out the FDA Food Safety Modernization Act.

Every year one in six Americans gets sick from foodborne diseases. The FDA Food Safety Modernization Act enables the FDA to better protect public health by strengthening the food safety system.

This bill would make it virtually impossible for Federal agencies to protect public health and safety. Nobody likes to be tied up in redtape, but this bill would bring regulations to a halt and make it virtually impossible to enact new regulations. Currently, rulemaking agencies must make an analysis for every new rule that would have significant economic impact on a substantial number of small entities, such as small businesses.

However, agencies have the authority to waive or delay this analysis in emergency situations. Now, this bill, Mr. Chairman, would require agencies to determine the indirect costs a rule has on a business, and repeal the authority of an agency to waive or delay this analysis in response to an emergency that makes timely compliance impractical or imprudent.

This summer there was a listeria outbreak linked to cantaloupes that sickened 139 people and killed 29. Just today, The Washington Post reports that Consumer Reports released an alarming study that found high levels of arsenic in samples of apple juice. Consumer Reports is now calling on the FDA to set standards for arsenic levels for apple and grape juices.

The Consumer Reports Group is now suggesting that parents restrict juice consumption to children up to 6 years old to no more than 6 ounces per day. For older children, it recommends no more than 8 to 12 ounces a day.

Now is not the time to hamper agencies, such as the FDA, that are charged with keeping the American public safe. If there is a legitimate concern that our food supply may be tainted, the FDA needs the authority to act quickly and without delay. It's essential that the FDA have the ability to conduct inspections as well as prevention programs without having to go through speculative paralysis of analysis of a proposed rule, nor should the FDA be forced to justify existing rules.

Mr. Chairman, I urge support for my amendment, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I oppose this amendment because it carves out an exception to the bill for regulations under the Food and Drug Administration.

If agencies were doing the depth of pre-regulatory analysis they are supposed to be doing under the Regulatory Flexibility Act, then we wouldn't be here today.

Small businesses create jobs, and jobs are the key to economic recovery. To help small businesses—like minority-owned restaurants, for example—create jobs, we need to reduce, not increase, the regulatory burden on them.

The FDA is not currently exempt from the Regulatory Flexibility Act, so it makes no sense to exempt the FDA from the bill, either.

This amendment also would create confusion within the FDA by exempting only its responsibilities under the Food Safety Modernization Act from this bill. There should not be two versions of the Regulatory Flexibility Act in play at the FDA.

For these reasons, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1640

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 112–296 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Ms. JACKSON LEE of Texas.

Amendment No. 3 by Mr. COHEN of Tennessee.

Amendment No. 4 by Mr. PETERS of Michigan.

Amendment No. 5 by Ms. JACKSON LEE of Texas.

Amendment No. 6 by Mr. JOHNSON of Georgia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 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 vote was taken by electronic device, and there were—ayes 173, noes 244, not voting 16, as follows:

[Roll No. 874]

AYES—173

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fudge
Garamendi
Gibson
Green, Al
Green, Gene
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
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
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—244

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
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
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
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.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
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 (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—16

Bachmann
Bartlett
Chu
Cleaver
Deutch
Doyle
Filner
Flores
Frank (MA)
Giffords
Gonzalez
Grijalva
Hartzler
Paul
Schmidt
Webster

□ 1707

Messrs. CANSECO, McCLINTOCK, BILBRAY, GERLACH, and CUELLAR changed their vote from ''aye'' to ''no.''

Messrs. CROWLEY and McDERMOTT changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. CHU. Mr. Chair, on rollcall vote 874, on the Jackson Lee Amendment to H.R. 527, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. FILNER. Mr. Chair, on rollcall 874, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 3 OFFERED BY MR. COHEN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COHEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 248, not voting 14, as follows:

[Roll No. 875]

AYES—171

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

NOES—248

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
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
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
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
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)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—14

Bachmann
Bartlett
Deutch
Donnelly (IN)
Doyle
Eshoo
Filner
Flores
Giffords
Hartzler
Markey
Paul
Pelosi
Schmidt

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1712

Mr. BISHOP of Georgia changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 875, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. PETERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. PETERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 243, not voting 11, as follows:

[Roll No. 876]

AYES—179

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
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)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
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
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—243

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
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
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
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.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
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 (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Akin
Bachmann
Bartlett
Deutch
Doyle
Filner
Giffords
Hartzler
Paul
Pelosi
Schmidt

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1716

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 876, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 5 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 172, noes 250, not voting 11, as follows:

[Roll No. 877]

AYES—172

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Donnelly (IN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Ribble
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters

Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—250

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
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
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Bachmann
Bartlett
Conyers
Deutch
Doyle
Filner
Giffords
Grijalva
Hartzler
Paul
Schmidt

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1719

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 877, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT NO. 6 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. JOHNSON) on which further proceedings were postponed and on which the 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 170, noes 250, not voting 13, as follows:

[Roll No. 878]

AYES—170

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

NOES—250

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
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)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Bachmann
Bucshon
Deutch
Doyle
Filner
Garamendi
Giffords
Gonzalez
Hartzler
Paul
Reed
Rogers (KY)
Schmidt

□ 1724

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 878, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The Acting CHAIR (Mr. GARDNER). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Utah) having assumed the chair, Mr. GARDNER, 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. 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, pursuant to House Resolution 477, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. LORETTA SANCHEZ of California. I am opposed to the bill, Mr. Speaker.

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

The Clerk read as follows:

Ms. Loretta Sanchez of California moves to recommit the bill H.R. 527 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end of the bill the following:

SEC. ___. PROTECTING INCENTIVES FOR SMALL BUSINESSES TO HIRE VETERANS.

This Act and the amendments made by this Act shall not apply to rule makings or revisions of rules, if such rule makings or revisions are for purposes of providing incentives to small businesses (as such term is defined in chapter 6 of title 5, United States Code) for hiring veterans (as such term is defined in section 101(2) of title 38).

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. I rise today to offer a final amendment to H.R. 527 that, if passed, will allow the bill to be brought back promptly to take a vote for final passage. Mr. Speaker, this final amendment is noncontroversial and aims to do one simple thing: to protect the incentives that assist small businesses to hire veterans. This amendment comes at a very critical time for our small businesses and for our veterans.

Several weeks ago, this House did something that most of America doesn't believe we do anymore. We came together, all of us—Republicans and Democrats. We voted on a bill, and we passed a bill together, unanimously, the VOW to Hire Heroes Act of 2011.

The bill pushes key provisions, like providing small businesses with incentives so that they will hire veterans who have been unable to find employment. As a new law, the tax credits that we offer in that VOW bill would require additional regulations to be implemented in order for small businesses to begin to hire our veterans. Our veterans need jobs—not tomorrow, but now. Yet this bill, the one we are considering right now, sets up many new hurdles and delays for new regulations, like those needed for the implementation of the VOW to Hire Heroes Act.

In a little more than 2 weeks, we went from a 422–0 vote with that VOW Act to now potentially hindering our small businesses from hiring veterans.

□ 1730

However, we have a chance to fix that. We have a chance to fix that right now, and we have a chance to fix it and to bring back this vote promptly, to bring this bill and vote it today.

So I ask my colleagues, especially those on the other side, what are your priorities? I know what my priorities are. My priorities are to small businesses and my priorities are to our veterans who have fought for this Nation.

Mr. Speaker, if my colleagues on the other side truly believe that small businesses are what create the jobs in America, then we can fix this bill by voting for my amendment. If you believe that our veterans should not have to fight for a job after having fought for our country, then we can fix this bill by voting for my amendment.

If my colleagues believe that the over 250,000 unemployed veterans under the age of 35 deserve a job, then we can fix this bill by voting for my amendment.

I know what this side of the aisle believes. We know what the choice is. It's about small businesses creating jobs and hiring these brave men and women.

We want our small businesses to have those incentives so that they can hire our veterans now, not next year or the following year—now. We need jobs now.

The bill itself raises a lot of regulations and hurdles to new implementation, but now we can fix the bill, and we can help our veterans and our small businesses. It's our duty here in Congress to look after those who have looked after the people of this country.

My final amendment does this by ensuring that we allow those regulations that are needed to protect these incentives for the small businesses who want to hire veterans. I would have no doubt—I would never think that my colleagues on any side of the aisle would want to intentionally hinder the hiring of veterans, especially after I saw that unanimous vote right before Thanksgiving. Remember that—we finally did something together.

So I ask all of you, let's do the right thing. Will you stand with our veterans and small businesses and protect those incentives that we voted for 2 weeks ago? If you believe it's the right thing to do, then you will vote for this amendment.

If you believe that a 21 percent unemployment rate for our young male veterans between the ages of 18 and 24 is too high, then you will vote for my amendment to ensure those incentives to hire our veterans will be in place.

I want to make clear once more to my colleagues on the other side of the aisle; a ''yes'' vote on my amendment will not prevent this bill from being voted on today.

If adopted, it will be incorporated into the bill and voted on for final passage.

I ask my colleagues to do the right thing, to fight for protecting the incentives that will allow our veterans to be hired by small businesses.

Regardless of how either aisle feels about the underlying bill, I know this chamber can make the right choice by voting ''yes'' on my amendment.

Mr. GOWDY. Mr. Speaker, I rise in opposition to the motion to recommit.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. The President in this very Chamber said we should have no more regulation than is necessary for the health, safety, and security of the American people. Mr. Speaker, the President in this very Chamber conceded overregulation has stifled innovation and chilled growth and jobs. Professor Cass Sunstein, hardly a conservative acolyte, said we must take aggressive steps to eliminate unjustified regulatory burdens, especially in today's economic environment.

Mr. Speaker, 43 percent of the payroll in this country comes from small business, two-thirds of all the jobs created in the last two decades come from small business. Small business, Mr. Speaker, is the backbone of this economy and the single best way for all Americans, veterans included, but all Americans, to experience the majesty of the American Dream.

So one would think that our colleagues would storm the aisle to join us in providing relief to small business, including veterans. One might think our colleagues would help us rush to form a phalanx against an overreaching regulatory apparatus.

So, Mr. Speaker, let's stop using veterans as political footballs and start

helping all Americans, including veterans. The Regulatory Flexibility Improvement Act of 2011 is a logical reform. It simply asks agencies to do the kind of pre-regulatory analysis they should have been doing anyway. Frankly, the bill seeks to enact much of what the President claims he wants with respect to regulatory reform, since small business creates most of our jobs.

Since regulatory compliance costs are higher for them than for larger competitors, Congress passed the RFA of 1980 requiring agencies to analyze regulations in advance. Hardly a revolutionary idea, Mr. Speaker. Know the consequences of your actions before you act, especially when it comes to having a chilling effect on job creation.

But the experience over the last 15 years has shown the law needs to be reformed, Mr. Speaker, and updated because agencies aren't getting the message.

This bill requires agencies to do what they should be doing anyway, which is to calculate the impact of their regulations on job creators beforehand, to make sure all agencies follow the rules, not some of the time, not when they feel like it, but all of the time.

Mr. Speaker, our fellow citizens want to work. They want to meet the needs of their families. They want to meet their societal obligations, and we should be doing everything in our power to make sure regulatory agencies ''measure twice and cut once.'' And our job requires and this bill ensures that they get the message.

For this reason, Mr. Speaker, I urge my colleagues to oppose the motion to recommit.

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. LORETTA SANCHEZ of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 527, if ordered; and suspension of the rules with regard to House Resolution 364.

The vote was taken by electronic device, and there were—ayes 188, noes 233, not voting 12, as follows:

[Roll No. 879]

AYES—188

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
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
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—233

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
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
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—12

Bachmann
Black
Cleaver
Doyle
Filner
Giffords
Hartzler
Heinrich
Luján
Paul
Schmidt
Schock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1755

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 879, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

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. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 263, noes 159, not voting 11, as follows:

[Roll No. 880]

AYES—263

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble

Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—159

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—11

Bachmann
Bachus
Cleaver
Doyle
Filner
Giffords
Hartzler
Olver
Paul
Schmidt
Tipton

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1801

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BACHUS. Mr. Speaker, on rollcall No. 880 on final passage of H.R. 527, I was on the House floor, but inadvertently missed the voted. Had I been recorded, I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 880, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

GABRIEL ZIMMERMAN MEETING ROOM

The SPEAKER pro tempore. The unfinished business is the vote on the motion 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'', on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 881]

YEAS—419

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)

Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—14

Bachmann
Canseco
Doyle
Filner
Flores
Frank (MA)
Garamendi
Giffords
Hartzler
Keating
McKinley
Miller (FL)
Paul
Schmidt

□ 1808

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 881, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112–311) on the resolution (H. Res. 479) providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SOUTHERN MISSISSIPPI GOLDEN EAGLES TAKE ON HOUSTON COUGARS

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

Mr. PALAZZO. Mr. Speaker, this weekend the 10–2 University of Southern Mississippi Golden Eagles are going to be traveling to Houston, Texas, to win the Conference U.S. Championship Game. As a fourth generation Golden Eagle, I would like to place a friendly wager with my colleague from Houston, Texas—a gallon of Mary Mahoney's famous seafood gumbo—that we will walk away victorious.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. PALAZZO. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I am a proud Cougar, and as you well know, Cougars are silent, fast, and deadly. We welcome Southern Miss to Houston, Texas, the 12–0 Cougars, and we plan to give you all the barbecue you can eat as we celebrate the victory of the great Cougars, University of Houston, academic and athletic champions. It's a pleasure to place this wager with you tonight. Cougars—ready to pounce on you.

Mr. PALAZZO. Well, our Golden Eagles' talons are going to be out. They're going to be ready. They're going to be sharp, and we're going to rip you all to shreds. I accept your wager.

Ms. JACKSON LEE of Texas. Peace in the valley. Victory for the Cougars.

□ 1810

POSTAL REFORM LEGISLATION

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

Mr. CRAWFORD. Mr. Speaker, in fiscal year 2011, the United States Postal Service brought in $65.7 billion in revenue but spent $70.6 billion. When counting a $5.5 billion mandatory payment to fund retiree health benefits, which they would have defaulted on already were it not for the extensions on the payment, the postal service ran a deficit of $10.6 billion.

In an attempt to cut costs, the postal service has announced that it's considering closing over 3,600 post offices, the large majority of which are rural. By the postal service's own numbers, they would only save $200 million annually if they were to close each of these post offices.

This is kind of like asking a family of four that makes $65,700 a year and adds $10,600 in credit card, and then only cuts $200 from their annual budget to get their finances under control.

Last month I visited the Grubbs and Sedgwick post offices, two of the 100 post offices that are being considered for closure in my rural district. Residents in both towns told me about the important role that their post office plays in their communities.

In order to prevent the post office from unfairly targeting rural communities, I recently introduced H.R. 3370, the Protecting our Rural Post Offices Act of 2011. The legislation would prevent the postal service from closing any post office that does not have an alternate post office within 8 miles driving.

VOTER SUPPRESSION

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

Ms. WOOLSEY. Mr. Speaker, it's bad enough that the people who control this body aren't interested in creating jobs for the American people. But now, if people want new leadership in the House, if they want a Congress that will finally focus on job creation, they're foiled by restrictive election laws designed to suppress the vote.

Guess which populations are disenfranchised by strict photo ID requirements and other barriers to political participation?

It's not the wealthiest 1 percent. It's not the affluent and the comfortable. It's not, frankly, the base of the Republican Party. It's disproportionately communities of color and low-income families who are having their rights undermined and even stripped away.

These laws, passing in State after State, are underhanded. They're an attempt to consolidate political power. They are unfair, undemocratic. And voting rights are among the most precious privileges that we have as citizens, and they must be protected.

LARRY MUNSON

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

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, as a University of Georgia graduate and lifelong Bulldog fan, I'd like to pay tribute to a fallen legend in the Bulldog Nation. Last week, Larry Munson passed away at the great age of 89.

From an announcer for Major League Baseball to a U.S. Army medic during World War II, Larry Munson was a leader and a hero. However, he'll best be known for his time spent as a radio football announcer for the Georgia Bulldogs.

For over 40 years, his passionate and authentic sportscasting set him apart from every other sports broadcaster. In fact, many of his phrases have become a part of Bulldog fan lore. From Herschel Walker running over people, to Kevin Butler's 100,000-mile field goal, Larry Munson's radio calls will live as some of the most memorable in college football.

Georgia Bulldog fans will never forget the sugar falling out of the sky and the hobnail boot. Thus, with the Georgia Bulldogs and the LSU Tigers to square off this weekend in the SEC championship, I end with the words Bulldog fans are used to hearing from Mr. Munson each and every game day:

''As we prepare for another meeting between the hedges, let all the Bulldog

faithful rally behind the men who now wear the red and black with two words, two simple words which express the sentiments of the entire Bulldog Nation: Go Dawgs.''

DEMANDING RELEASE OF ALAN GROSS FROM CUBAN PRISON

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

Mr. ENGEL. Mr. Speaker, today is the second anniversary of the unfair and brutal incarceration by the Cuban regime of Alan Gross, an American citizen; and I urge his immediate release.

Alan Gross is 62 years old and, in a trumped-up trial, was given 15 years in prison. Alan Gross has worked in international development in over 50 countries through the past several years and was in Cuba to aid the tiny Jewish community with telecommunications and Internet services when he was arrested and accused of being an American spy. This is a new low even for the Cuban regime. This is a new low even for the Castro brothers.

Alan Gross's wife and family need him. His mother was just diagnosed with inoperable cancer, and his daughter was also diagnosed with cancer. They need him back.

We demand him back. He is an American citizen, and we are watching and the whole world is watching. Alan Gross should not be incarcerated for doing nothing except trying to help a very tiny community in Cuba. And I demand his immediate release.

ECONOMIC RECOVERY

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

Mr. KINGSTON. Mr. Speaker, I think there are four things the United States of America needs to do to turn the economy around.

Number one, we need to balance the budget. We can do this on a bipartisan basis just by reducing the duplications in government and the overlap between State functions and Federal functions; also getting through the waste, and then trimming off 1 percent over time to bring revenues and spending at the same level. Right now spending is at 23 percent. Revenues historically have been at 18 percent. Common sense says you need to balance those out.

Number two, we need to get rid of the regulatory overload on businesses that are creating the jobs right now. Change regulations from an ''I gotcha'' mentality to one that ''we're here to help because we're in it together,'' for worker safety, environmental protection or whatever. We can do a lot just by changing the attitude of the regulators.

Number three, we need tax reform, tax simplification so that taxes are fair. The Tax Code needs to be a half an inch deep and miles and miles wide so that everyone is participating. Let's get rid of the underbrush, all the loopholes.

Number four, and finally we need to drill our own oil. We cannot keep importing 65 percent of our oil. We need to have an all-of-the-above energy policy.

FIXING MEDICARE REIMBURSEMENT RATE

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

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to speak on behalf of the 600,000 Medicare beneficiaries in Connecticut and the thousands of physicians who care for them. We need to take up a bill in this Congress over the next several weeks to finally fix the flawed Medicare sustainable growth rate formula.

Since 2003, for almost a decade, physicians have been dealing with the uncertainty that comes with scheduled annual rate reductions. They're staring at a 28 percent reduction right now. That means about $28,000 per year per Connecticut physician.

If this were to happen, it would happen at the worst possible time. With all the baby boomers coming on to the Medicare rolls, there would be a lot of physicians who just couldn't take Medicare patients any longer. They'd likely have to lay off workers at a time when we already have 9 percent unemployment in Connecticut and across the Nation.

This is unacceptable and we have to do something about it. So over the next several weeks, let's fix this once and for all. Let's stand together as a Congress and put an end to this outdated system and provide some certainty and security for America's seniors and America's physicians.

□ 1820

URGING SENATE ACTION ON JOBS LEGISLATION

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

Mr. MICA. Mr. Speaker and my colleagues, it's time for the other body to act.

The Republican-controlled House of Representatives has a plan for putting Americans back to work. We've moved on more than 20 pieces of legislation that now sit idly in the other body. We have provisions that will empower small businesses—the great job creators of America. We have provisions that will fix the Tax Code to help create jobs. We have provisions that will help manufacturing to have jobs in America, not overseas. We have provisions that will encourage entrepreneurship and growth and maximize American energy production. And all of these measures sit over in the other body.

I call on the leadership of the other body and all Members to get this legislation moving forward. There are millions of people without jobs, and they need us to act not later but now.

And finally, I call on them to help finalize a 4½-year-old, with more than 21 extensions, FAA bill that still languishes. It's time to stop the nonsense and get America back to work.

Let's pass these bills held hostage.

CONGRESSIONAL PROGRESSIVE CAUCUS

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

Mr. ELLISON. Mr. Speaker, thank you.

My name is KEITH ELLISON, cochair of the Progressive Caucus, and I do hereby claim this Special Order hour on behalf of the Progressive Caucus.

Right away, I'd like to introduce my good friend from the great State of Georgia, Congressman HANK JOHNSON, who has served with distinction along with me since 2007. Congressman JOHNSON is the whip of the Progressive Caucus. Tonight we're going to be talking about jobs, income inequality, and we're going to be talking about this issue on behalf of the Congressional Progressive Caucus.

Our Web page is right here at the bottom of this document that I'm showing, Mr. Speaker. So we do encourage people to sign up and get ahold of us.

In the very beginning of this hour, I want to recognize my friend from Georgia so that he can make some introductory remarks about the importance of jobs, just as soon as he's ready to take it on.

If the gentleman is prepared to make some opening and preliminary remarks about the importance of jobs, economic justice in the American middle class, I would like to yield to the gentleman to take it away there.

Congressman JOHNSON.

Mr. JOHNSON of Georgia. I thank the gentleman from Minnesota, my junior in the House. When I say that, I mean we're both juniors, having served now in our third terms. We will be officially recognized, I guess if we're fortunate to make it back for the 113th Congress, that will be our fourth term. We will be seniors, and we will be permanent seniors as long as the voters allow us to be. And we certainly want to do what the voters want us to do here.

What the voters of the Fourth Congressional District of Georgia tell me over and over and over again, day in and day out, 24–7, is that jobs is the issue, and they want us to pass the President's job creation bill. They don't understand why simple proposals that will create jobs and reinvigorate

our economy are something that we can't come to grips with here on the House floor. And I tell them to keep the faith, but I also tell them where the problem lies. It is not with the President. It's not with the Democrats in the House of Representatives. It's with my friends on the other side of the aisle, the Tea Party-Grover Norquist Republicans who want to balance the budget. Their main issue is balancing our budget. And certainly our budget needs to be balanced, and that's something that we should do. It's not our first priority.

Our priority right now, and I agree with the people of the Fourth District, it should be jobs. And if we don't create jobs, if we leave people on unemployment or unemployment having expired, that means less money circulating in the economy. If there's less money circulating, less economic activity, less job creation. And so there's a lot that we can do, Congressman ELLISON, to help the people, especially during this holiday season.

Mr. ELLISON. I thank the gentleman.

I just want to say this is the holiday season. We should have a spirit of charity in looking out for our fellow Americans during this time of year. But unfortunately, we have seen a no-jobs agenda from the party opposite. From the majority party, we have been here 11 months, we haven't seen any jobs bills out of them.

They say that tearing apart the EPA is a jobs bill. It is not a jobs bill. They say that damaging the National Labor Relations Board is somehow going to bring forth jobs. It will not.

Everything they say is a jobs bill basically boils down to two things—I think you might agree, Congressman—is deconstructing health and safety rules and cutting taxes for people who already are rich; and this is not a jobs bill.

A jobs bill is taking care of our Nation's infrastructure, putting our veterans back to work, as we tried to do today. The Democratic Caucus offered a motion to recommit to help support jobs for our veterans, get small businesses to hire them, and we didn't get any Republican support, which is quite amazing to me.

The fact is that, yes, here we are nearing the end of this year, nearing the end of 2011, and we're seeing unemployment insurance perhaps about to run out. We're seeing payroll tax cuts about to run out. Therefore, some people will see the end of their unemployment insurance and other people will see an increase in their payroll taxes.

And it shocks me that our Republican friends are all for tax cuts, can't wait to vote for a tax cut, dying to vote for a tax cut whenever the recipient of the tax cut is rich. But if the tax cut happens to go to somebody who works hard for a living, who goes to work, gets their hands dirty and comes home, they don't want to see a tax cut for that person. They just want to see tax cuts for only some people.

I think that you're right to describe our colleagues as the Tea Party-Grover Norquist Republican Party because that seems to be who's running things over there.

You know, my father was a Republican. He is a Republican. He hasn't voted that way in a while. But he says, I remember you guys could go down there and talk. You could debate the issues. Some of us wanted to pinch a penny a little harder, some of us wanted to emphasize pulling yourself up by your bootstraps a little more. You liberals want to help everybody.

That's what he says about me. But the point is we could find a way to get along.

Today the moderate Republican, I'm looking for him. I can't wait to have him show up, because I cannot see anybody who has the spirit of cooperation that we could cut a deal with that could balance fiscal discipline on the one hand and the need to help and respond to the needs of Americans on the other hand. We see people who are carrying forth an extreme ideological agenda that is all around tax breaks only for the rich people, that revolves around unemployment being ignored, that revolves around all of these things.

They say ''jobs.'' People shouldn't be confused, Congressman JOHNSON. You will hear Republicans say ''jobs.'' You just won't see them do anything about jobs, because if they want to do something about jobs, we could pass the American Jobs Act right away.

□ 1830

We could help make sure those payroll tax deductions are extended, and we could make sure unemployment benefits are extended, but we're just not seeing any of that.

What we are seeing is described on this board right here, which is the Republican no-jobs agenda. They've got a no-jobs program. They're saying, Get rid of the EPA, the Environmental Protection Agency, which protects the water and our lungs; make sure we are subject to toxic, hazardous waste and pollution; and cut taxes for rich people. Then somehow, magically, we'll end up with jobs. That's not going to give anybody a job.

Mr. JOHNSON of Georgia. It certainly will not create any jobs. There is a false perception that has been bought into wholesale, unanimously, by my Tea Party-Grover Norquist Republican friends, and that is that deregulation somehow creates jobs.

Now, I know what kind of jobs are created when you deregulate the health and safety of food, water, air quality, drugs, Wall Street. I know what happens when you don't have any regulations. It means you're going to have more people going to the doctor because of unsafe and unhealthy conditions—adulterated food, water. It means that you will have more——

Mr. ELLISON. Asthma.

Mr. JOHNSON of Georgia. People in the mortuary business who are trying to determine the cause of death for people. You will have more cleanup workers, workers who are dispatched to clean up toxic sites. You'll create those kinds of jobs. Yet, as for the kind of high-level, 21st century jobs that America needs in order to be the leader of the world economy in this global environment that we're in, there is not one measure that the Republicans have introduced that will stimulate the creation of those kinds of jobs.

So what we're doing, Congressman ELLISON, is just creating conditions of great suffering so that people will vote against President Obama next November. The stated goal of my friends on the other side of the aisle—their main, central goal—is to make sure that President Obama is a one-term President. They don't care about how much pain they inflict on the American people, on the 99 percenters—and 47 percent of them are millionaires, so they don't have to worry. It's just to serve a political purpose.

Mr. ELLISON. The gentleman mentioned that the stated goal of the Republicans was to make President Obama a one-term President. This is not just political rhetoric. MITCH MCCONNELL—and anybody sitting in front of a computer can Google it and look it up—said that was his goal, which was to make President Obama a one-term President.

I think the goal of a Member of Congress ought to be to look after the welfare of the American people. I think a Member of Congress ought to be trying to figure out how to look after the best interests of the congressional districts that they represent. I think that ought to mean jobs, health, safety, education.

Trying to defeat the President should never be anyone's goal. I can guarantee you it was not my goal. Even though I did not think that his administration was the best administration for America, my first goal was not to get rid of President Bush. It was never my top goal. My goal was to try to promote peace and justice, economic opportunity and prosperity, not to try and defeat somebody else. The fact is that the Republicans have neglected the economy, and they've neglected the middle class. It really is too bad.

So, on this issue of paying for the extension of the payroll tax deduction, I just want to say that there is $1,000 that Americans don't have to pay in their paychecks when they get them every 2 weeks or every month, which is because of the payroll tax cut. If that expires, they'll see 1,000 more bucks over the course of a year that they'll have to pay.

Mr. JOHNSON of Georgia. Starting January 1.

Mr. ELLISON. Starting January 1, it's going to come out of their checks.

Now, Democrats have said, Let's ask the most well-to-do Americans——

Mr. JOHNSON of Georgia. The top 1 percent.

Mr. ELLISON. And they don't have to pay based on their first $1 million;

it's just after their first $1 million—to toss a little back to the American people so that we can extend the payroll tax cuts for working class people.

Mr. JOHNSON of Georgia. But Grover Norquist doesn't want them to do it.

Mr. ELLISON. Grover Norquist said no. They signed a pledge.

Mr. JOHNSON of Georgia. They signed it 20 years ago.

Mr. ELLISON. They signed it. They signed a pledge, not to the American people, but to Grover Norquist.

Mr. JOHNSON of Georgia. Who does he represent?

Mr. ELLISON. Do you represent him?

Mr. JOHNSON of Georgia. I don't represent him, and he doesn't represent me or the folks that predominate my district. I've got a 99er district.

Mr. ELLISON. I've got a 99er district as well.

The thing that really gets me is that, if Grover Norquist lived in my district, I would feel duty-bound to at least listen to him because I listen to everybody in my district. But to sign a pledge to him to subvert the interests of the 99 percent is an outrageous thing.

Mr. JOHNSON of Georgia. All the while, Congressman ELLISON, pitting Americans against each other, trying to stoke hatred and anger amongst the 99 percenters on any issue they can.

Mr. ELLISON. Right, divide and conquer.

Mr. JOHNSON of Georgia. That's the way it is.

So right now, Congressman ELLISON, I feel like I have to say this because you're such a great example of a true American patriot, one who lives life in accordance with your inner ideals. We have the freedom in this country to do so, but there are those right here in this Congress who would try to turn the American people against you and people like you because of the religion that you have chosen to follow.

Mr. ELLISON. That's right.

Mr. JOHNSON of Georgia. They don't have any idea that your dad is a Republican.

Mr. ELLISON. Yes.

Mr. JOHNSON of Georgia. They don't have any knowledge of how you grew up and what kind of values you were taught and what kind of family you had. They just want to condemn you because you are a Muslim. They want to make you a threat to America, a threat to our military, and make a threat of those engaged in the military who happen to practice the faith of Islam. It plays into this decision to put Americans through this suffering so that they will then vote against President Obama and the Democrats so that the Republicans can then throw the welcome mat out like they have done for the large corporate interests and wealthy individuals in order to control public policy in America.

Mr. ELLISON. The gentleman makes an excellent point. I mean, let me put it like this:

How are you going to get the 99 percent to vote for the exclusive interests of the 1 percent? Or a better question: How are you going to get 50 percent plus one to vote for the interests of the 1 percent? You've got to keep them divided. You've got to keep them confused. You've got to keep them asleep. You've got to keep them disliking each other for no legitimate reason.

Mr. JOHNSON of Georgia. So you hold hearings on issues that are false issues.

Mr. ELLISON. Yes.

Mr. JOHNSON of Georgia. You create controversy where there is none.

Mr. ELLISON. Right.

Mr. JOHNSON of Georgia. This is a game that, certainly, many people see is being played, but I wish far more people saw and understood what is actually taking place in their House of Representatives. I believe that it's one reason we have two groups of 99ers—the Occupy Wall Street and the Tea Party movement, those who are dissatisfied with how things are going in America.

Mr. ELLISON. I do hope that we can help the people understand that their interests lie with each other, right? So whether or not you're a Muslim, Christian, Jew, Buddhist, Hindu, Bahai, a person who doesn't practice any faith but is just spiritual, an atheist—or whatever you may happen to be—the fact is we all breathe the same air; we all occupy this same small planet; and we have to find a way to live here. Whether you are black, white, Latino, Asian, no matter whether you're from the South or from the North, no matter whether you were born in America or you came here, no matter whether you're straight or gay, or no matter who you may be, you're an American.

□ 1840

When you and I stand up in this very room every morning and we say the Pledge of Allegiance, we, in that Pledge of Allegiance, with these very simple words, ''and liberty and justice for all,'' all, liberty and justice for all, all Americans, I urge Americans to look for the common good, the things we all share.

How can we come together around a common narrative of a shared reality as Americans so we don't look at each other as you're a this and I'm a that, and I don't like you because of this historical thing and all of this kind of stuff. Let's find a way to unite our people; because if we can unite our people, Congressman JOHNSON, we can stand up and advocate for policies that are to the best good of the American people.

The American people will be wide awake and clear that our economic interests lie with each other, and we will not vote a program to give tax cuts to millionaires simply because we have been convinced that people of a different—people who pray on a different day that we do or pray in a different way than we do, or have a different appearance than we do are somehow our enemy.

You know, we've got to build human solidarity. This is what we've got to do. And the one thing I like about the Occupy movement is you go there and you see people of all colors, all cultures, all faiths. You go there and you see people, even people of different income groups.

There was a group that we had at our hearing, which we had just a few days ago, which there is a videotape on, on our Web site, USCongress.org, and they were calling themselves the Patriotic Millionaires. Now these are people who used the American free enterprise system, came up with a great idea, sold it, people bought it, and they did well in the marketplace.

Now, this is a good thing, but their attitude is not, yes, America, you have public schools which educated my workers, you had publicly funded roads which allowed me to drive here, to drive there. You have the police department, which protects my business. You have the military, which protects our whole country.

Yes, America, you've done all this stuff for me, but all this money is just mine, and I'm not giving any to anyone. They didn't say that. They say, you know what, to whom much is given, much is expected and they don't mind doing their fair share for America. That's the Patriotic Millionaires; that's the spirit that helped this country become a great country; and it's a spirit we need today.

Mr. JOHNSON of Georgia. I do believe that you are 100 percent correct on that, and I want to give a shout out to those millionaires who are socially conscious. There are so many people who are afflicted and who are just eaten up with greed, and they already have more money than they can possibly spend in this lifetime; yet they have an insatiable quest for more and more and more.

They are the ones who are supporting people like Grover Norquist and like Dick Armey——

Mr. ELLISON. FreedomWorks.

Mr. JOHNSON of Georgia. Who is a proponent of the Tea Party movement; and those are the people, the Koch brothers, those kinds of interests that benefit from our system of government but then, ironically, they would support and encourage those who want to do away with government. They want to strip government of its power to regulate. They want to strip government of its power to protect and to create fairness and prosperity. And it is just basic. I don't care how rich you are, but if you're riddled with envy and with the need for more, you know, you just can't be satisfied, you are going to be unhappy.

And the person who is unemployed but doing their best to find a job and take care of their family and despite all obstacles is willing to do with half a crumb that they have extended to their neighbor because their neighbor is in the same shape, we're all in this together. Those are the types of ideals that we used to have in this country, we used to exemplify. But now it's this

culture of greed and avarice and self-satisfaction. Reminds me of the old days of the Roman Empire.

Mr. ELLISON. Or even the old days of the robber barons, like the 1890s, you know, 1900. This was a time when industry in America was young, and there were no right—labor unions, there were no environmental protections and people would, if you lost your hand on a punch press, you just were out.

Mr. JOHNSON of Georgia. So be it.

Mr. ELLISON. And if you actually tried to get a fair wage from your boss, you just could be arrested or thrown into jail or whatever. And if you got sick based on the smog that the smokestack was pumping out, then you just died young, I guess.

But then America went through some changes; and we said, you know what, workers are going to have the right to organize. That's a good thing. Our air is going to be clean. Companies are going to have to abide by some of our environmental regulations.

And there became an American consensus where we said, yeah, you know, we're a mixed economy, which means that we have a strong public sector, but we have a strong private sector too. And the private sector, you be innovative, you come up with good products, services that people need, and by all means we hope you do well, but after you do well we need you to toss something back——

Mr. JOHNSON of Georgia. Give back.

Mr. ELLISON. For the common good. And what we have now is we have people who say, I don't care about the common good. And here is the thing——

Mr. JOHNSON of Georgia. Every man for himself.

Mr. ELLISON. Every man for himself.

Mr. JOHNSON of Georgia. Only the strong survive.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must ask that the Members yield and reclaim their time in a more orderly fashion so that the court reporters are able to make the appropriate transitions.

Mr. JOHNSON of Georgia. Fair enough.

Mr. ELLISON. Thank you, sir.

And so we are now at a time, we have now approached the time where there are some people who become well-to-do whose attitude is that they want to shrink government to the size you can drown it in a bathtub. This is what Mr. Norquist has said. That's a quote from him.

His vision of America, like the Koch brothers, they do oil refineries and stuff; and you drive by some of these plants and they smell awful, and you know that nothing good can be coming out of those smokestacks, but they want a condition in America. Their vision is that if a person from the government says, you know what, there's a lot of people getting sick around here, you can't just spew that stuff out of that smokestack, we're going to regulate that stuff and some of that stuff you're going to pay for the costs and the harm that you've caused to people as you go making money on that factory you have.

They have a vision where that factory owner will say, Mr. Government, you get out of here. I'm going to call your boss. I gave a campaign donation to your boss, and we're going to just make you leave us alone.

And if we can't get your boss to back up off of us, we're just going to sue you back and dump a ton of paperwork on you, and you don't have enough lawyers working for your government agency to defend the public interest; so we'll just drown you, and we're just going to be able to do whatever we want to do.

This is the kind of condition they want to create. They want an environment where the government is too small to tell them, you cannot pollute the air. You cannot abuse people's civil rights. You cannot hurt people's interests, the public interest this way. And that's the kind of condition they are creating.

I yield to the gentleman.

Mr. JOHNSON of Georgia. I could not have said it better; and I will say, so that I don't repeat what you've said, that when we do have a strong government, then government is there to protect the interest of all of the people, those who are the so-called job creators, who haven't been creating a lot of jobs here lately, by the way. I don't know why they still have that title, because all the jobs have been moving offshore, out of America and leaving these workers here without jobs.

We're doing ourselves a disservice by cutting government and cutting our ability to clean up the mess that has been created through decades, now, of deregulation. It has caused us to be a society where we spend more money on health care, but we're the sickest people in the industrialized world, among the industrialized nations.

□ 1850

We've got a financial system that nearly collapsed because of lack of regulation. And the same people who profited so mightily back during those winner-take-all days want to keep the winner-take-all days, make the big bonuses, the obscene bonuses at year end that they're getting ready to publicize now, and they would rather collect those bonuses than create jobs for Americans to clean up the environment, to reregulate Wall Street. They want to cut those jobs, so job creation, it will actually result in the job creators, or the 1 percent, being able to experience even more profit.

People should understand that if you help someone else, it comes back to you. These are just simple concepts of living that we have gotten away from as a society.

Mr. ELLISON. What you're describing is a win-win situation. But some people have a psychology of a win-lose. They think in order for me to do well, you have to do poorly. But the truth about the universe we live in and a strong economy is that if I do well and I'm creating prosperity in the world through good products and services, and then I give you some of my money by hiring you, then you have some money and you will bring me value and we will see the economy grow and we all can be a little more prosperous. But some people think, well, if you get something, then that means I don't have something, so they just hoard. This is a very, very poor strategy to pursue.

Mr. JOHNSON of Georgia. If the gentleman would yield, what we do when we create job growth and when we spread the wealth, it means that we're able to pay down that deficit, that debt that we have. We are able to clear that out. America is certainly not in a crisis as far as debt is concerned. We borrow money at 2 percent. You can't get it much cheaper than that. And while that cheap money is available, we should be borrowing that money and investing it in our own economy, in our infrastructure, in our research and development for medical care, health care delivery, energy production, our education system from the buildings on down to the lowest piece of equipment that's in there, the teachers who teach our children. We should be investing in those areas. We'll see this economy turn around rather quickly, and we'll see that debt disappear quicker than most people believe that it will.

Mr. ELLISON. I just would like to say something very important here.

It's common for our colleagues on the other side of the aisle to say we're broke, we're broke. They get up and say we're broke all the time. It's like one of their favorite things to say. The truth is we're not broke. America is not broke. This is designed to create a certain sense of crisis and urgency to scare people into favoring a program of austerity which they propose.

But I think it is important to note that two-thirds—two-thirds—of American corporations don't pay any taxes at all. Two-thirds pay none. And I just want to point out to Americans, Bank of America doesn't pay any taxes. They got a bailout from the government. The American people got a call from Bank of America: Oh, my God, we bought Merrill Lynch; we bought Countrywide. It's not a good deal. We're going down. Save us, please. Through the Congress, which is the people's House, they got their bailout.

Now, the assumption was that Bank of America would then turn around and pay the money back and then help people with their mortgages and help improve the economy. What they actually did is they didn't pay any taxes and they laid off 30,000 people. Bank of America didn't pay a single penny of Federal taxes. I've got more money in my pocket right here than they paid in taxes.

Boeing, despite receiving billions of dollars from the Federal Government in taxpayer giveaways, Boeing didn't pay a dime in U.S. Federal taxes.

Citigroup. Citigroup deferred income tax for a third quarter in 2010, amounting to a grand total of zero. At the same time, Citigroup has continued to pay its staff lavishly. John Havens, head of Citigroup's investment bank, is expected to be the bank's highest paid executive for the second year in a row with compensation of $9.5 million. They paid no taxes at all.

ExxonMobil, they paid no taxes. In fact, I think we give them money. Big Oil tax dodgers use offshore subsidiaries in the Caribbean to avoid paying their fair share. Although ExxonMobil paid $15 billion in taxes in 2009, not a penny of it went to the American Treasury. It went elsewhere. This is the same year that the company overtook Walmart as a Fortune 500 company. Meanwhile, the total compensation of ExxonMobil's CEO is about $29 million.

We say we're broke. What we're doing is we're not collecting enough revenue because we think that corporations are job creators. And, of course, they're not creating any jobs, as you pointed out. But we're operating on some faulty assumptions.

General Electric. In 2009, General Electric, the world's largest corporation, filed more than 7,000 tax returns and still paid nothing to the government in taxes. GE managed to do this with aid of a rigged Tax Code that essentially subsidizes companies for losing money and allows them to set up tax havens overseas. With the Republicans' aid in Congress whose campaigns they finance, they exploit our Tax Code to avoid paying their fair share.

And who do Republicans blame? The middle class. They say that the middle class is the problem. They say tax breaks for billionaires, which is the GOP plan, tax breaks for huge corporations, which is the GOP plan, huge bonuses for big CEOs; but who is it who our friends in the Republican caucus think is responsible for all of the problems? Well, it's public employees.

I just want to point out something very important before I yield to the gentleman.

The Republicans now have said they will support a plan to extend the payroll taxes by cutting the Federal Government workforce 10 percent. And by giving—get this, Congressman—a means testing for Medicare, food stamps, and unemployment insurance benefits. That ought to get a lot of money. But public employees are who they think should bear the brunt of the refusal of the corporate elite from paying taxes.

They say that teachers should pay, that cops should pay, firefighters should pay, job training programs should be cut. Small business investment, no. Investment in the National Institute of Health and Research, we should cut back on that. Schools, they should have to pay. Clean energy, we can't afford that. That's what they say. Health care, can't afford that. Infrastructure investment; I come from a city where I–35, the Interstate 35 bridge over the Mississippi River fell into the river and 13 Minnesotans died, 100 got severe back injuries, all because of deferred, delayed maintenance. Infrastructure investment is not just a job creator; it is a public safety issue. And, of course, college affordability. They want to cut programs that make it more affordable to go to college.

The brunt and the burden of balancing the budget is not and should not be on our public employees, our everyday heroes, the people who take care of our kids, the people who look after our younger people, the folks who look after us, the police department. Who are you going to call? Firefighters.

I thank the gentleman for allowing me to elaborate on this point because I want to say that, on the one hand, they say we're broke. We're not. What we are is we don't ask the wealthiest among us to help out. And what they offer as a solution is to cut the people who give a good quality of life to the average Americans—our public employees.

I yield to the gentleman.

□ 1900

Mr. JOHNSON of Georgia. Thank you.

Many Americans watched in horror as the drama unfolded on the I–35 bridge, the aftermath of crashing into the waves of water below and taking out a multitude of cars and taking lives and causing people to be injured, and also resulting in an economic detriment to that area that needed that bridge in order to continue to conduct business. We can look at it sterilely on the TV from a distant location, but we should realize that the same thing that happened to you guys in Minnesota can happen to us in Georgia with our own bridges that are in disrepair due to deferred maintenance.

This is something that can happen not just in Georgia, not just in Minnesota, but all across the land. And it doesn't have to be that way, because as President Obama has proposed in the American Jobs Act—or as a part of the American Jobs Act—there is money—a small amount, but any amount is better than none—for infrastructure. I think it's $50 billion. That infrastructure, in addition to helping with our public safety issues—health, safety, and well-being of the people—would also create jobs. So we're killing more than one bird with one stone by passing the American Jobs Act.

Not one of my friends on the other side of the aisle has been able to put forth any rationale for not considering any part of that Jobs Act. We did, I'll give them credit, pass something last week having to do with veterans. They just could not find it within their hearts to avoid voting for that. But if there was some way that they could, they would have.

They are insisting that the tax cuts to the working people of this country, the payroll tax, they want that to be paid for. But nobody said anything last year about paying for the extension of the Bush tax cuts.

Mr. ELLISON. Right.

Mr. JOHNSON of Georgia. Nobody said anything and nobody is saying anything because they want those tax cuts to become permanent while they at the same time would vote to impose a balanced budget amendment, which really would just simply lock in an unfair tax rate or a tax system that is unfair, would lock it in and make it much more difficult to change it.

So, Congressman, these are issues that I'm pleased to sit here and discuss with you. I look forward to further dialogue from both people on this side of the aisle, along with my friends on the other side of the aisle, because when it's all said and done, we're all in the same boat together.

Mr. ELLISON. I want to say that it's been a real pleasure to spend this last hour with you, Congressman JOHNSON. We in the Progressive Caucus believe in one America—all colors, all cultures, all faiths. We believe in promoting human solidarity, not making Americans fear each other. We believe in economic prosperity and justice for working and middle class people. We believe in environmental sustainability, and we absolutely believe in peace with our Nation and other nations. We are always going to promote diplomacy and dialogue and development over war.

We are the Progressive Caucus. I will allow the gentleman to offer a final word. If I could just say, my name is Congressman KEITH ELLISON, the co-chair of the Progressive Caucus. Look us up on the Web.

The final word will go to Congressman JOHNSON. After that, we will yield to the Republican side.

Mr. JOHNSON of Georgia. I just want everyone to know that even though I stand up and talk about the Grover Norquist-Tea Party Republicans, I admire the Tea Partiers because they got up off of their duffs because they were upset about how things were going. They were misled in terms of thinking that the health care reform was not going to be good for them. It's good for them. And they will soon find out—they will continue to find out—that the things that we have done are good for them and their attention will be diverted from this President to their pocketbook. And so I look forward. I admire them for their activism. I love them. Don't take it personally when I talk about you being a Dick Armey-Tea Party Republican of the Grover Norquist ilk.

With that, I will close. I believe that my friends on the other side of the aisle are ready to delude you with some information.

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

GOP DOCTORS CAUCUS: MEDICARE SENIORS AND OBAMACARE

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

Mr. FLEMING. Thank you, Mr. Speaker.

I come before this House tonight to talk about a very important issue—it's been important for years, and it's going to be increasingly important and increasingly a part of the debate—and that is health care, and particularly health care for our seniors. We've got lots going on. ObamaCare, of course, was passed in 2010, and we're running into all sorts of problems. Of course, I and my Republican colleagues here tonight voted against it.

I'm joined tonight, by the way, by two of my colleagues, Dr. PHIL ROE, an obstetrician from the great State of Tennessee, and Dr. SCOTT DESJARLAIS, who is, like me, a family physician.

I thought I would just give a brief introduction about Medicare and how that fits into the budget. I know that Dr. ROE is going to talk in more detail about that.

No speaker would be complete without a chart, and I have several tonight. This is one I think that's important for everybody to understand. This pie chart breaks up spending for the Federal budget. If you will notice, the vast majority of this pie is in what we call permanent mandatory or so-called entitlement spending and interest. What makes up a large part of mandatory spending is Social Security, Medicare, and Medicaid. The size of this pie, this section of the pie, is growing. In fact, if you recall, back in the nineties we actually balanced the budget. The last time we balanced it, I think was in the late nineties. It was a lot easier to do back then because entitlement spending, permanent spending, was not in place to the extent that it is today. It was growing, but not as big.

What is the difference between mandatory spending and discretionary spending, which is the other two pieces of this pie? Mandatory means that if you qualify for a certain type of service or payment, whether you're on Medicare, Medicaid, whether you earned it or not, if you qualify for it, the government must pay. No matter who shows up or how many people show up, the government must pay. So, therefore, the government cannot per se control that cost.

Discretionary cost, on the other hand, is split into two: defense, which is around $600 billion to $700 billion a year; and nondefense discretionary, which is what we run the government on. That we can adjust, although we've not done a good job in controlling this. In fact, that's increased probably 25 percent just in the last 2 years under President Obama.

But I want to illustrate for you what the problem is, and that is that the entitlement spending, which we don't control, with an aging population and the fact that it's dependent on government spending, is growing at a much faster rate than our revenues and inflation.

□ 1910

This is a chart that outlines where we are today with Social Security, Medicaid and Medicare, the part of entitlement spending. Now, let me say, first of all, Social Security is down here in the purple, and you notice that it slants upward and then it flattens out. Social Security is not our problem. Let me repeat that: Social Security is not our problem.

And people who are on it or will be on it, in my opinion, have nothing to worry about. Now, we may have to tweak it, we may have to adjust it, but you'll notice that the cost really rises relatively slowly, and that's just a matter of demographics. And we can adjust this, as we have in the past, and make this sustainable. There are other ways to do it, in terms of allowing Social Security recipients to invest some of their money and so forth, but that's beyond the scope of discussion tonight.

The next group in green is Medicaid and other health care. You'll notice it's going up faster. And Medicaid is health care for the poor. And then finally in red you see Medicare, and you see how that explodes and it goes up continuously. Medicare alone will completely displace all the budgetary spending eventually if we don't bring that under control. And that would mean we'd have to give up on government itself, we'd have to give up on a national defense—everything—unless we begin to control that.

Now, at the rate things are going, Medicare will run out of money, become insolvent by 2020. And that is straight from the CBO, the Congressional Budget Office. Another way to look at it is that our spending is now equal to 15 percent of the total Federal spending is Medicare, blowing out of control. What has made this worse is ObamaCare actually cut $500 billion, that is, half a trillion dollars, out of Medicare to use for subsidies for middle class health care plans.

So let me repeat: Medicare is running out of money; it's exploding through the roof. And what does ObamaCare do, the Members who voted for it, it actually cuts money out of it and depletes it of money in the future so that it becomes insolvent. And here's where the cuts are: $135 billion for Medicare Advantage, which is the private health care version of Medicare, $112 billion, which was taken from hospitals, $39.7 billion from home health, $14.6 billion from nursing homes, and $6.8 billion from hospice care. These are very real cuts.

And the only explanation that the other side gave us, our Democrat friends, is that somehow we'll cut out fraud, waste and abuse. Well, let me warn you, any time a politician tells you he's capable of doing that, watch out, because I've never seen it done and I don't expect to see it done in the future. Because, you see, in order to cut out the massive fraud, waste and abuse, you have to spend even more money to find all the bad actors. The best way to do away with fraud, waste and abuse is to make the system much smaller, perhaps even privatize it, and make the system accountable rather than a Big Government bureaucracy, which wastes money, whether we're talking about the Department of Defense or Medicare. So that should give you kind of a beginning of where we are with Medicare.

Let me just close my opening remarks by saying that there's basically two options when it comes to making Medicare again solvent and available for us in the future. There is a Republican plan, which would allow you, if you are currently on Medicare or 10 years from becoming on Medicare, to keep Medicare as it is. And it is sustainable, as far as the CBO tells us, indefinitely.

However, we would have to reform that for younger adults today who will be senior citizens by opening up the insurance system, creating a marketplace for seniors to buy insurance, and then let government help them with what we call ''premium support,'' and allowing competition in private care to drive the cost down and raise the level of service. In fact, what we in Congress have today is the very same thing.

The Democrats, their plan is this: goose egg, no plan whatsoever. Under their plan—or non-plan—Medicare runs out of money in 8 years. And they've failed to present an idea, much less a bill, as we have, that would even solve that. Well, that gives you an idea of some of our opening discussion.

First tonight, I want to introduce my good friend, PHIL ROE. Dr. PHIL ROE, as I said, is an obstetrician. I think he has some comments about the financing of Medicare and other things as well.

Mr. ROE of Tennessee. I thank you, Dr. FLEMING, and I appreciate you hosting this hour tonight and a chance for us to discuss in detail the health care of this Nation.

You know, about 4 or 5 years ago I made a decision, after 31 years of practice, to think about running for Congress. And one of the reasons was I knew that the health care issue was going to be huge in the debate in this Nation's future. And, boy, has that turned out to be prophetic.

Secondly, the thing that I noticed in my patients when I practiced, the single biggest factor for both Medicare patients and my other private patients and patients without health insurance, was it was too expensive; it cost too much money to go see the doctor and go to the hospital. If it were more affordable, more of us would have health care coverage.

Thirdly, we had a group of patients in my practice that couldn't afford expensive health insurance premiums.

They both worked. Let's say it was a carpenter, perhaps his wife worked at a local diner or at a local retailer that may not provide health insurance coverage, and they make $35,000 or $40,000 a year, but they could not afford $1,000 a month for health insurance coverage. And, lastly, we have a liability crisis in this country.

The other thing that we're going to get into a little later in this discussion today—and this is the absolute sacrosanct in health care—is that health care decisions—and I'm going to say this a couple of times—health care decisions should be made between a patient and the doctor and that patient's family. It should not be made by an insurance company, and it should not be made by the Federal Government. And we're going to talk a little bit later about the Independent Payment Advisory Board that will be making those decisions in the future.

Do we need health care reform in America? Absolutely. Do we need this type of health care reform? Absolutely not. It's a disaster. And we'll go into that a little later about what my major concern is for my patients that I left in Johnson City, Tennessee, which was how are they going to access a Dr. JOHN FLEMING, how are they going to access a Dr. SCOTT DESJARLAIS, who are family practice primary care physicians. And the group I have at home that I'm in that I left to come here had over 80 primary care providers. How are they going to access those?

Well, let's go look at where we were in the sixties when I was a young college student, which was that we had a group of people, my grandparents and so forth, who would be retiring. And at that point in time, because their insurance was tied to their employment—if they had health insurance coverage—there was no way for them to get any coverage. They couldn't buy it; there was no way it could be provided for. So the Federal Government then got involved in this by forming Medicaid and Medicare in 1965.

Our Medicare program in 1965 was a $3 billion program. There was no Congressional Budget Office at that time, but the estimates were that in 25 years—so in 1990—this program was going to be a $15 billion program. The actual number was $110 billion. They missed it by seven times. And in your initial graph right here, if you had placed in that graph, Dr. FLEMING, interest on the national debt—the one you showed with Medicare, Medicaid and Social Security—by 2020 or 2022, even at current interest rates, it will absorb the entire Federal budget. And that is why we're having this discussion today, to save Medicare.

I want to mention just briefly, because we'll kick this off later, in the current health care bill there have been many changes to Medicare. There are increased taxes on medical devices. The President said the other day—and we're going to talk about it next week, I think, and debate the payroll tax—about how he was a tax cutter. Well, I would suggest that the President read his own health care bill because there are massive tax increases in that bill.

The Independent Payment Advisory Board is a bureaucratically appointed board, 15 people appointed by the President—and I don't want a Republican President appointing them and I don't want a Democrat President appointing them—approved by the Senate to do what? To look at this Medicare, as we've pointed out, with millions of Medicare recipients each day and—as Dr. FLEMING pointed out—$500 billion to $550 billion less going into the system. More people going in, people living longer—much longer, which is a very good thing—we're looking at a catastrophe for our Medicare program if we don't make some proactive changes now.

□ 1920

And how can you talk about how can you fix a system that everybody in this Chamber knows is broken—all 435 of us know it—if you can't even discuss it, if you're accused of dumping Grandma off a cliff if you even talk about a system that—I personally am on Medicare. Right now I'm a Medicare recipient, so I have a vested interest in seeing that this program works for current seniors.

I was at Furman University Monday night speaking to a group of college students on health care. It was a privilege to be there. It's a great college. A big turnout of young people. And it was embarrassing for me to look at those young people who are just beginning their careers and to think that we're going to not leave them the same access to care that I have available to me right now.

If you look at these numbers, Dr. FLEMING, you see that it is not sustainable, so we have to have this conversation. I want to thank you for holding this 1-hour.

I see we have numerous other colleagues here tonight.

Mr. FLEMING. I thank the gentleman.

We have also been joined, in addition to Dr. SCOTT DESJARLAIS, by Dr. PHIL GINGREY, also an OB–GYN; Nurse ANN MARIE BUERKLE; and NAN HAYWORTH, an ophthalmologist from New York. So we've got a full cadre. If anybody here has a headache or, certainly, a heart attack, I think they would be very well taken care of on the floor of the House.

With that, I'm going to ask Dr. DESJARLAIS to talk to us a little bit. I think you have an interest in some of this discussion on IPAB and perhaps other things, so I'd love to hear what you have to say, sir, on that.

Mr. DESJARLAIS. Thank you, Dr. FLEMING. And I, like Dr. ROE, appreciate you holding this tonight because I think there's so much fear, frustration, and confusion among our Nation's seniors right now about what's really going on. There's a lot of misinformation out there. And I think it's good that we, as health care providers, can get together and help clear up some of the misinformation because, as Dr. ROE said, we should never let the government or bureaucrats get between the doctor and the patient. That's a very important relationship, and I think most all patients would agree.

How did we get into this mess?

It's really kind of mind boggling that it has come this far. And as you stated earlier, the Democrat plan is doing nothing; and we know that the consequences of that as, per the CBO, the actuary of CMS, Mr. Foster, has said Medicare will be bankrupt by 2020. So we cannot afford to do nothing. And we got into this mess really just by kind of the head-in-the-sand approach that sometimes occurs here in Washington.

As Dr. ROE mentioned, Medicare was initiated in 1965, and at that time the life expectancy for a male was 68. Well, thankfully, through good medicine, good follow-up, good care, better drugs, better techniques, the life expectancy has gone up at least by a dozen years. But that being said, there really wasn't any planning for that increase. A program that was designed for, on average, 3 years of coverage is now 12 years more, and so that's part of the problem.

A second big factor is we all knew about the baby boomers. Everyone knows about them. And the bottom line is they have started hitting the system at an alarming rate. Ten thousand new members every day are entering the Medicare system. Again, something that we've all seen coming, but it wasn't accounted for in terms of cost; and Dr. ROE explained how it was underestimated greatly what it would cost in the first place.

We know that people pay into Medicare because that is going to be their health care plan when they retire. That's what was promised to them. So we can't do nothing.

In the Paul Ryan plan, we laid out that those 55 and older won't have to worry about it. We know that we can't do nothing, so those 55 and under will have to make changes, as you discussed, and I'm sure we'll discuss more.

But for those seniors out there that are concerned that the Republican plan is cutting them off or killing Medicare as we know it simply isn't true. We're trying to preserve, protect, and save it for future generations as well as take care of them.

Right now you can take an average couple who makes $80,000 a year and they pay, over a lifetime, about $109,000 in Medicare taxes into the program. But with health care costs the way they are now, the average extraction for that same couple is $343,000.

Mr. FLEMING. If the gentleman will yield on that point, I want to be sure that that's not missed, and that may be the most important statement made tonight. I believe you said that, through a lifetime, a Medicare recipient will pay in an average of 100,000 or so dollars but will take out, on average, $300,000.

So what we really have with Medicare is somewhat of a subsidy system which does not subsidize according, necessarily, to need. My point in saying that is: Warren Buffett, today, because he's over 65, qualifies for Medicare, and if he gets care, I assume would get the same subsidized care, subsidized by whom? Taxpayers—middle-class, working-class people who pay the private insurance rates.

In some ways, Medicare has become not just help for the poor and the elderly, but just subsidy for people over 65. And so we're going to have to look at: Is there a way in the future that we can even this out, where we're not necessarily subsidizing for those who are capable of paying some of their own costs?

Mr. DESJARLAIS. Right.

As you say, it's clear that $1 in for $3 out doesn't add up by anybody's math, even Washington's math. So those factors make it very clear that Medicare is on an unsustainable path.

I find it very frustrating that so many people are living in fear right now with this misinformation. And if any of the other Members—I'm sure they experienced, as my office did, the AARP here, a few weeks ago, had seniors calling Congressmen to say, you know, Don't cut our Medicare. They're referring to the SGR cuts, which actually pertains to the doc fix. But the seniors are confused thinking that their Medicare was actually going to be cut 30 percent or 29, 27 percent, whatever it is. And so when they were calling my office, I was glad to tell them, Yes, we get it. That actually is a cut to physician reimbursement.

But what it does to seniors, more concerning, is that it's going to limit their access to care, because physicians right now are in a position where they can't afford the overhead to even keep their practices open.

I think it was good that the AARP brought that to their attention, but it certainly is great that we have the opportunity tonight to clear that up for our seniors, that it's not a cut, a direct cut to their Medicare benefits, but it is going to directly impact their access to care.

Mr. FLEMING. Absolutely. I thank you for the wisdom of your experience, Dr. DESJARLAIS.

I'd like to turn to Dr. GINGREY here. He's joined us and, of course, has conducted a number—I can't even count the number that I've participated in with Dr. GINGREY with respect to Special Orders that we've had.

And before doing that, just to follow up on what Dr. DESJARLAIS said about the 100,000 in, 300,000 back, I can recall one day in my own practice sitting there and thinking about the three patients that I just saw. In Room 1, I saw a little lady who's on Medicare who could barely scrape by by the end of the month, and she's on Medicare and getting the benefits of Medicare, and God bless her, she was getting them. And then I thought about the second room where there was a gentleman who's a multimillionaire. But you know what? My charge to both of them and what Medicare did for both of them was precisely the same.

I just couldn't quite understand that, especially when I thought about the little mother in Room 3 who's on private insurance, two-paycheck family, baby, barely scraping by, paying far more in their premiums than someone in Medicare and having to raise children. It was her insurance premiums that were subsidizing both the little old lady who was poor and the multimillionaire.

We're going to have to do something about that to make the economics of this system work. It is unsustainable, as we know.

Dr. GINGREY, I would like to ask you if you could give us a few words, sage wisdom on what your perspective of where we are with health care, ObamaCare, Medicare, and all the other cares that we're talking about.

Mr. GINGREY of Georgia. I thank the gentleman from Louisiana, Dr. FLEMING, for yielding, Mr. Speaker, and I thank our leadership for giving us this hour to focus in on Medicare and ObamaCare, formally, I guess, called Patient Protection and Affordable Care Act. We all know it to be the Unaffordable Care Act.

But I think it's very important, Mr. Speaker, and instructive for the folks back home, especially our seniors, to look at this body and the other Chamber as well, Congress as a whole, and you look at the Members who are health care providers. In this House of Representatives, there are 435 Members, and 21 of them on the Republican side are health care providers: nurses, doctors, psychologists, dentists.

□ 1930

On the Democratic side of the aisle, three. You look at the other body, at the Senate, and you see four doctors on the Republican side. None on the Democratic side.

So as we get into this season, this political season, of course the Presidential election cycle, Mr. Speaker, you know, we all know, that we're already seeing the ads. I think Dr. DESJARLAIS referred to this add about cutting Medicare 30 percent. Don't let Congress cut Medicare 30 percent. And who cares more about seniors.

And I think those statistics are pretty darn telling in regard to who cares more about our seniors. Many of us, in fact, have practiced so long that we're seniors. Thank God we've got good health and vigor and enthusiasm for giving up what has been a wonderful profession, whether we were nurses or doctors or whatever, but caring for people and the compassion that goes with it, to come to Congress, come here inside the Beltway and really work on behalf of our seniors, work on behalf of getting the health care policy right. But particularly in regard to our senior citizens and the millions that depend on Medicare either because of a disability or their age.

So it's the Republican Party, Mr. Speaker. It is the Republican Party that is really working on behalf of our seniors.

What did the Democrats do when they were in control for that brief period of time and Ms. PELOSI was the Speaker? They brought the country a whole new entitlement program, ObamaCare. It had nothing to do with seniors. It had nothing to do with the poor, who are covered by Medicaid and the Children's Health Insurance Program, the SCHIP program. In Georgia it's called PeachCare. They did nothing to strengthen Medicare.

In fact, to pay for this new entitlement program, health insurance for all, young and healthy people, they gutted the Medicare program.

Mr. Speaker, the gentleman from Louisiana has a poster before us right now, the first slide, if you will, and we need every one of us on both sides of the aisle to focus on that. And as he points to the first bullet point, cutting $575 billion from the Medicare program. And most of it, in the next bullet, is from the Medicare Advantage program. And of the 40 to 45 million people that are on Medicare, most of them, because they're 65, maybe 10 million of them because they're disabled and younger, but so many of them, Mr. Speaker, get their health care on the Medicare program through something called Medicare Advantage. And that's the key word.

Why is it Advantage? Because it gives them comprehensive care, it gives them an emphasis on wellness, prevention. It's not just treating disease. It gives them a drug benefit even before Medicare Part D was enacted by a Republican Congress back in 2003. And what do the Democrats do? They took—what was it, Dr. FLEMING?—$135 billion out of the Medicare Advantage program over a 10-year period. That is a 14 percent cut.

And President Obama says if you like what you have you can keep it. Well, you can keep it if it's still available, but it won't be.

We're here tonight to let the American people know and let our colleagues know, and if we have to hit them over the head with a 2-by-4 to get their attention, we're going to do it. Because they are ruining a great program. And we're health care providers. It breaks our heart. We know. We see the patient. We are at their bedside in sickness and in health when they come to our office for routine checkups.

But we're here now I guess as policy wonks. It's our colleagues back home—we want to keep them in the Medicare program, particularly primary care doctors seeing those patients. It just breaks my heart to see what's happening.

I thank the gentleman from Louisiana for managing the hour tonight on behalf of our leadership to make sure that these points are made and

made very clear to the American people, particularly our seniors.

Mr. FLEMING. I thank the gentleman. Dr. GINGREY serves on the House Energy and Commerce Committee, a committee that has oversight and jurisdiction in this area, very important, looking at a lot of legislation.

Next, I want to turn to another of our freshmen. We've had a wonderful cadre of freshmen we appreciate so much and a wealth of physicians and dentists as well bringing in their years of experience, training, and education.

Next I would like to recognize Dr. HAYWORTH, NAN HAYWORTH from New York, and would be very interested to hear what you have to say this evening.

Ms. HAYWORTH. Thank you, Dr. FLEMING, and I add my thanks to our distinguished colleague from Georgia in gratitude for your hosting and managing this session tonight.

We just had a Medicare telephone town hall today with our constituents in the beautiful Hudson Valley. We had a Medicare administrator with us because it's open enrollment season for Medicare throughout the country, I believe, up through December 7. So we were very grateful to have a Medicare administrator with us who helped answer some of the questions about some of the complexities of Medicare because there are a number of them, as you might imagine.

But we did get one question that was conspicuous because the gentleman asked me, and it's one that we've all been asked, as Dr. DESJARLAIS was saying not long ago, ''NAN, why are you against Medicare?'' I explained to my constituent that gosh, sir, it's exactly the opposite. I want to preserve and protect Medicare. I want to make it secure and sound. This is very important to all of us, to me as a doctor. I had the privilege of practicing for 16 years. I'm an opthamologist. So many of my patients were seniors. I'm the daughter of two elderly parents, both of whom rely on their Medicare benefits. So the last thing that I would want to do, the last thing that any of us want to do is to harm Medicare. We know how important it is.

More specifically, this nice gentleman was asking about our vote on the budget this past spring. And as all of us here know and as our listeners may not be fully aware, we did pass a budget in the House of Representatives this past April. They may not have heard quite as much about it as they otherwise should have, if you will, because the Senate did not pass a budget. They did give ours 47 more votes than the one proposed by the President. Nonetheless, that was not enough to pass a budget so we've been waiting now, the American public, for at least 2½ years for the Senate to pass a budget.

But in our budget, and Dr. GINGREY and Dr. FLEMING have just been referring to the $575 billion that was removed from Medicare by the massive 2010 health care overhaul. In our budget, we restore those funds to Medicare. That is a very, very important fact.

We all voted here as doctors, as caring legislators, as representatives of our districts to restore funding to Medicare, to strengthen Medicare, not to weaken it. That's the last thing we want to do and the last thing we can afford to do.

So I think it's very important for the American people to understand that as things stand now, the Medicare benefits that people are counting on are threatened in ways that they don't have to be.

So that's something that people should think about, people who cherish Medicare, who receive Medicare and who have loved ones who depend on Medicare; that Medicare is, unfortunately, as our colleagues have discussed, running out of funds.

When we think about payroll taxes, and we hear a lot about payroll taxes in the news these days, payroll taxes go to pay for Social Security and for Medicare. And the way these programs were set up, as we all know but just so that everybody understands, they were supposed to be, people would contribute from their paychecks, and the money would be kept by the Federal Government and then returned to them in their benefits in their senior years, when they would need them.

□ 1940

That could be a very helpful thing; but as Dr. DESJARLAIS has pointed out, thank the good Lord, people are living much, much longer than they were when Medicare was first made law.

So we are facing a challenge because, for several decades, contributions to Medicare from the payroll taxes were built up. People weren't taking out as much in their Medicare benefits as they were paying in. The baby boomers were not part of the Medicare-eligible senior group yet, and now they are. Now our seniors are living many years longer, thank the good Lord—and I wouldn't trade a day with my parents nor with any of our seniors—and our health care is wonderful in the United States, but it is costly for a number of reasons.

The Medicare funds that were built up have now started to be depleted, and they're going to run out, it's projected, anywhere from 2024 to now 2021. What we all know is that the estimates are probably off the mark. So, to take an extra $575 billion out of Medicare is the last thing we want to do.

It's very important for everybody to understand that because, although there are workers in this country who are contributing their payroll taxes now—and those are going to help fund Medicare—when those folks become retirees, Medicare is going to be very different in terms of the funds it has. That Medicare trust fund is going broke.

So folks have been thinking about—Dr. DESJARLAIS in particular mentioned it, I think—and may have heard three letters, SGR, about the doc fix. What is that? What does that mean?

When patients go to visit their doctors and when they receive Medicare, as Dr. FLEMING was saying, our Medicare patients have a certain fee schedule that we are obligated to follow. In a lot of cases, depending on their insurance and other factors, that fee schedule is far less than the fee schedule that is set up for our other patients. So Medicare pays doctors and other providers, and it generally pays less than other programs do. We accept that when we participate in the Medicare program, but to provide Medicare in the United States is very expensive. We have staff that we have to pay. We have overhead. Everybody who has a business—and I had my own practice, a small business—has rent and supplies and staff and insurance to pay.

One of the unique aspects of America in terms of our medical care is that we do have what's called a ''liability system,'' which is very costly, to cover lawsuits for malpractice. We should, indeed, do everything we can to prevent malpractice, but lawsuits in this country are very expensive.

Mr. FLEMING. If the gentlelady would yield, I think Dr. GINGREY has something he would like to add.

Mr. GINGREY of Georgia. I thank the gentleman from Louisiana for allowing me to take up a little time—maybe just a minute—to interrupt the gentlelady from New York.

Ms. HAYWORTH. Absolutely.

Mr. GINGREY of Georgia. She has made such great points.

The thing that I wanted to mention to my colleagues is that if we do nothing—and I think Representative HAYWORTH pointed this out—it is really not an option. She talked about those dates—2024, maybe, but probably closer to 2021—when part A becomes fiscally insolvent. If we do nothing, then what would happen is our seniors under the Medicare program would take a 22 percent cut in their benefits package, or else we would have to raise the payroll tax 22 percent.

I'll yield back after making this comment as I think this is important.

Medicare was enacted as an amendment to the Social Security Act in 1965. I guess it's title XVIII. We didn't have all of the information we needed back then. As Representative HAYWORTH points out, situations were different. Back then, people were not reliant so much on medication. It was more surgery and that sort of thing. Now we have Medicare part D. The point is that things change; and if we hadn't changed with the times, we would still be watching analog television. It's just as clear and as simple as that.

For people to criticize what the Republican budget called for in regard to making changes to Medicare so that it remains solvent for our children and grandchildren—and, as Dr. HAYWORTH pointed out, to protect it, preserve it

and strengthen it for those who are already on it—it would not do anything in regard to them but would be a phased-in change for our children and grandchildren so they'll have it like we've had it.

I thank the gentlelady for letting me interrupt briefly.

Mr. FLEMING. Since we are beginning to run a little short on time—and I want to make sure we get to all of our doctors and nurses—I'm going to recognize Ms. BUERKLE, a very excellent nurse and a wonderful addition to our freshman class.

Ms. BUERKLE. I thank my colleague from Louisiana.

Mr. Speaker, I just want to say what an honor it is to be here tonight on the floor with my colleagues and the members of the Doctors Caucus.

I do stand here as a nurse and also as the daughter of a 90-year-old mother. So Medicare for her, I know how she depends on the system.

One of the things we didn't talk about and one of my roles in life was as an attorney, as an attorney who represented a large teaching hospital. About 2 weeks ago, I joined with some of my colleagues on the House floor, and we talked about what this health care law is going to do to our hospitals. When our hospitals and our doctors are affected by reimbursements, by Medicare cuts, that really affects our seniors. That reduces their access to care.

So the first thing I want to do tonight as a health care professional and as someone who cares deeply—and I think that's the beauty of this tonight, of our getting together as people who have invested their lives in health care, who love people, who care about people. This isn't a Republican or a Democratic issue. This is an American issue because health care affects all of us. This is a group of people who really believes that there is a better way, that there is a much better way to provide access to health care in our country without jeopardizing that access and without jeopardizing the quality of care that our country has to offer.

So the first thing I want to do tonight is reassure our seniors that we are talking about protecting and allowing the Medicare system to continue on. What they need to understand is that the health care law has changed Medicare forever. Medicare is different now than it was before the health care law passed. The health care law cuts, Mr. Speaker, $500 billion from Medicare.

I just want to make clear on this graph what happens to Medicare reimbursements from 2012. You can see where we are. It's a minus, a cut of 9.7 percent; but here in 2018, the cuts to Medicare and the reimbursements to our hospitals are down 28.6 percent. I've had all the hospitals in my district come to me, and they were proponents of the health care law. They wanted reform. They've come to me and they've said, This health care law is going to bankrupt us because not only is the health care law affecting their Medicare reimbursements; it's affecting their disproportionate share reimbursements, which keeps many hospitals afloat that treat indigent patients and that treat Medicaid patients. It also affects their GME and their IME, which we talked about in the last Special Order we had in regards to how we're going to keep our teaching hospitals and keep all of our hospitals viable.

So I just want to leave the message tonight with the American people that we care about preserving Medicare for our seniors. We are not proposing anything in our budget proposal that would affect our seniors and those back to age 55. We want to assure the American people that we care so deeply about health care and about the quality of health care; but we are very concerned about this health care law, and it's why we voted to repeal it several months ago. One of the first things we did when we came to Washington was to repeal the health care law because we know what it will do to our seniors and to our health care providers.

I thank my colleague for organizing our time here tonight on the floor. Again, we just want to reassure the American people that we care about our seniors. We want to make sure they have access to quality care, to good health care.

□ 1950

Mr. FLEMING. I thank the gentlelady for a very compelling discussion, both as a health care provider and nurse, but also as a daughter of an elderly mother. Those words are very heartfelt, and obviously it means as much to you that we protect Medicare and health care in general as it would anybody. There's no reason why, just because you're a Member of Congress, that you would love your mother any less, so I think those are important words.

We're going to move now from a nurse to a surgeon. Dr. BENISHEK from Michigan has joined us this evening, and let's hear from you, Doctor, and see what you have to tell us.

Mr. BENISHEK. Thank you. Mr. Speaker, it's my pleasure to be here this evening to join my colleagues to talk about Medicare.

As you may know, before coming to Congress, I served as a general surgeon in my district for the last 30 years, and many of my patients were on Medicare. And as a practicing physician, I often expressed to my patients—and my understanding wife—about our broken health care system here in America. In fact, that's one of the reasons I decided to get more involved in the political process and actually run for Congress.

Most Americans don't understand that Medicare will be bankrupt within the decade if we don't do something to fix it. I didn't make this up. The actuary for the Centers for Medicare and Medicaid Services actually provided this number. You know, I think if you ask most 65-year-olds just beginning to use Medicare, most would be very worried to learn that their primary health care provider was projected to be bankrupt within the decade.

In fact, according to a recent Social Security Trustees report, Medicare seniors should expect to see a 22 percent benefit cut or workers should expect to see a 22 percent hike in their payroll taxes unless some action is taken. The bottom line is, if action isn't taken today, seniors in the program today, not to mention those looking to retire in the near future, begin to lose their benefits.

Despite these facts, the other side of the aisle has spent the last 6 months attacking us, often saying that House Republicans' attempt to protect and preserve Medicare was, in fact, destroying it.

Are you kidding me? Accusing myself and my fellow physicians in the House of wanting to end Medicare? We spent our careers caring for Medicare patients and are proud now to call them constituents.

The real truth of the matter is that President Obama was elected in 2008 with the promise of hope and change. He did accomplish change in America's health care system, but I don't think it's the kind of change that Americans bargained for.

Mr. Obama's health care law cut $575 billion from an already ailing Medicare system. The name of Mr. Obama's health care bill is the Patient Protection and Affordable Care Act. Mr. Speaker, I ask you: What type of patient protection cuts $14.6 billion from nursing homes, $112 billion from hospitals, and $135 billion from Medicare Advantage?

While I'm on the record extensively for balancing the budget, I do not believe that our health care system should be made affordable on the backs of America's seniors.

If the $500 billion in cuts made by ObamaCare were not bad enough, this bill did nothing to address the nearly 28 percent cuts to physician payments scheduled for January 1 of 2012. I believe in providing access for America's seniors, not taking it away.

I am happy to announce here tonight that I'm working with members of the Doctors Caucus, House leadership, and Members across the aisle to develop legislation that will solve this issue once and for all. Mr. Speaker, tonight I call on all my colleagues to work together to ensure America's seniors that America will continue to be there for them in their time of need.

I have made a pledge to seniors in my district that I will not support any changes to Medicare benefits for those 55 years of age or older. It is my belief that for those age 54 years of age or younger, some reforms will be necessary to guarantee that Medicare remains solvent in the long term for our children and our grandchildren. Mr. Speaker, we are here tonight to show that, as physicians, we want to preserve Medicare for the future.

I thank Dr. FLEMING for organizing this Special Order hour.

Mr. FLEMING. I thank the gentleman from Michigan.

Again, we're getting a world of experience here tonight, all the way from OB–GYNs, ophthalmologists, family physicians, nurses, so much in the way of words of wisdom, and we have so much on our side of the aisle with Republicans, as my friend points out, a dearth of available physicians, health care workers on the other side of the aisle. It seems a shame that we were completely closed out of the creation of and passage of the health care reform act, which certainly suggests that we need to go back and do it.

We also are joined tonight by our colleague from Arizona, Dr. GOSAR, who is a dentist and a very valued member, as well, of the conference. I would love to hear from you this evening.

Mr. GOSAR. Dr. FLEMING, thank you so very much for organizing this hour and being able to have a fireside chat with the American public about health care and what really is coming about and what actually is going on with a broken health care system. I also want to take the time to educate, to understand—have the American people understand what it is about a vibrant economy that actually helps our Medicare system.

Now, I know the holidays are coming up and we're going to be discussing giving a continuation of a tax holiday for many Americans, about the thousand dollars for an individual on their FICA, on their withholding tax, and to employers; but I also want to take the time to explain to the American public that there is a cost involved here. And part of that cost when a withholding tax is taken out goes into Social Security and partly to Medicare, and part of this is particularly Medicare part A, the hospitalization act, which is the closest one to insolvency of all parts of Medicare.

Now, we lost 5 years, particularly on Medicare part A, the hospitalization act, just from the years of 2010. We have yet to start looking at the disastrous parts of the economy to 2011 to be added into the insolvency. But what ends up happening is this takes a further hit in the numbers and amount of money that is actually part of the equation for our seniors in Medicare, so it's going to get worse before it gets better. And when you couple that with this administration taking—I call it stealing—over $500 billion away from the current Medicare program to build another entitlement, that's just not right.

I came into Congress because I was concerned about health care. As a dentist, I love seeing a smiling face, because a smiling face tells me something about vibrancy, about health, and participating in the greatest things that this life gives us. But it also tells me that it has to be a participating sport and that what we have to have is a patient taking care of and being involved actively in the choices and decision processes in their health care, and that's what I want to see.

I'm flabbergasted, to be honest with you, that we see a program rectifying Medicare, or attempting to, through ObamaCare, but then we leave the SGR fix or the physician fix completely separate. It doesn't make sense to the average person why these aren't all integrated and part of the same equation.

I also want to remind the American people, this is not an easy solution. We didn't get here overnight, because we didn't do our due diligence like we had talked about earlier. We didn't change with the times as we grew older. We changed our participation and age and the variables that we had.

We also enveloped technology, unbelievable things that no one in 1965 could have even imagined, they could have dreamed but couldn't have actually imagined. And that's what the other part is is that we also have to look—I come from a very rural district, and what is happening back in my neck of the woods is the primary care doc who was that gatekeeper, they're no longer around. They either are associated with a hospital or a federally qualified health center—if you can get them to see you. And that's the part that also makes me tell the American public we have got another problem.

You were involved in this Joint Committee that had Democrats and Republicans, 12 of them, trying to figure out some type of a debt solution for $1.2 trillion.

I want to remind the American people there's another consequence in this, not only to our military, but to our health care providers as well, because the sequestration, when it goes through, is also going to tap, once again, the providers who are no longer being able to afford to see patients, and our hospitals, particularly those rural hospitals that will be going out of business. So there won't be an access to care. We won't have the ability to be a part of our own health care because there won't be a health care provider out there.

□ 2000

This is the dynamics that we have to look at. This is the equation that is so immense. What I have always said is start a little bit at a time. Make sure that the playing field is level and all of the participants are actually there, increasing the competition, making sure the public health and the private health are all in balance, and then making sure we have some tort reform.

We have to have that. That was absolutely missing within this health care system. That is what we are going to have to get back to. And we're going to have to have sunset clauses that we reactivate and reevaluate each of the process as our aging population gets older and as our technology gets better and there are new advances in medicine. We have to empower people to be part of their health care solution and empowering them to get back with their physician and their health care system. That's what we need to do.

And that's the most vibrant aspect that I can challenge our seniors with. We're here for Medicare. We're here to change Medicare in the right way. We're here to change it for you

Mr. FLEMING. I thank the gentleman, Dr. GOSAR. I'm just going to make a couple of closing comments; and in the few moments we have left, I'm going to allow some of our other physicians to give closing comments.

One of the important things we have learned here tonight is under ObamaCare, $575 billion was cut out of Medicare. Medicare is going broke, becoming insolvent, according to the actuary in 8 years. The Republicans passed a budget earlier this year that would have fixed that for good. And the Democrats have yet to even talk about it or even acknowledge that it exists. But they do know it. So I want to be sure that we leave here tonight with an understanding of the seriousness of the challenges that we have before us.

Now I would like to recognize Dr. ROE for some parting comments.

Mr. ROE of Tennessee. Dr. FLEMING, thank you. I was just looking here, over 200 years of experience. What a diverse group. We have nursing, dentistry, family practice, OB–GYN, surgery, and so on. I think one of the greatest frustrations I had when I came to Congress, and Dr. GINGREY has been here longer than you and I have, and one of the things that I noticed in the health care debate that we had, now going on 3 years ago, was this: with nine physicians, M.D.s in the U.S. Congress, in the 111th Congress, not a single one of us was consulted about this health care bill. This was done on a completely partisan basis.

I have to kind of chuckle. I have never seen a Republican or a Democrat heart attack in my life. I have never personally operated on a Republican or a Democrat cancer in my life. These are people problems, as Congresswoman BUERKLE said a moment ago. These are people problems that affect all of us in this country.

What we wanted to do, as I stated when we started, was to make the cost of care go down. This is not going to do this. Look, this is very simple. When we talked about the IPAB, and I think we'll have to use a different time to discuss the Independent Payment Advisory Board because it is so detailed, but just very briefly, this is how this works.

Several of us have pointed out that $575 billion was taken out. Three million seniors a year going into Medicare, reaching Medicare age, and this group, this group of bureaucrats up here appointed, and I don't want them appointed by a Republican or a Democrat. I think Congress ought to be accountable, and we ought to be accountable to the American people about what happens to Medicare, not push it off to some bureaucrats that are going

to make these decisions, and then we say, oh, I'm sorry, we can't do anything when care is denied because when you have $575 billion less, and 3 million more people added per year, that's 30-something million people in 10 years, you know what that leads to, Mr. FLEMING.

It leads to a rationing of care. Decreased access. And if you have decreased access to your primary care provider, it means decreased quality of your care and the cost is going up. That's what's going to happen with this plan. That's why it's imperative, not just Medicare, but that we overturn the Affordable Care Act because it's not good medicine for patients.

If we simply had been included in the debate, this would not be a plan that you had to run through and get rid of the 1099 form, the IPAB. It's a bipartisan bill now with 214 bipartisan cosponsors. Those folks realize it's a bad idea. I could go on and on and on.

One of the good parts of the Affordable Care Act, let's point it out, it costs more money, but allowing a 26-year-old to stay on their parents' health care plan, that's a great idea unless your parents are not paying the bill. Currently, if a young person, 22 or 23 years old, gets health care, they'll pay one-sixth what I do. Now what happens with this, it has to be a three-to-one ratio, so their health insurance plan costs double.

We could go on and on about the inconsistencies. I think the previous Speaker, the current minority leader, had it right when she said let's pass it and then find out what's in it. Well, I read it, as most of us physicians did, and we found out all of the things that were in there that were not good for our patients. We're just now discovering it's going to be more costly for businesses out there, and we need to have an entire hour on that.

Mr. FLEMING. I thank the gentleman. Before I recognize another Member in the last minute or two that we have, I would just like to say that we are going to be having a lot more of these sessions. So we've just started. We've just scratched the surface. We're running out of time, so just to wrap things up, we have just barely scratched the surface. And these are not all the physicians or health care workers we have on our side. There are others here who could have been here, but had some other commitment tonight, but will be here next time.

I would love to talk more on IPAB. Even many Democrats see that was a very big mistake. It will be one way that you can get the door closed on your health care and getting the right sort of care in the future.

I thank everyone for being here tonight, and I look forward to doing it again very soon. God bless you all.

I yield back the balance of my time.

REPEAL OBAMACARE

The SPEAKER pro tempore (Mr. GOWDY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, it's an honor to be recognized to address you here on the floor of the United States House of Representatives. And I want to say that I appreciate the presentation that came from just some of the great team of doctors that we have here, especially on the Republican side of the United States Congress. I occasionally sit with these learned individuals, and I learn a lot from them, and I'm grateful that the American people have been able to review their presentation here tonight, looking at the numbers and the dollars that have come out of the health care because of this great burden of ObamaCare.

You know, I was thinking of the necessity for us to continue to remind Americans, ObamaCare is right now the law of the land. It is the law of the land. And until such time as this Congress repeals it or the Supreme Court should find it to be completely unconstitutional, it will remain the law of the land.

Mr. Speaker, the American people need to be reminded that even though it's creeping in on us, and people are realizing what ObamaCare is doing, a few people at a time, it is an insidious creep of a malignant tumor that is metastasizing and consuming American liberty, and it has to go.

If we look back at the special elections in Ohio 2 or 3 weeks ago, on it were several ballot initiatives. The second ballot initiative was one that rejected the collective bargaining initiative that had been initiated by Governor Kasich. It was a tough loss for Governor Kasich. I think he was right, but he lost in the ballot place because there was a liberal-heavy, union-heavy turnout in the State of Ohio for that special election night 2 or 3 weeks ago. And by 61 percent, the Kasich-initiated ballot initiative that limited collective bargaining was shot down by a union-heavy, liberal-heavy turnout. And they spent a lot of money in Ohio to turn out that type of a base.

But in the same ballot, the next item down, ballot initiative No. 2 was collective bargaining. No. 3 was a constitutional amendment to amend the Constitution of the State of Ohio to protect Ohioans from ObamaCare, to be able to reject the individual mandate and a whole series, about three different points there, to amend the constitution to protect Ohioans from the ObamaCare mandate.

□ 2010

And, with a union-heavy, liberal-heavy turnout in Ohio in which 61 percent said ''no'' to Governor Kasich on collective bargaining, sixty-six percent of that voting universe voted to protect Ohioans from ObamaCare and to reject ObamaCare by amending their State constitution. That's a serious step, to step forward and amend the State constitution. But they did so in an effort to reject ObamaCare in the State of Ohio.

Now, Mr. Speaker, that is a resounding rejection, that two out of every three people that went to the polls rejected ObamaCare. I will tell you that the American people are poised to do so if they're reminded that it exists out there. And there are two things that protect the American people, two stops along the way that can keep ObamaCare from becoming the perpetually institutionalized permanent law of the land, and that would be when the Supreme Court hears the case and yields a decision. I would remind you, Mr. Speaker, that there is no severability clause in all 2,600 pages of ObamaCare. No severability clause.

What that means to the lay person is this: If a component of ObamaCare is found unconstitutional by the Supreme Court, then all of ObamaCare is thrown out by the Supreme Court. There's no provision that stipulates that if a component is unconstitutional, then the other components will stand on their own.

That is not just an ignorant omission on the part of the people that drafted and promoted and voted for ObamaCare. They knew it didn't have a severability clause in it. I knew it didn't have a severability clause in it. That means every Member of Congress had the opportunity to know that it didn't have a severability clause. So Congress willfully and intentionally passed an ObamaCare piece of legislation that didn't provide that if a part of it is found to be unconstitutional, the balance of it would be found to be constitutional. And the important component of that then, Mr. Speaker is this. If a part is found unconstitutional, it's all unconstitutional, and all 2,600 pages of ObamaCare then, by a Supreme Court decision, will be rendered null and void.

Yes, Mr. Speaker, there are exceptions to those types of decisions by the Supreme Court. But generally speaking, the court honors and respects a willful decision of the legislative branch. If that willful decision is that there be no severability clause, the Supreme Court should understand that that wasn't an accident. It was an unintentional omission. It was a willful omission because the drafters and the proponents of ObamaCare, of which I am not one, understood that if a part of it is found to be unconstitutional, the rest of it collapses anyway of its own weight.

The components of this that prop up ObamaCare are cutting that $575 billion out of Medicare to fund other parts of ObamaCare and then ending Medicare Advantage. The individual mandate that's in there, all of this is delicately drafted to try to find a way to argue that it could be paid for. And of course, they discovered that the CLASS Act in ObamaCare couldn't sustain itself. The numbers that they had advanced to try to pass it aren't sustainable. And so the administration

has decided they're not going to move forward with the CLASS Act, this piece that is, let's say, retirement home insurance funded out of ObamaCare. They thought that was going to save money; they found out that it was going to cost money. So they'll drop that.

This Congress has passed a couple of repeals of pieces of ObamaCare. One of them is, out of this House at least, is the 1099 squeal form piece of ObamaCare. So it's been taken apart to some degree. And the underpinnings of ObamaCare are starting to cause it to crumble. If the Supreme Court finds any part of it unconstitutional, Mr. Speaker, they will be well aware that no severability clause does not indicate an omission by accident on the part of Congress; that somehow the Supreme Court would re-create on a decision by the Supreme Court. They need to know it was a willful decision, it was premeditated, it was thought out, and the decision was no severability clause because ObamaCare, if any part of it is taken out by it being found unconstitutional—and I believe there are about four areas where it is unconstitutional—then all parts of ObamaCare must go.

I appreciate the doctors that came to the floor tonight to educate the American people on the bad components of ObamaCare. I would like to encourage, Mr. Speaker, the American people to know that we are focused on repealing 100 percent of ObamaCare; ripping it all out by the roots and leaving not one vestige of it left behind, not one particle, not one sign of its DNA. Because if we leave any component of ObamaCare, it will grow back on us like the roots of a bad weed and/or the virus, or the malignant tumor, as I said. I would ask the doctors this. You take out a malignant tumor. If you leave part it, it will grow back. I don't want to leave one part of this malignant tumor of ObamaCare. I want American liberty to thrive. So ObamaCare must go.

Ohioans have rejected it by roughly a 2–1 margin—66 percent. And Ohio is middle America. If you're going to win the Presidency, you must win Ohio. President Obama knows that. That's why he visits Ohio as often as he does with Air Force One. Or, did we call that Fundraiser One. He visits these swing States—about 11 swing States—with the President of the United States flying in and out with Air Force One. Yes, just propping up public policy—no, not campaigning, according to his press secretary. We all know better.

The criticism that came from the Democrats because George Bush dropped into some States that were swing States on Air Force One now becomes the responsibility of Republicans to remind the Democrats that the next time this happens, you will be hypocrites. You actually should retract your statements now to prepare yourself for the incumbent President that will be campaigning around on Air Force One, dropping in some of these places and advancing policy in 2016. So prepare yourselves, gentlemen. Scrub it out of your history now. Recant the things you said about George W. Bush. That way you can defend the President today, and then you won't be such hypocrites in 2013, as I predict you will be. Sure, I would be happy to yield if you had an opinion on that, but I know that you know I'm right and accept that.

So, the job of this Congress, the job of the American people, is this: To maintain people here in the House of Representatives who are pledged to, committed to, and will pass a repeal of ObamaCare again and send it over to the United States Senate, where I'm asking, Mr. Speaker, for the American people to put Senators over there that will also vote to repeal ObamaCare, pledge to do so, and pledge to drive it and push it and use every fiber of their being to rip that malignant tumor, ObamaCare, out of the Federal Register, out of the code, and give people back their American liberty. It's not enough to trust the Supreme Court to make a constitutional decision and sit back on our hands and think that somehow the court is going to save us.

I remember what happened when McCain-Feingold passed and then went to the President's desk. That was President Bush. And the word that came back—and this is rumor and conjecture, Mr. Speaker—was that the President had decided that he would sign the bill because it had such momentum when it got there and political support when it got there because he expected the Supreme Court would find McCain-Feingold to be unconstitutional.

Well, over time, and thanks to Citizens United and their lawsuit, parts were found to be constitutional—not all of it—and the limits that were put on free speech within that were freed up to the degree that they were litigated by Citizens United. I congratulate the people that had the vision to take it to the Supreme Court and win the case there. But no executive officer and no Member of this legislature, the House or the Senate—and, Mr. Speaker, I would send a message also to all legislators in the land, everyone in the statehouse in all 50 States, be you in the State house or the State senate, or in Nebraska in the unicameral, never vote for a bill because you believe that the court will find it to be unconstitutional and protect the citizens from a bad policy or an unconstitutional policy.

Mr. Speaker, we take an oath to uphold the Constitution of the United States. That oath that we take is to preserve, protect, and defend the Constitution of the United States to the words and the language that are in the Constitution, not as it would be reinterpreted by someone else—a court-to-be, let's say, appointed later by an executive-to-be elected later to amend by court decision the clear meaning of this Constitution.

I'd give an example of this. In fact, the discussion came up today in the Judiciary Committee with Congressman SENSENBRENNER of Wisconsin's bill that goes back to protect the property rights within the States and prohibits Federal funds going into certain programs of States that violate the intent and the literal language of the Fifth Amendment of the United States Constitution.

The famous Kelo decision, Mr. Speaker, I recall that unfolding here in about 2004 or 2005, when I believe it was the city council of New London, Connecticut, had decided that they would condemn property that was owned privately through eminent domain and then hand that property over to another private interest to be developed for a shopping mall or a strip mall because they believed that they would get a better tax base and get a better return than they were from the individual that owned the land.

□ 2020

Now, it directly and clearly violated, in my opinion—and I'll put my opinion up against any Supreme Court Justice that disagrees with me on this issue in particular—the clear language in the Fifth Amendment of the Constitution that protects our property rights and is an essential pillar of American exceptionalism, the right to property.

It says: ''Nor shall private property be taken for public use without just compensation.'' ''Nor shall private property be taken for public use without just compensation.'' And the effect of the Kelo decision by the Supreme Court, which I believe was unjustly found, is to strike three words out of the Fifth Amendment in the Constitution of the United States, the words: ''for public use.'' So, now the effect, after this wrongly held Kelo decision, is for the Fifth Amendment to read this way: ''Nor shall private property be taken without just compensation.'' The ''for public use'' taken out of the Fifth Amendment.

This Constitution has to mean what it was understood to mean at the time of ratification. It has to mean what the clear words mean in this Constitution. It can't be anything else. We can't take an oath to anything else, and we can't be bound by a later interpretation to the Constitution that someone else makes unless there is a clarity that's added to the understanding of the plain meaning and the plain words and the original text of the Constitution and the amendments as they were ratified.

What did they mean when they were ratified? Mr. Speaker, we had a supreme court in the State of Iowa that concluded that they could find rights in the State constitution that were ''up to this point unimagined.'' Seriously, judges wrapped in black robes—no longer any wigs—sitting there saying that they had found rights in the constitution that were up to this point unimagined, and that somehow this contractual guarantee that gets passed

down through the generations and the ages, this contract with American citizenship—with Iowan citizenship in that case—can be breached because they have found rights that were up to this point unimagined? Heretofore unimagined rights.

What kind of guarantee can there be, a court that can discover new rights out of their imagination and declare that no one else had the imagination to discover those rights, but they had the vision to discover rights that were in this Constitution but not discovered before? That says there's no guarantee whatsoever. That says this Constitution becomes just only one of two things: it becomes an artifact of history with no meaning whatsoever, or it's a shield that the Justices can use to protect themselves from the criticism of the unwashed masses, those laypersons that think that they can't read this clear language and understand it.

Mr. Speaker, I'll say the people I represent can read the Constitution. They do understand it. They understand what it means. And they can make the argument with the Supreme Court Justices if they were not intimidated. If they would just read the language, go to the Fifth Amendment, read the language, ''Nor shall private property be taken for public use without just compensation.''

What does ''for public use'' mean if a local government can confiscate private property and hand it over to another private entity for the purposes of private use? That means they have violated the Constitution. And the bill before the Judiciary Committee today, thanks to Chairman SMITH and former Chairman JIM SENSENBRENNER, fixes that to some degree; but it doesn't repair this Constitution that is so sacred to all of us that we take an oath to it.

And so I'll continue my oath and pledge to this Constitution, Mr. Speaker, and continue to make this point that we have to have constitutional legislation come before this Congress; that when someone brings a bill called ObamaCare to this floor—2,600 pages—that violates so many of the components of the constitutional guarantee, let alone sapping the vitality from this very vigorous American culture that we are, the American people rise up.

They rose up in tens of thousands, came to this Capitol and surrounded the place, jammed the place so heavily that people had trouble getting in and getting out. It was a glorious thing to see, Mr. Speaker, that the American people love their liberty enough that they would come from all 50 States to jam this Capitol to say to us, do not do this. Do not commit this affront to the Constitution. Do not usurp American liberty. These are God-given rights.

And who takes them away? This Congress that was led by then-Speaker PELOSI and HARRY REID in the Senate and Barack Obama. The ruling troika imposed ObamaCare on us, and the American people have rejected it resoundingly by sending now 89 freshman Republicans to the House of Representatives. And every one of them pledged to repeal ObamaCare. And all but two of them—because they haven't had a chance to do so yet, they're the special election two—every single Republican in the House and every single Republican in the Senate voted to repeal ObamaCare. And it was bipartisan. Some of the Democrats in the House voted to repeal ObamaCare.

The message has been sent. It's been sent in the State of Ohio; it's been sent by the polling. It goes on and on and on: repeal ObamaCare. Now, every Presidential candidate on the Republican side is running on repealing ObamaCare. Every one of them will sign the repeal if they're elected President and sworn into office.

Now, I'd like to see us put the repeal of ObamaCare, if we can't get it passed before such time as we elect a new President, whom I believe will be inaugurated January 20, 2013, if we can't get ObamaCare completely repealed before then, and whether or not the Supreme Court finds it unconstitutional, honors that there is no severability clause, and throws all of ObamaCare out, it's still exists within the code and it still needs to be repealed.

And the next Congress, being an honorable Congress, needs to send a repeal to the next President to be signed. And even if the Supreme Court throws it out, and even if the current President is reelected, there needs to be a repeal that goes to second-term President Obama's desk—I perish the thought if it unfolds in that fashion. But this Congress needs to act and repeal ObamaCare thoroughly.

And I pray that we're able to put the repeal of ObamaCare on the podium, on the west portico of the Capitol, January 20, 2013, having passed the House and the Senate, not messaged to the White House, messaged to the podium on the west portico of the Capitol, moments—maybe the instant after the next President takes the oath of office. And at the words ''so help me God,'' I'd like to see the next President sign the repeal before he or she shakes the hand of Chief Justice Roberts, who will be delivering the oath of office to the next President of the United States. We have constitutional responsibilities that we have to live up to. We give an oath. ObamaCare violates that Constitution.

And we have some other things going on here in this government that violate the spirit of the statutes that the American people have pushed through here. And one of them is this. It's the advocacy, Mr. Speaker, of this: I've got a memo in my hand. It's dated 13 April, 2011 from the Chief of the Chaplains of the Navy to Chaplains and Religious Program Specialists. It says this: Go ahead, you Navy chaplains. You go ahead and conduct same-sex marriage services on our military bases anywhere where it's not otherwise illegal.

That's the summary of it. It says that facility usage is determined by local policies. And the Region Legal Service Office, the RLSO, should be consulted to ensure compliance with existing laws and regulations, absent some existing statute, however. This is a change to previous training that stated same-sex marriages are not authorized on Federal property. This memo says they are now authorized on Federal property in direct contradiction with the Defense of Marriage Act, DOMA, that was passed by this Congress, signed into law, clearly is the law of the land.

I mean, we have, apparently, a directive from the Commander in Chief of the United States military, Barack Obama. He surely has to be the one that has ordered the Navy, you shall send out a memo here to direct the chaplains to conduct same-sex marriages on the bases unless there is some other law that gets in the way. I think that this kind of activity is an affront to the legislative authority that exists by the Constitution within the legislature. This is not an executive decision. This is a decision of the legislature.

□ 2030

We passed the Defense of Marriage Act. I testified to defend the Defense of Marriage Act over in the United States Senate a month or so ago. And if the Senate were able to pass a repeal of the Defense of Marriage Act, it still has to come to the House, where I'm confident it would not pass. And I don't think it'll pass the Senate either.

But in any case, we have a defiance of Federal policy set by the Congress, signed by the President of the United States, from the Office of the Chief of the Navy Chaplains, dated 13 April 2011, that says, don't be biased by sexual orientation when you're conducting weddings. Go ahead and marry same-sex people on these military bases anywhere where it doesn't otherwise violate a law.

That tells me that that goes worldwide, bases everywhere. I suppose it's probably not happening on a base in Kuwait. They might frown on such a thing, but I don't know, and it's hard to get the facts on this.

But it's hard for me also to imagine a Marine—a Navy chaplain marrying a couple of marines, let's say a same sex couple of marines, whichever sex it might be. And this is going on in the United States of America and on bases around the country, Mr. Speaker, and it needs to come to an immediate halt.

This Congress has acted on this. This House has sent the message, and of course you have the Senate on the other side, run by HARRY REID, one-third of the former ruling troika that now becomes a shield for the President of the United States and the person who carries the water for the President, protects him when he doesn't want to have the confrontation himself. They've gone the other way. Now they've stricken the language out of the code. If the Senate language passes the House, they've stricken the language that prohibits bestiality in the

military in their overzealous effort to try to advance same-sex marriage among our military and use it as a social experiment.

The military's job is to protect our freedom and our liberty. They take an oath to the Constitution. They put their lives on the line, and we give them something that defies the Federal law, the Defense of Marriage Act.

Now, this is bad enough, Mr. Speaker, and I'm going to ask to introduce this into the RECORD. I know that I have the, I guess I'll say the privilege to do that. I will go on to another subject matter here that's—I don't know if it's more egregious, but it's plenty bad.

This is a memo dated September 14, 2011, Department of the Navy, Walter Reed National Military Medical Center up on Wisconsin Avenue, Bethesda, Maryland. I visited up there and visited wounded a number of times. And this memo is from the Commander of Walter Reed National Military Medical Center. Subject: Wounded, Ill and Injured Partners in Care Guidelines. Policy Memo Number 10–015. And there's a bunch of other stamped numbers that do reference off of the Web site. And it gives some directive about the purpose, applicability, official of wounded, ill and injured partners visits, how they should be conducted, et cetera.

And policy, according to Patient and Family Centered Care, Mr. Speaker, children in good health under the age of 18 are encouraged to participate. It goes on. Here's how the families should conduct themselves in visiting the wounded. Here's the intensive care units, how we would do that.

Here are exceptions, visits before or after the established hours, how that might work. And then visitation for certain kind of patients, et cetera. Those visiting the WII in an official capacity will make their request 5 days in advance, getting to the goal line.

A number of these provisions, as I read through here, the family, the leadership, members of the executive—this memo directs towards the executive, the legislative, and the judiciary branches of government? Members of the executive, legislative, to include professional staff members, judiciary, active duty, general, flag and senior executive service personnel. It's telling all of us, Members of Congress, the President and all of his people, the judiciary, the judges, the judiciary branch and all of their staff—well, at least the legislative staff—what we can and can't do when we visit the wounded at Walter Reed, including active duty general, flag and senior executive services, celebrities, sports personnel, et cetera, members of the press. All these people that are listed, here's what you can and can't do.

Now, I'll get to my point here on the last page, Mr. Speaker, partners in care guidelines. That's all of us bound by this memo, supposedly. All family visits must be scheduled 5 days in advance, as I said. Group size can't be over five. All partners under the age of 18 must be accompanied by an adult. Okay. Fine. I'm good enough with that. Can't take pictures unless the patient agrees. Fine with that.

Due to dietary restrictions and infectious disease protocols, the distribution of home-produced baked goods to the patients, families, and staff members is prohibited. You can't bring cookies to the patient. Ooh, that's tough.

But I wouldn't be standing here if that was the worst thing, Mr. Speaker. That's Item E. I went A, B, C, D, E.

Here's Item F, and I'll read it into the RECORD. ''No religious items, (i.e., Bibles, reading material and/or artifacts) are allowed to be given away or used during a visit.''

Mr. Speaker, these military men and women who are recovering at Walter Reed and Bethesda have given their all for America. They've given their all for America, and they've defended and taken an oath to the Constitution, and here they are. The people that come to visit them can't bring a religious artifact? They can't bring a Bible? They can't use them in the services? A priest can't walk in with the Eucharist and offer communion to a patient who might be on their deathbed because it's prohibited in this memo from the Department of the Navy, the Commander of Walter Reed and signed, Mr. Speaker, in conclusion, by C.W. Callahan, Chief of Staff.

I would also like to introduce this document into the RECORD.

OFFICE OF THE CHIEF
OF NAVY CHAPLAINS,
Washington, DC,

From: Chief of Chaplains (OPNAV N097)
To: Chaplains and Religious Program Specialists
Subj: Revision of Chaplain Corps Tier 1 Training

1. Chaplain Corps Tier 1 DADT repeal training has been revised. The current version, dated 11 April 2011, has been posted on the Navy and Marine Corps DADT repeal websites. This revised version supersedes all previous versions and should be reviewed in its entirety.

2. During the initial stages of curriculum development, several policy questions were raised related to same-sex marriages. Those questions were forwarded for legal counsel and approval was secured to commence Tier 1 training while awaiting further guidance. Additional legal review concluded that the curriculum did require modification of content related to same-sex marriage issues as found in Vignette 1 and FAQ 5.

a. Regarding the use of base facilities for same-sex marriages, legal counsel has concluded that generally speaking, base facility use is sexual orientation neutral. If the base is located in a state where same-sex marriage is legal, then base facilities may normally be used to celebrate the marriage. This is true for purely religious services (e.g., a chaplain blessing a union) or a traditional wedding (e.g., a chaplain both blessing and conducting the ceremony). Facility usage is determined by local policies and the Region Legal Service Office (RLSO) should be consulted to ensure compliance with existing laws and regulations. This is a change to previous training that stated same-sex marriages are not authorized on federal property.

b. Regarding chaplain participation, consistent with the tenets of his or her religious organization, a chaplain may officiate a same-sex, civil marriage: if it is conducted in accordance with the laws of a state which permits same-sex marriages or union; and if the chaplain is, according to applicable state and local laws, otherwise fully certified to officiate that state's marriages. While this is not a change, it is a clearer, more concise and up to date articulation. Again, consult the Region Legal Service Office (RLSO) to ensure compliance with existing laws and regulations.

3. The revised Chaplain Corps Tier 1 training is posted on the Navy and Marine Corps DADT websites. Those websites are found at: Navy—http://www.dadtrepeal.navy.mil; Marine Corps—https://www.manpower.usmc.mil/portal/page/portal/M—RA—HOME/DADT. All prior versions of the curriculum should be replaced by the current 11 April 2011 version.

4. If you have any questions or require additional information please contact Chaplain Doyle Dunn at (703) 614–4437/doyle@dunne@navy.mil or Chaplain Michael Gore at (703) 614–5556/michael.w.gore @navy.mil.

M.L. TIDD,
Rear Admiral, CHC, U.S. Navy.

DEPARTMENT OF THE NAVY, WALTER REED NATIONAL MILITARY MEDICAL CENTER,
Bethesda, MD, September 14, 2011.

From: Commander, Walter Reed National Military Medical Center
Subj: Wounded, Ill, and Injured Partners in Care Guidelines
Ref: (a) NAVMED Policy Memo 10–015

1. Purpose. To provide guidelines with respect to the presence and participation of families and other partners in care. This document replaces the hospital's previous visitation policies for the Seriously Injured (SI), Very Seriously Injured (VSI), and Wounded, Ill, and Injured (WII) patients. The Walter Reed National Military Medical Center (WRNMMC), Bethesda promotes and supports a patient and family centered approach to care. For the purpose of this instruction, WII patients are those active duty individuals who are wounded, become ill, or who are injured while serving within a combat theater.

2. Applicability. To provide guidance for partners in care as defined by the family of SI, VSI, and WII patients at WRNMMC.

3. Official WII Visits. Other partners in care who wish to visit the WII population will arrange their visit through the Warrior Family Coordination Cell (WFCC) Office of Distinguished Visitation utilizing the ''Gold Line'' (855) 875–GOLD (4653) and will arrange their visit to fall between the hours of 1000–1500 daily unless other arrangements have been arranged through the WFCC. It is requested, to foster the ''Patient and Family Centered Care'' milieu within the inpatient environments, visitors refrain from scheduling visits during inpatient quiet hours of 1300–1400 daily.

4. Policy. In keeping with the ''Patient and Family Centered Care'' philosophy of WRNMMC, families are considered partners within the health care team and are encouraged to care for their loved ones while maintaining good personal health without constraint of set visiting hours.

a. Children. Children in good health under the age of 18 are encouraged to participate in the recovery process with their wounded family member under the direct supervision of an adult family member.

b. Family. WRNMMC uses a broad definition of ''family'' as defined by each patient. This concept is supported by the American Academy of Family Physicians.

c. Intensive Care Units. Primary next of kin (PNOK) may visit at any time. Other

partners in care may visit if accompanied by the PNOK.

d. Exceptions. Visits before or after the established hours of 1000–1500 and during inpatient quiet hours of 1300–1400 for other partners in care will be reviewed on a case by case basis through the WFCC, attending physician, and charge nurse.

5. SI and VSI Patients. Visitation for the SI and VSI patients who are not WII will be managed at the discretion of the attending physician and respective charge nurse in consultation with the patient. Visitors should be limited to the immediate family or other individuals identified by the patient and/or immediate family. These visits will be coordinated through the appropriate charge nurse prior to being directed to the patient's room.

6. WII Patients. Those visiting the WII in an official capacity will make their request utilizing the WFCC ''Gold Line'' at (855) 875–GOLD (4653) and will be limited to the hours of 1000–1500 Monday through Friday. To encourage patient and family rest, foster a rehabilitative environment, and accommodate clinical necessities, it is requested visitors refrain from scheduling visits during inpatient quiet hours of 1300–1400 daily. In general, officials visiting the WII population outside the established visiting hours will need prior approval from the WFCC. To ensure an optimal experience, these visits will be scheduled five (5) days prior to the planned date; impromptu or last minute visits to the WII will not be entertained. WII visits include the following partners in care:

a. Family

b. Leadership of Title 36 Congressionally Charted Organizations

c. Members of the:

(1) Executive

(2) Legislative—to include Professional Staff Members (PSM)

(3) Judiciary

d. Active duty General, Flag, and Senior Executive Service (SES).

e. Celebrities and sports personnel vetted through the Staff Judge Advocate (SJA).

f. Members of the press vetted through the Public Affairs Office (PAO).

g. Other partners in care who represent committees who wish to visit the WII from the Veterans of Foreign Wars, American Legion, Fleet Reserve Association, Marine Corps League, Army League, and other similar organizations shall be referred to the WFCC for WII visits.

h. Leadership of the Military Coalition and National Military Veterans Alliance.

i. Out of town visitors or visitors who cannot come during normal visiting hours shall be referred to the WFCC for patient visits.

j. Partners in care representing verifiable 501(c)(3) benevolent organizations wishing to interact with the WII and or provide goods or services will be directed to the WFCC. These organizations will not be allowed unfettered access to the inpatient environment for the purposes of information gathering, solicitation, or donation delivery.

(1) All donations of goods or services to the WII will be coordinated through the WFCC utilizing approved processes, vetting methods, accountability, and delivery.

7. Exceptions. SI, VSI, and WII patients may refuse visitors at any time.

8. Partners in Care Guidelines

a. All non-family visits must be scheduled five (5) days in advance.

b. Group size will not exceed five (5).

c. All partners in care, under the age of 18, must be accompanied by an adult.

d. Photographs may not be taken before, during, or after the visit without express permission and signed Health Insurance Portability and Accountability Act documentation provided by the PAO and signed by the patient or PNOK if the patient is incapacitated. At no time will personal identifiable information (PII) or protected health information (PHI) be recorded, retransmitted, and or utilized in any manner without the express written consent of the patient or their PNOK if incapacitated.

e. Due to dietary restrictions and infectious disease protocols, the distribution of home produced baked goods to the patients, families, or staff members is prohibited.

f. No religious items (i.e. Bibles, reading material, and/or artifacts) are allowed to be given away or used during a visit.

9. Release of Patient Information. All patient information will be released in accordance with reference (a).

C.W. CALLAHAN,
Chief of Staff.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DOYLE (at the request of Ms. PELOSI) for after 4:30 p.m. today on account of medical reasons.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 394. An act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Friday, December 2, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4067. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of French Beans and Runner Beans From the Republic of Kenya Into the United States [Docket No.: APHIS-2010-0101] (RIN: 0579-AD39) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4068. A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program, and Technical Amendments [FNS-2007-0023] (RIN: 0584-AD54) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4069. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priorities, Requirements, and Selection Criteria; Charter Schools Program (CSP) Grants for Replication and Expansion of High-Quality Charter Schools [CFDA Number: 84.282M] (RIN: 1855-ZA08) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4070. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Head Start Program (RIN: 0970-AC44) received November 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4071. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Beverages: Bottled Water Quality Standard; Establishing an Allowable Level for di(2-ethylhexyl)phthalate [Docket No.: FDA 1993-N-0259 (Formerly Docket No.: 1993N-0085)] received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4072. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 15 regarding new requirements and measurement guidelines for Access Broadband over Power Line Systems; Carrier Current Systems, including Broadband over Power Line Systems [ET Docket No.: 04-37] [ET Docket No.: 03-104] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4073. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Panama City, Florida) [MB Docket No.: 11-140] received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4074. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Extension of the Filing Requirement For Children's Television Programming Report (FCC Form 398) [MM Docket No.: 00-168] [MM Docket No.: 00-44] received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4075. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Anglers for Christ Ministries, Inc.; New Beginning Ministries; Petitioners Identified in Appendix A; Interpretation of Economically Burdensome Standard; Amendment of Section 79.1(f) of the Commission's Rules; Video Programming Accessibility; [CGB-CC-0005] [CGB-CC-0007] [CG Docket No.: 06-181] [CG Docket No.: 11-175] received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4076. A letter from the Chief, Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010; Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996; Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision [CG Docket No.: 10-213] [WT Docket No.: 96-198] [CG Docket No.: 10-145] received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4077. A letter from the Chair, Federal Election Commission, transmitting the Commission's final rule — Standards of Conduct [Notice 2011-16] (RIN: 3209-AA15) received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4078. A letter from the Federal Register Liaison Officer, Department of Commerce, transmitting the Department's final rule — Fee for Filing a Patent Application Other than by the Electronic Filing System [Docket No.: PTO-P-2011-0065] (RIN: 0651-AC64) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4079. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended (RIN: 1400-AC86) received November 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4080. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Addition of the Cook Islands to the List of Nations Entitled to Special Tonnage Tax Exemption received November 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4081. A letter from the Program Manager, Department of Homeland Security, transmitting the Department's final rule — Medicare Program; Part A Premiums for CY 2012 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement (RIN: 0938-AQ15) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4082. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2011-90] received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4083. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Branded Prescription Drug Fee; Guidance for the 2012 Fee Year [Notice 2011-92] received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4084. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Appleton v. Commissioner, 135 T.C. 461 received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4085. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tribal Economic Development Bonds — Request for Public Comment on Volume Cap Allocation Process and Optional Extension of Deadline to Issue Bonds (Announcement 2011-71) received November 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4086. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information reporting of mortgage interest received in a trade or business from an individual (Rev. Proc. 2011-55) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4087. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Graduated Retained Interests [TD 9555] (RIN: 1545-BH94) received November 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2845. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; with an amendment (Rept. 112–297, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes (Rept. 112–298). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1158. A bill to authorize the conveyance of mineral rights by the Secretary of the Interior in the State of Montana, and for other purposes; with an amendment (Rept. 112–299). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2172. A bill to facilitate the development of wind energy resources on Federal lands, with an amendment (Rept. 112–300, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2842. A bill to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation Law, and for other purposes; with an amendment (Rept. 112–301). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2803. A bill to direct the Secretary of the Interior, acting through the Bureau of Ocean Energy Management, Regulation and Enforcement, to conduct a technological capability assessment, survey, and economic feasibility study regarding recovery of minerals, other than oil and natural gas, from the shallow and deep seabed of the United States; with amendments (Rept. 112–302). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2578. A bill to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes (Rept. 112–303). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2360 A bill to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes (Rept. 112–304). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2351. A bill to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area (Rept. 112–305). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1556. A bill to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, and for other purposes (Rept. 112–306). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1461. A bill to authorize the Mescalero Apache Tribe to lease adjudicated water rights (Rept. 112–307). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 991. A bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; with an amendment (Rept. 112–308). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 850. A bill to facilitate a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes; with an amendment (Rept. 112–309). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 306. A bill to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; with an amendment (Rept. 112–310). Referred to the Committee of the Whole House on the state of the Union.

Mr. NUGENT: Committee on Rules. House Resolution 479. Resolution providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes (Rept. 112–311). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce discharged from further consideration. H.R. 2845 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committee on Agriculture discharged from further consideration. H.R. 2172 referred to the Committee of the Whole House on the state of the Union.

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. RAHALL (for himself, Mr. DEFAZIO, Mr. COSTELLO, Ms. NORTON, Mr. NADLER, Ms. BROWN of Florida, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. BOSWELL, Mr. HOLDEN, Mr. CAPUANO, Mr. BISHOP of New York, Mr. MICHAUD, Mr. CARNAHAN, Mrs. NAPOLITANO, Mr. LIPINSKI, Mr. ALTMIRE, Mr. WALZ of Minnesota, and Mr. COHEN):

H.R. 3533. A bill to ensure that transportation and infrastructure projects carried out using Federal financial assistance are constructed with steel, iron, and manufactured goods that are produced in the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, 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. HANNA (for himself and Mr. MULVANEY):

H.R. 3534. A bill to amend title 31, United States Code, to revise requirements related to assets pledged by a surety, and for other purposes; to the Committee on the Judiciary.

By Mr. POLIS (for himself and Mrs. DAVIS of California):

H.R. 3535. A bill to improve outcomes for students in persistently low-performing schools, to create a culture of recognizing, rewarding, and replicating educational excellence, to authorize school turnaround grants, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JOHNSON of Georgia (for himself, Mr. BARLETTA, Mr. FILNER, Mr. HOLT, Mr. CARNAHAN, Mr. LEWIS of Georgia, Mr. STARK, Mr. ALTMIRE, Mr. RANGEL, Ms. PINGREE of Maine, and Mr. BISHOP of New York):

H.R. 3536. A bill to direct the Secretary of Transportation to delay certain target compliance dates for minimum retroreflectivity level standards applicable to traffic signs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REHBERG:

H.R. 3537. A bill to require the Secretary of State to act on a permit for the Keystone XL pipeline; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Foreign Affairs, Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. GIBBS, Mr. COBLE, Mr. JONES, Mr. BARLETTA, Mr. GERLACH, Mr. PLATTS, Mr. CRAVAACK, Mr. DENHAM, Mr. SESSIONS, Mr. BUCSHON, Mr. RENACCI, Mr. LUETKEMEYER, Mr. GUTHRIE, Mr. WEST, Mr. WEBSTER, Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. OLSON, Mr. GOWDY, Mr. TURNER of Ohio, Mr. YOUNG of Alaska, Mr. WESTMORELAND, Mr. AUSTIN SCOTT of Georgia, Mrs. LUMMIS, Ms. FOXX, Mr. COLE, Mr. CRENSHAW, Mr. ADERHOLT, Mr. FORTENBERRY, Mr. LANKFORD, Mr. WALBERG, Mr. MACK, Mr. FARENTHOLD, Mr. GUINTA, Mr. CHAFFETZ, Mr. JORDAN, Ms. BUERKLE, Mr. GOSAR, Mr. ROSS of Florida, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mr. CRAWFORD, Mr. GRAVES of Missouri, Mr. HERGER, Mr. CHABOT, Mr. DUNCAN of Tennessee, Mr. RIBBLE, Mr. HULTGREN, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. WOMACK, Mr. SOUTHERLAND, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. POE of Texas, Mrs. SCHMIDT, Mr. SHUSTER, Mr. HANNA, Mr. PETRI, Mr. SULLIVAN, Mr. STIVERS, Mr. HURT, Mr. KINGSTON, Mr. YOUNG of Florida, Mr. FRELINGHUYSEN, Mr. FLEISCHMANN, Mr. BROOKS, Mr. LANDRY, Mrs. MYRICK, Mr. HUNTER, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. STEARNS, Mr. LUCAS, Mr. CULBERSON, Mr. LATTA, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. FORBES, Mr. BARTLETT, Mr. MCKEON, Mr. TIBERI, Mr. SMITH of Texas, Mr. LONG, Mr. PEARCE, Mr. HARPER, Ms. JENKINS, Mr. WOODALL, Mr. CARTER, Mrs. BLACKBURN, Mr. STUTZMAN, Ms. HAYWORTH, Mr. GRIFFIN of Arkansas, Mr. CONAWAY, Mr. SCHOCK, Mr. AUSTRIA, Mr. SIMPSON, Mr. SCOTT of South Carolina, Mr. AMASH, Mr. FLAKE, Mr. HARRIS, Mr. CANSECO, Mr. KINZINGER of Illinois, Mr. BACHUS, Mr. KING of Iowa, Mr. BUCHANAN, Mrs. NOEM, Mr. DESJARLAIS, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. ROSKAM, Mr. ROKITA, Mr. ISSA, Ms. HERRERA BEUTLER, Ms. GRANGER, Mr. PENCE, Mrs. ADAMS, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. BRADY of Texas, Mr. ROONEY, Mr. COOPER, Mr. GARDNER, Mr. GARRETT, Mr. AKIN, Mr. HUELSKAMP, Mr. NEUGEBAUER, Mrs. CAPITO, Mr. REED, Mr. FINCHER, Mr. GRAVES of Georgia, Mr. BONNER, Mr. ROGERS of Alabama, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. BILIRAKIS, Mr. POSEY, Mr. SCALISE, Mr. PITTS, Mrs. BIGGERT, Mr. FLEMING, Mr. QUAYLE, Mrs. BONO MACK, Mr. CAMP, and Mr. BISHOP of Utah):

H.R. 3538. A bill to amend the Railway Labor Act to direct the National Mediation Board to apply the same procedures, including voting standards, to the direct decertification of a labor organization as is applied to elections to certify a representative, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANSECO:

H.R. 3539. A bill to terminate the HOPE VI program of the Department of Housing and Urban Development; to the Committee on Financial Services, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER (for himself, Mr. SMITH of Texas, and Mr. COURTNEY):

H.R. 3540. A bill to amend the Internal Revenue Code of 1986 to increase the tax benefits for child care assistance for military families; to the Committee on Ways and Means.

By Mr. FRANKS of Arizona (for himself, Mr. COLE, Mr. HUELSKAMP, Mr. LANKFORD, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. CHABOT, Mr. POSEY, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. HULTGREN, Mr. GARRETT, Mrs. SCHMIDT, Mr. BRADY of Texas, Mr. FORBES, Mr. WILSON of South Carolina, Mr. STUTZMAN, Mrs. LUMMIS, Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. HARRIS, Mr. YODER, Mr. WALBERG, Mr. BOREN, Mr. BARTLETT, Mr. SMITH of Texas, Mr. LIPINSKI, Mrs. BLACK, Mr. BOUSTANY, Mr. WESTMORELAND, Mr. PEARCE, Mr. HUIZENGA of Michigan, Mr. ROSS of Florida, Mr. KINZINGER of Illinois, Mr. BURTON of Indiana, Mr. AKIN, Mr. FORTENBERRY, Mr. JONES, Mr. DUNCAN of Tennessee, Mrs. BLACKBURN, Mr. CRAWFORD, Mr. MCCAUL, Mr. BROUN of Georgia, Mr. MANZULLO, Mr. MCHENRY, Mr. LATTA, Mrs. ROBY, Mr. SCALISE, Mr. FARENTHOLD, Mr. MCCOTTER, Mr. COBLE, Mr. MILLER of Florida, Mr. PETERSON, and Mr. SMITH of New Jersey):

H.R. 3541. A bill to prohibit discrimination against the unborn on the basis of sex or race, and for other purposes; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 3542. A bill to amend section 5001 of division B of the American Recovery and Reinvestment Act of 2009 to extend the temporary increase in Medicaid FMAP through the end of fiscal year 2012; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Illinois:

H.R. 3543. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

By Mr. MCCLINTOCK:

H.R. 3544. A bill to amend the Federal Water Pollution Control Act to limit citizens suits against publicly owned treatment works, to provide for defenses, to extend the period of a permit, to limit attorneys fees, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PITTS (for himself, Mr. PETRI, Mr. HINOJOSA, Mr. HOLDEN, and Mr. RIBBLE):

H.R. 3545. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain public transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. TURNER of Ohio:

H.R. 3546. A bill to allow an occupancy preference for veterans in housing projects developed on property of the Department of Veterans Affairs with assistance provided under the Department of Housing and Urban Development program for supportive housing for very low-income elderly persons; to the Committee on Financial Services.

By Ms. WATERS (for herself, Mr. CONYERS, Mr. SCOTT of Virginia, Ms. LEE of California, Mrs. CHRISTENSEN, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. TOWNS, Ms. SPEIER, Ms. WILSON of Florida, Mr. CLARKE of Michigan, Ms. NORTON, Mr. CLAY, Ms. BROWN of Florida, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. RICHARDSON, Mr. JOHNSON of Georgia, Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. CLEAVER, Ms. WOOLSEY, Mr. AL GREEN of Texas, Mr. PAYNE, Mr. ELLISON, Mr. FILNER, Mr. GUTIERREZ, Mr. HONDA, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. WATT, and Mr. SERRANO):

H.R. 3547. A bill to provide for an effective HIV/AIDS program in Federal prisons; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut (for himself, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. COURTNEY, and Mr. HIMES):

H. Con. Res. 91. Concurrent resolution recognizing the need to improve physical access to many United States postal facilities for all people in the United States in particular disabled citizens; to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, 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. CANSECO:

H. Res. 480. A resolution amending the Rules of the House of Representatives to prohibit Members, Delegates, the Resident Commissioner, and officers and employees of the House from buying or selling securities while in possession of material, nonpublic information, and for other purposes; to the Committee on Ethics.

By Mr. CRENSHAW (for himself, Mr. JACKSON of Illinois, Mr. KING of New

York, Mr. ROSS of Florida, Mrs. MALONEY, Mr. MCGOVERN, Mr. MORAN, Mr. HOLT, Mr. LATHAM, Mr. TIBERI, and Mr. RANGEL):

H. Res. 481. A resolution supporting the goals and ideals of ''Crohn's and Colitis Awareness Week''; to the Committee on Energy and Commerce.

By Mr. FLAKE:

H. Res. 482. A resolution prohibiting the use of a Members' representational allowance to obtain advertising on any Internet site other than an official site of the Member involved; to the Committee on House Administration.

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. RAHALL:

H.R. 3533.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Clause 18 of the Constitution.

By Mr. HANNA:

H.R. 3534.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority on which this bill rests is enumerated in Clause 3 of Section 8 of Article I of the United States Constitution.

By Mr. POLIS:

H.R. 3535.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1,

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. JOHNSON of Georgia:

H.R. 3536.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8 cl. 1 and cl. 3.

By Mr. REHBERG:

H.R. 3537.

Congress has the power to enact this legislation pursuant to the following:

Article I, 8, clause 3, the commerce clause

By Mr. MICA:

H.R. 3538.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 18, the necessary and proper clause.

By Mr. CANSECO:

H.R. 3539.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 of the United States Constitution stipulates that funds may not be drawn from the Treasury, unless previously authorized by law. This clause gives Congress the power to authorize spending by law; consequently, Congress has the power to repeal authorization for previously authorized spending by law.

By Mr. CARTER:

H.R. 3540.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;

By Mr. FRANKS of Arizona:

H.R. 3541.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause; Section 2 of the 13th Amendment; Section 5 of the 14th Amendment; Art. 1, Section 8.

By Mr. GRIJALVA:

H.R. 3542.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §§1 and 8.

By Mr. JOHNSON of Illinois:

H.R. 3543.

Congress has the power to enact this legislation pursuant to the following:

14th Amendment, Section II, which states that ''No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.''

By Mr. MCCLINTOCK:

H.R. 3544.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 1; and Article I, Section 8, Clause 18 of the Constitution of the United States of America.

By Mr. PITTS:

H.R. 3545.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Mr. TURNER of Ohio:

H.R. 3546.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3, 14 and 18 of Section 8 of Article I of the Constitution

By Ms. WATERS:

H.R. 3547.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution,

Article 1, section 8, Clause 18 of the U.S. Constitution, and Amendment VIII to the U.S. Constitution.

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. 139: Mr. HASTINGS of Florida, Ms. SPEIER, and Ms. WOOLSEY.

H.R. 266: Mr. RANGEL.

H.R. 267: Mr. RANGEL.

H.R. 329: Ms. BERKLEY.

H.R. 333: Mr. MCCOTTER, Ms. DEGETTE, and Mr. CARTER.

H.R. 363: Mr. BLUMENAUER.

H.R. 389: Mr. HARRIS, Mr. PAULSEN, Mr. BROUN of Georgia, Mr. FARENTHOLD, Mr. BISHOP of Utah, and Mr. FLORES.

H.R. 414: Mr. RYAN of Ohio.

H.R. 420: Mr. SCOTT of South Carolina and Mr. BASS of New Hampshire.

H.R. 452: Mr. SIMPSON and Mr. GARDNER.

H.R. 512: Mr. KILDEE.

H.R. 531: Mr. HIMES.

H.R. 555: Mr. NADLER.

H.R. 593: Mrs. ROBY and Mr. KLINE.

H.R. 618: Mr. DEUTCH.

H.R. 651: Ms. HAHN.

H.R. 665: Mr. CALVERT.

H.R. 718: Mr. MCDERMOTT and Ms. HERRERA BEUTLER.

H.R. 719: Mr. GENE GREEN of Texas.

H.R. 721: Mr. CARDOZA, Mrs. HARTZLER, Mr. HERGER, Mr. GOWDY, Mr. SMITH of Nebraska, and Mr. GRAVES of Georgia.

H.R. 808: Ms. HAHN.

H.R. 835: Mr. COFFMAN of Colorado.

H.R. 880: Mr. LATHAM.

H.R. 885: Mr. FRANK of Massachusetts.

H.R. 1063: Ms. SEWELL, Mr. OWENS, Mr. MARCHANT, and Mr. MCDERMOTT.

H.R. 1084: Mr. TOWNS.

H.R. 1131: Ms. WILSON of Florida.

H.R. 1133: Mr. MICHAUD.

H.R. 1148: Mr. GRIFFIN of Arkansas, Mr. TONKO, Mr. LANDRY, Mr. MCINTYRE, Mr. YOUNG of Indiana, Mr. GOSAR, Mrs. CAPITO, Mr. BECERRA, Mr. SCALISE, and Mr. YOUNG of Florida.

H.R. 1161: Mr. TURNER of Ohio.

H.R. 1175: Mr. SCHIFF, Mr. HOLDEN, and Mrs. MYRICK.

H.R. 1186: Mr. QUAYLE and Mr. FARENTHOLD.

H.R. 1206: Mr. MICA.

H.R. 1238: Ms. WILSON of Florida.

H.R. 1288: Mr. LATHAM.

H.R. 1327: Mr. SCALISE, Mr. DENHAM, Mr. TURNER of New York, Mr. KELLY, Mr. HARPER, Mr. POE of Texas, Mr. TURNER of Ohio, Mr. ROONEY, Mr. BUCSHON, Mr. BASS of New Hampshire, Mr. LATOURETTE, Mr. NUNES, Mr. FRELINGHUYSEN, Mr. SIMPSON, Mr. PERLMUTTER, and Mr. GUINTA.

H.R. 1370: Mr. LABRADOR and Mr. OLSON.

H.R. 1418: Ms. LORETTA SANCHEZ of California.

H.R. 1433: Mr. KING of Iowa.

H.R. 1489: Mr. YARMUTH.

H.R. 1511: Mr. TONKO and Mr. AMODEI.

H.R. 1513: Ms. MATSUI, Mr. KING of New York, and Mr. BASS of New Hampshire.

H.R. 1544: Mr. REED.

H.R. 1568: Mr. CLEAVER.

H.R. 1580: Mr. TIBERI and Mr. POMPEO.

H.R. 1614: Mr. POSEY.

H.R. 1639: Mr. CARTER.

H.R. 1656: Mr. HOLT.

H.R. 1704: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1734: Mr. WOMACK.

H.R. 1738: Ms. CASTOR of Florida and Ms. KAPTUR.

H.R. 1744: Ms. GRANGER.

H.R. 1834: Mr. STUTZMAN, Mr. WILSON of South Carolina, Mrs. BLACKBURN, Ms. GRANGER, Mr. HULTGREN, Mr. GOHMERT, Mr. COLE, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. WALBERG, Mr. LONG, Mr. BUCSHON, Mr. YODER, Mr. CRAWFORD, Mr. BISHOP of Utah, Mr. MCHENRY, and Mr. GIBBS.

H.R. 1897: Mr. LOEBSACK and Mr. WOMACK.

H.R. 1903: Mrs. MALONEY.

H.R. 1905: Mr. ROGERS of Kentucky.

H.R. 2002: Mr. LABRADOR.

H.R. 2016: Mr. TONKO, Mr. POLIS, Mr. OWENS, Mr. COOPER, and Ms. TSONGAS.

H.R. 2070: Mr. HECK.

H.R. 2082: Mr. POLIS.

H.R. 2084: Mr. PRICE of North Carolina.

H.R. 2093: Mr. GRIJALVA.

H.R. 2121: Mrs. MYRICK.

H.R. 2127: Ms. MOORE and Ms. CASTOR of Florida.

H.R. 2245: Mr. PASCRELL.

H.R. 2267: Mr. MCKINLEY, Mr. MILLER of North Carolina, Mr. TIERNEY, Mr. TONKO, Mr. YOUNG of Alaska, Mr. COHEN, Mrs. LUMMIS, Ms. CASTOR of Florida, Mr. FITZPATRICK, Mr. JOHNSON of Illinois, Ms. NORTON, Mr. SMITH of Texas, Mr. TIPTON, and Mr. WALZ of Minnesota.

H.R. 2268: Mr. PITTS.

H.R. 2272: Ms. ZOE LOFGREN of California.

H.R. 2284: Mr. DENHAM.

H.R. 2288: Mr. CLEAVER and Mr. MILLER of Florida.

H.R. 2313: Mr. SCOTT of South Carolina, Mr. HUELSKAMP, Mr. COLE, Mr. LANKFORD, Mr. FLEMING, Mr. BISHOP of Utah, Mr. PENCE, Mr. POSEY, Mr. LAMBORN, Mr. GRAVES of Georgia, Mr. GOHMERT, Mr. BROOKS, Mr. HULTGREN, Mrs. SCHMIDT, Mr. WILSON of South Carolina, Mr. ROE of Tennessee, Mr. MCCLINTOCK, Mr. FRANKS of Arizona, Mr. ROKITA, and Mr. WALBERG.

H.R. 2316: Mr. DAVIS of Illinois.

H.R. 2335: Mr. GRIMM and Mr. YODER.
H.R. 2353: Mr. THOMPSON of California.
H.R. 2426: Mr. ROE of Tennessee.
H.R. 2461: Mr. WOMACK and Mr. YOUNG of Alaska.
H.R. 2484: Mr. DEFAZIO.
H.R. 2528: Mr. PITTS.
H.R. 2555: Mr. MILLER of North Carolina.
H.R. 2569: Mr. ROSS of Florida.
H.R. 2634: Mr. MCDERMOTT.
H.R. 2674: Ms. SLAUGHTER, Mr. CARNAHAN, Mr. CUMMINGS, Mr. TURNER of Ohio, and Ms. SCHAKOWSKY.
H.R. 2697: Mr. TURNER of Ohio, Mr. FRANKS of Arizona, and Mr. BROUN of Georgia.
H.R. 2705: Mrs. CAPPS, Ms. HAHN, Mr. NADLER, and Mr. LARSON of Connecticut.
H.R. 2717: Mr. LYNCH, Mr. MURPHY of Connecticut, Mr. REYES, and Mr. MATHESON.
H.R. 2738: Mr. SCHIFF.
H.R. 2741: Mr. TOWNS.
H.R. 2772: Mr. POSEY.
H.R. 2866: Mr. SHIMKUS.
H.R. 2898: Mr. MILLER of Florida and Mr. SCALISE.
H.R. 2913: Mr. FLEMING and Mr. RIBBLE.
H.R. 2948: Mr. LEVIN.
H.R. 2966: Ms. MATSUI, Mr. LYNCH, Ms. CASTOR of Florida, and Mr. FARR.
H.R. 2969: Mr. PIERLUISI.
H.R. 3000: Mr. WOMACK.
H.R. 3001: Mr. BURTON of Indiana, Mr. CHABOT, Mr. BARTON of Texas, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. CLAY, Mr. ISRAEL, Mr. SCHWEIKERT, Ms. BROWN of Florida, Mr. CROWLEY, Ms. RICHARDSON, Mr. DEUTCH, Mr. ENGEL, Mr. CARNAHAN, and Ms. KAPTUR.
H.R. 3015: Mr. CUMMINGS.
H.R. 3040: Mr. PETERSON.
H.R. 3042: Mr. GERLACH and Mr. HINCHEY.
H.R. 3057: Mr. CRAVAACK.
H.R. 3059: Mr. POE of Texas and Mr. LANCE.
H.R. 3074: Mr. GRIFFIN of Arkansas.
H.R. 3104: Mr. YODER.
H.R. 3123: Mr. OWENS.
H.R. 3143: Mr. GARY G. MILLER of California.
H.R. 3151: Mr. TOWNS and Mr. HASTINGS of Florida.
H.R. 3178: Mr. TIERNEY, Ms. ESHOO, Ms. ROYBAL-ALLARD, and Ms. HAHN.
H.R. 3179: Mrs. NOEM, Mr. DEUTCH, and Ms. CHU.
H.R. 3187: Mr. STEARNS.
H.R. 3200: Mr. CONYERS and Mr. JOHNSON of Illinois.
H.R. 3210: Mr. KINGSTON.
H.R. 3236: Mr. PETERSON.
H.R. 3243: Mr. WOMACK.
H.R. 3258: Mr. PIERLUISI.
H.R. 3269: Mr. BILIRAKIS, Mr. CONNOLLY of Virginia, Mr. BURTON of Indiana, Mr. GRIFFIN of Arkansas, Mr. LANGEVIN, Ms. LINDA T. SÁNCHEZ of California, Mrs. ELLMERS, Mr. PAULSEN, Mr. RAHALL, Mr. REED, Mr. WITTMAN, Mr. NUGENT, Mr. GIBSON, Mr. MURPHY of Pennsylvania, Mr. WEST, Mr. REICHERT, Mr. JACKSON of Illinois, and Mr. ROSKAM.
H.R. 3271: Ms. SPEIER.
H.R. 3286: Mr. HEINRICH, Mr. BERMAN, and Mrs. NAPOLITANO.
H.R. 3294: Mr. BURGESS.
H.R. 3326: Mr. BROOKS, Mrs. LUMMIS, and Mr. HUIZENGA of Michigan.
H.R. 3364: Ms. MOORE and Mr. RUPPERSBERGER.
H.R. 3379: Mr. SIMPSON, Mr. WOMACK, and Mr. MCKINLEY.
H.R. 3409: Mr. BARTLETT and Mr. LATOURETTE.
H.R. 3414: Mr. WILSON of South Carolina and Mr. GOHMERT.
H.R. 3418: Ms. SCHAKOWSKY.
H.R. 3421: Mr. SCHILLING, Mr. PENCE, Mr. BUCSHON, Mr. SHIMKUS, Mr. TURNER of Ohio, Mr. MCCOTTER, Mr. BASS of New Hampshire, Mr. TIBERI, Mr. FRELINGHUYSEN, Mr. LATOURETTE, Mr. LANDRY, Mr. LATHAM, Mrs. EMERSON, Mr. BUCHANAN, Mr. STIVERS, Mr. CAPUANO, Mr. HUNTER, Mr. LOBIONDO, Mr. CARSON of Indiana, Mr. TURNER of New York, Mr. SMITH of Nebraska, Mr. JONES, Mr. GARY G. MILLER of California, Mr. GRIFFIN of Arkansas, Mr. ROSKAM, Mr. LATTA, Mr. SCALISE, Ms. BROWN of Florida, Mr. COBLE, Mr. PLATTS, Mr. GUTIERREZ, Mrs. BLACKBURN, Mr. THOMPSON of California, Mrs. HARTZLER, Mr. SCHIFF, Mr. YOUNG of Indiana, Mr. SERRANO, Ms. BORDALLO, Mr. MORAN, Mr. NUGENT, Mr. HINCHEY, Ms. HAYWORTH, Mr. PALLONE, Mr. ROTHMAN of New Jersey,
Mr. DUNCAN of Tennessee, Mr. LANCE, Mr. MICA, Mr. BACHUS, Mr. BARTLETT, Mr. AUSTIN SCOTT of Georgia, Mr. QUAYLE, Mr. SMITH of Washington, Mr. UPTON, Mr. MARCHANT, and Mr. CAMP.
H.R. 3423: Ms. KAPTUR, Mr. CUMMINGS, Mr. MCCOTTER, Ms. BASS of California, Mr. OLVER, and Mr. RIGELL.
H.R. 3425: Mr. MURPHY of Connecticut.
H.R. 3437: Mr. BERMAN.
H.R. 3440: Mr. BOUSTANY, Mr. CANSECO, and Mr. MCCLINTOCK.
H.R. 3470: Mr. RENACCI.
H.R. 3480: Mr. RIBBLE, Mr. FLORES, Mr. ROSS of Florida, and Mr. QUAYLE.
H.R. 3481: Mr. ROSS of Florida.
H.R. 3485: Ms. ESHOO and Mr. BLUMENAUER.
H.R. 3519: Mr. FILNER.
H.R. 3525: Mr. BRADY of Pennsylvania.
H.J. Res. 8: Mr. HIGGINS.
H.J. Res. 78: Mr. HEINRICH and Mr. GENE GREEN of Texas.
H.J. Res. 88: Mr. JACKSON of Illinois and Ms. PINGREE of Maine.
H.J. Res. 91: Mr. COOPER, Mr. LANDRY, and Mr. SHUSTER.
H. Con. Res. 85: Ms. FUDGE, Mr. DAVIS of Illinois, Mr. INSLEE, and Mr. CAPUANO.
H. Con. Res. 87: Mr. KISSELL.
H. Res. 462: Mr. HULTGREN.
H. Res. 475: Mrs. BLACK, Mr. BROUN of Georgia, Mr. GOWDY, Mr. BURTON of Indiana, Mr. WALBERG, and Mr. GUTHRIE.
H. Res. 476: Mr. MCINTYRE.

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PROCEEDINGS AND DEBATES OF THE *112th* CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, DECEMBER 1, 2011 *No. 183*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

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

Let us pray.

O God, our Father, we look to You this day for help. Without Your help our Senators can see the ideal but cannot reach it; they can know the right but cannot do it; they can seek the truth but cannot fully find it; they can recognize their duty but cannot perform it. Empowered by Your might, help them to reach beyond guessing to knowing and beyond doubting to certainty regarding Your purposes.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 1, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in morning business until 11 a.m. Following that morning business, the Senate will resume consideration of the Defense Department authorization bill. This will be postcloture debate. We expect to complete action on the Defense bill today. We will give everyone as much notice as we can when we have votes coming.

Additionally, yesterday I filed cloture on a motion to proceed to S. 1917, a middle-class tax cut. If no agreement is reached, this vote will be tomorrow morning.

MEASURES PLACED ON THE CALENDAR—S.J. RES. 30, S.J. RES. 31, S.J. RES. 32, S. 1930, S. 1931, S. 1932 EN BLOC

Mr. REID. Mr. President, there are six measures at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the measures by title for the second time en bloc.

The assistant legislative clerk read as follows:

A joint 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 joint 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 joint 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. REID. I object to any further proceedings in regard to these matters.

The ACTING PRESIDENT pro tempore. Objection having been heard, the measures will be placed on the calendar.

PAYROLL TAX CUTS

Mr. REID. Mr. President, yesterday on the Senate floor my friend the Republican leader said he supports an extension of the payroll tax cut that had been enacted last year. There has been an extreme change of heart here. On the Sunday shows the assistant leader, my friend, the junior Senator from Arizona, said Sunday: Not a chance they would work to extend this payroll tax cut. Then, as late as Tuesday, my friend the Republican leader said it would not ''do a thing to help the economy.'' Obviously there has been a change of heart since then by the leaders of the Senate Republicans.

But I noted yesterday that my friend was very careful to say only that he supports existing cuts, not that he supports our plan to cut taxes for 160 million workers in every business in the country.

Last night I found out why. I was disappointed to see the Republicans' alternate proposal was actually a backdoor route to protect the very rich while shortchanging the middle class and small businesses. Should we be surprised at this? That is what has been going on this past year. Our proposal would provide relief for American families and extend existing tax cuts to benefit businesses. The Republican proposal rejects this new tax relief and

doesn't provide a penny of additional tax cuts for working families and it does nothing for small businesses—the job creators the Republicans claim to care so much about.

They seem to think our plan to put $1,500 back into the pocket of every American, with rare exception, and give small businesses the boost they need to hire new employees goes too far. They are willing to fight for ever deeper tax cuts for the wealthy, but when it comes to the middle class, Republicans here in the Senate—not Republicans generally, but Republicans here in the Senate—believe the status quo is good enough for struggling families. The Republican plan goes directly against the budget agreement we reached in the summer, the so-called Budget Deficit Reduction Act, where we raised the debt ceiling and those things we worked on. It took 3 months. Their plan goes directly against that plan that we made, which is now the law of this country. While Democrats have been working tirelessly to create new jobs, the Republican plan goes in precisely the opposite direction. Instead of creating jobs, it would cost jobs. The report is out today that during the month of October there were 206,000 private sector jobs created. Under their plan, the Republicans' plan, many more middle-class families around the country would lose their jobs. That includes Americans dedicated to public service, hard-working people committed to keeping our streets safe—for example, an FBI agent, Drug Enforcement officer, food safety workers, highway construction workers. They want to devastate those folks. That is how they want to pay for this tax cut. It is not anything that is going to help the economy. It hurts the economy.

They are going after jobs that we need so desperately. Do the Republicans believe—I guess so, because that is what their legislation is all about—that the way to revive the economy is to lay off more FBI agents or fire more Border Patrol officers? These cuts will not revive the economy, they will only slow it down and cost more jobs. But, remember, the role of the Republicans here in the Senate is to defeat Barack Obama. It doesn't matter what it does to middle-class families, obviously.

While targeting the middle class, Republicans propose to do nothing to cut back on excessive subsidies for many large corporations that benefit from government contracts. This is almost hard to comprehend. The Republicans started it, and it caught fire during the Republican control of the Presidency. There are more than 5 million government contractors. The Republicans propose to do nothing to cut back on excessive subsidies for many of these large corporations that benefit from government contracts. Employees at some of these taxpayer-supported corporations are being paid more than $700,000 a year while many public servants struggle to make ends meet. The Republicans want to whack these people who work to keep us safe in many different ways while they let these people go untouched.

The Republicans are uninterested in going after these high-income earners. As usual, the only real target of this Republican meat axe is the middle class. It is wrong. Americans believe, across the country, that the middle class is hurting. I have said—I will say it again—the only people in America who believe that the richest of the rich should not contribute a little bit to help our economy are the Senate Republicans. The Republicans outside this body do not feel that way. America's middle class has been hurting for a long time. They are the people who are struggling. They are the ones who need help, not these multimillionaires, and not large, profitable government contractors.

The Republican proposal is unacceptable. It will not pass the Senate. We can do better and we must do better.

Would the Chair announce the business of the day?

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now 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, the majority controlling the first half and the Republicans controlling the final half.

The Senator from Washington is recognized.

MIDDLE-CLASS TAX CUT

Mrs. MURRAY. Mr. President, I come to the floor this morning to urge my colleagues to support the middle-class tax cut bill that would extend and expand the payroll tax relief for our families and small business owners. This legislation is straightforward. It should not be controversial. At a time when so many of our hard-working middle-class families continue to struggle in this very tough economy, this bill would cut their Social Security payroll tax in half, from 6.2 percent to 3.1 percent. That means a tax cut for 160 million workers in this country today.

In my home State of Washington it represents a tax cut of around $1,700 for a family earning the median income next year. This bill would put money into the pockets of small business owners and encourage them to hire workers by cutting the employer's side of the payroll tax in half as well and eliminating it altogether for firms that are making new hires. In Washington State, 150,000 small business owners would receive a tax cut under this plan and they would have thousands of dollars more in their pockets to spend in their communities and get workers back on the job.

This is a big deal. Economists from across the ideological spectrum have said payroll tax cuts create jobs and boost the economy. They have said it could be devastating to allow them to go up in this weak economy.

In the past, Republicans have agreed and have strongly supported payroll tax cuts as an effective way to boost the economy and create jobs, so this should be easy. It should be something both parties can get behind and quickly pass, but unfortunately it seems politics are getting in the way. I am disappointed that many of the same Republicans who spent the last few months fighting tooth and nail to prevent tax increases on the richest Americans and biggest corporations are now hesitating to give average working families a break. In fact, it was this very issue that prevented the Joint Select Committee on Deficit Reduction to come to a deal.

On the Democratic side we put forward serious compromises on the table to get to a balanced and bipartisan deal, but our Republican counterparts refused to allow the wealthiest Americans to pay a single penny more in taxes and insisted that the middle class and seniors and most vulnerable Americans bear the burden of this crisis alone. It was not fair then; it is not fair now. This bill is fully paid for by asking millionaires, who earn more than $1 million a year, to pay a little bit more, a small step toward a fair share. It is not drastic. It does not close the loopholes and shelters that Republicans have been fighting hard to maintain. It does not touch the Bush tax cuts for the rich they have been protecting. It doesn't end the tax breaks for the oil and gas industry that they would not allow us to close. It simply adds a 3.25-percent tax on incomes over $1 million a year. That means if someone earns $1.2 million in a single year they only owe an additional 3.25 percent on that last $200,000.

At a time when so many families are struggling, we think this is a fair thing to ask the wealthiest Americans, who survived so well, to continue to give working families a break.

This vote sets up a simple choice. Do you vote to extend tax cuts for middle-class families and small businesses that have been struggling in this economy or do you vote to protect the wealthiest Americans from paying 1 penny more toward their fair share? I know where I stand. I feel very strongly that we owe it to middle-class families across this country to extend this tax cut. I think it would be a whole lot easier if our Republican colleagues were as focused on tax cuts for the middle class as they are for tax cuts for the wealthiest Americans and corporations.

I urge my colleagues to support this legislation and extend tax cuts for the families who need them most.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

PAYROLL TAX EXTENSION

Mr. MCCONNELL. Mr. President, yesterday, Republicans, led by Senator HELLER, introduced what we believe is a much smarter approach to extending the temporary payroll tax cut than the one proposed by Democrats involving permanent tax hikes on job creators.

Similar to Democrats, we think struggling American workers should continue to get this temporary relief for another year. There is no reason folks should suffer even more than they already are from the President's failure to turn this jobs crisis around. But there is also no reason we should pay for that relief by raising taxes on the very employers we are counting on to help jolt this economy back to life. We would not be helping anybody by making it less likely that small businesses actually start hiring people again. Senator HELLER's proposal would achieve the same result, the same relief, without a gratuitous hit on job creators. Even better, our plan protects Social Security and reduces the Federal deficit by more than $111 billion.

How do we do it? Consistent with the recommendations of the bipartisan Simpson-Bowles Commission, our payroll tax plan would institute a 3-year pay freeze on Federal civilian employees, including Members of Congress. It would also reduce the Federal workforce gradually by 10 percent, not by firing anybody but by only hiring one replacement for every three Federal employees who leave Federal service until a 10-percent reduction that the Simpson-Bowles Commission recommended is reached. So over this period, only hire one worker for every three who leave until it achieved a 10-percent reduction in the Federal workforce. This is a recommendation in the Simpson-Bowles Commission.

Our bill would also save money by means testing Medicare benefits for millionaires and billionaires. What does that mean? One of the things the economic downturn of the past few years has revealed is that a lot of people out there are getting a pretty good deal from the government at every level, all on the taxpayers' dime. Let me give you an example. Yesterday, a CBS affiliate in Philadelphia reported that a former Philadelphia school superintendent who got a nearly $1 million buyout in August is now putting in for unemployment benefits. The lady was shown the door, given $905,000 not to finish her 5-year contract with the school district, and on top of that she now wants the taxpayers to subsidize her unemployment benefits to the tune of about $30,000 a year. Our proposal helps minimize this kind of thing.

What we are saying is, anybody who makes more than $1 million a year should not get an unemployment check on top of it, paid for with tax dollars of folks struggling just to make ends meet. No more unemployment checks or food stamps for millionaires. No more unemployment checks or food stamps for millionaires. We don't think these folks would mind having to pay the full freight on their Medicare premiums either. Millions of seniors need help covering their monthly Medicare premiums; Warren Buffett is not one of them.

Here is another way we think folks such as Warren Buffett can offset the relief we are giving working Americans through our proposal of a temporary extension of payroll tax cuts, which would also incorporate legislation from Senator THUNE, that would allow people who want to voluntarily help pay down the Federal debt to do so on their tax return. There would actually be a new line right on Warren Buffett's tax returns enabling him or anybody else, for that matter, to give as much as they want. That way those who want to go that route can feel they are contributing in a way they want to contribute, and small business owners who want to help our economic and fiscal situation by growing their businesses and creating jobs can do that too without Washington dictating one way or the other.

This is the kind of balanced plan Americans are looking for. It is focused on helping middle-class Americans without asking them to fund benefits for the wealthiest among us, and it does so without hamstringing the economy—as the Democrats would—with a permanent tax on job creators. Bear in mind what they are doing here is ''paying for a temporary payroll tax relief with a permanent tax increase on job creators.'' It also helps rein in the bureaucracy in Washington.

Millions of Americans have had to go without or to live with less over the past few years. Yet all they see here is that Washington just keeps getting bigger and bigger and richer. It is about time Washington took the hit for a change. We think this is a plan that those who are fed up with Washington and Wall Street can embrace but, as I have said before, we are never going to turn this economy around as long as we are focused on these temporary measures.

Yesterday, I outlined our vision for a tax-reform plan that restores basic fairness, helps put businesses on a level playing field, and puts our tax rates in line with our competitors overseas. That is the kind of thing that will get this economy charging again and we will continue to press for it. Meanwhile, we will also continue to point out what this administration is doing to prevent job creation right now.

KEYSTONE XL PIPELINE

Mr. MCCONNELL. Yesterday, Republicans drew attention to one of the greatest fumbles of this administration yet, and this is astonishing. I don't know how many Americans are familiar with the proposed Keystone XL Pipeline, but this is an issue every single American is soon going to learn a lot about. The Keystone XL Pipeline is the single largest shovel-ready project in our entire country—the single largest shovel-ready project in our entire country. It would transport oil from Canada—our friendly neighbor to the north—to the gulf coast. It is privately funded, so it would not cost the taxpayer a dime, and we are told that its approval would lead to the creation of 20,000 jobs, not some other time but immediately, right now.

This project is enormous. It is a huge job creator, and it is ready to go. Labor unions love this project. Folks in the Heartland love this project. The Chamber of Commerce loves this project. But here is the problem: President Obama is getting heat from his base over this project, especially from the very young and very liberal voters he will need knocking on doors before November. So the State Department now says they are going to delay the approval—even though previously they were seemingly ready to approve it after a 3-year review that has already occurred, including two exhaustive environmental evaluations.

Here is the bottom line. The President has said time and time again that his top priority is jobs. Yet here we have the single largest shovel-ready project in the country ready to go, and he is delaying its approval—interestingly enough—until after the election next year. He is saying he doesn't care so much about jobs in States such as Nebraska—that he doesn't think he will carry next year—so he can keep the enthusiasm up in States he hopes to carry. So I think it is pretty clear the President cares less about this particular boon for job creation than his own job preservation, and it is wrong.

There is no reason whatsoever to delay this project and these jobs by another day. As the President recently put it, we have to decide what our priorities are. We have to ask ourselves what is not just best for me but what is best for us. What is the best way to grow the economy and create jobs? It was President Obama who said that. That is why Republicans are proposing legislation today that would require the President either to approve this massive job-creating project within 60 days or to explain clearly why he doesn't think it is in the national interest to do so. We will give the President 60 days—not after next year's election but 60 days—to decide why this should not be approved and explain it to us. We think the people who want to start hiring deserve action or a straightforward explanation from the President himself as to why he opposes it.

Get this pipeline going right now or get out of the way.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

MIDDLE CLASS TAX CUT ACT

Mr. CASEY. Mr. President, I rise to speak about the issue of job creation and also supporting our small businesses and strengthening our economic recovery.

One of the fundamental questions I have been asked in Pennsylvania—and I think most Senators on both sides of the aisle have been asked repeatedly, not just in the last couple of days or weeks but for many months now—is a very fundamental question: What are you doing as a Member of the Senate to create jobs or to at least create the conditions under which jobs will be created? What are you doing in your votes, in your advocacy, in your fight in Washington for jobs? What does that mean? Sometimes we have a better answer than other times. Today, and certainly in the last couple days—and I think we will be debating this for a number of days moving forward and that is a good thing—we will have a better answer to that fundamental question: What are you doing as a public official to create jobs in America?

One of the ways we can kick-start the economy and get job creation moving in the right direction again is by passing legislation such as the legislation that I have introduced, the Middle Class Tax Cut Act. It is now before the Senate, as the Presiding Officer knows, and we have been talking about it already, but we have more work to do on this today and some voting to do today on this legislation.

The legislation is fully paid for and will accomplish two important objectives. No. 1, it will strengthen the economy to support middle-income families, and specifically the way we do that is by providing middle-income families with a cut in the payroll tax, which means take-home pay that will help make ends meet for that worker and that family, but it will also have an impact by boasting demand throughout our economy. No. 2, we will cut payroll taxes for small businesses to help them grow and create jobs.

Here is what most people are confronting, and it is not just the big numbers. There are more than 14 million people out of work across America. In Pennsylvania, the latest number for October was more than 500,000 people out of work. To be exact, it is 513,000 people out of work. That number has fluctuated. Thank goodness it started to go below half a million, but then it bumped again to almost 525,000 so it is at least is moving away from that number.

When half a million people are out of work in a State, you can imagine the hurt the families are feeling, the lives of struggle and sacrifice in our midst, and that is why we have to do something to jump-start the economy and create jobs.

I think the American people also want us to do this in a bipartisan way and we can and we should. We came together at the end of 2010 and passed a tax bill which was bipartisan. There are elements of that bill that one side or the other did not like, and vehemently so, but we came together in a bipartisan way to pass a tax bill at the end of last year. We need to do the same thing on a payroll tax cut.

We need to work together, Democrats and Republicans, and get a result for the American people. This is something we can do right now—not 6 months from now, not a year from now but right now—to help our families and to create jobs. There is broad agreement that more needs to be done to support the economic recovery. We have to create more jobs, and we have to kick-start the engine of economic growth.

While the economy has added nearly 2.8 million private sector jobs in the past 20 months, we continue to face significant economic challenges. Unemployment across the country, as we all know, is still at about 9 percent, and long-term unemployment remains at record levels, with 4 out of every 10 unemployed workers having been jobless for 6 months or more. We know that gross domestic product—so-called GDP—grew at less than 1 percent, the annual rate, for the first half of the year. So for the first 6 months of 2011, we had less than 1 percent growth. The third quarter of gross domestic product growth was recently revised downward. Initially 2.5 percent, it was revised downward to just a 2 percent annual rate. So it is self-evident that we have to do something right now about jobs. With a weak labor market and only modest economic growth this year, it is clear we have to act right now.

Payroll tax cuts and credits are powerful tools to increase job creation and provide economic relief for middle-income families. The current 2 percent payroll tax cut for working Americans that is in place now has played an important role in sustaining the economic recovery. By the end of this year, 121 million families will have received an average tax cut of more than $930 based upon last year's action we took to cut the payroll tax. That was a good decision, but, if anything, we need to continue that as well as expand it, and I will explain that as I go forward.

The number of families benefiting from this current payroll tax cut is very large because anyone who receives a paycheck benefits from a cut in payroll tax. Anyone who receives a paycheck gets this cut. Cutting payroll taxes immediately increases the take-home pay of everyone who gets a paycheck.

Compared to reducing the tax rates for the top 1 percent of the American people, more money goes to middle and lower income Americans, who are likely to spend it, if we keep the payroll tax cut in place, and, of course, we want to expand it as well. Because take-home pay is greater, people have more money in their pockets—as I said, more than 930 bucks this year. This additional take-home pay will result in more spending. When we spend at that level—and a lot of families are spending more, especially during the holiday season—that boosts demands for goods and services and that leads to job creation. This is not theory. This is not some untested theory or hope. We know this works. We did it in 2011, and we have to do more of it in 2012.

The employee side of this—and I will divide this into employee and employer for a second—the employee tax cut expires at the end of this year, as I mentioned. Without congressional action, employees' share of the payroll tax will return to 6.2 percent of earnings, up from the current 4.2-percent level. So we have a payroll tax that has been cut from 6.2 to 4.2. That is in place. But if we do nothing, if we don't act, if we don't pass an extension, that 4.2 percent will go up to 6.2 percent, and it will be a tax increase for families across the board. If we fail to act, these middle-income families will see their payroll tax cut disappear at the end of this year. Let me say that again. If we don't act by the end of December, middle-income families will lose this payroll tax cut that is in place now.

What does this mean? Well, it means basically losing between 900 bucks and 1,000 bucks. And this is take-home pay for workers and their families.

This is a very tough time for families, as I mentioned before, with high unemployment and so many stresses, economic stresses and pressures on their lives. Families who are already facing both declining wages and stubbornly high unemployment, families who are struggling to pay for housing, make car payments, pay the food bill, pay for college tuition, whatever it is in their lives that means making ends meet, are still having a terribly difficult time.

Losing this tax cut would also undermine the recovery by reducing consumer spending. Numerous economists and forecasters have highlighted the dangers to the economy of allowing this payroll tax cut to expire. Independent analysts estimate that letting a 2-percent employee tax cut expire would reduce gross domestic product growth by up to two-thirds of 1 percent in 2012. Mark Zandi, from Moody's, in an article from September 9 of 2011 entitled ''An Analysis of the Obama Jobs Plan,'' made that same point. If we don't continue the payroll tax cut, we will have an adverse impact on economic growth. Goldman Sachs Global ECS Research had a similar conclusion. So this isn't just about individuals losing a payroll tax cut that is in place now, this is about harming in a very adverse way our economy's ability to grow in a substantial way.

Let me talk for a moment about the legislation before us, the Middle Class Tax Cut Act which I introduced.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CASEY. I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CASEY. I thank the Chair.

Let me talk for a moment about the legislation. The legislation before us, as I said before, would both extend and expand the payroll tax cut that is in place right now.

First of all, for employees, we cut it in half. So instead of paying a 6.2-percent payroll tax, the employee, the worker, would pay just 3.1 percent. That has a sizable impact on the economy when we do that—1,500 bucks in the pockets of the average worker in America. Approximately 160 million American workers are impacted and as many as 6.7 million in Pennsylvania. So we would not only keep in place the payroll tax cut for workers, but we want to expand it so it is fully cut in half.

Secondly, I wish to speak for a moment about the employer side of this because that wasn't part of last year's effort. I introduced the payroll tax credit in early 2010 to encourage employers to hire and accelerate the pace of the recovery. A number of folks on both sides of the aisle have worked on this. The ideas of those kinds of tax credits in those kinds of bills we introduced form the foundation of what we are trying to do today. This legislation incorporates elements of my and others' earlier legislation to provide businesses with quarterly incentives to increase their payrolls.

I wish to highlight a couple of elements of the legislation before us.

First, this bill cuts payroll taxes in half for 98 percent of U.S. businesses. These businesses have taxable payrolls of $5 million or less. They will see their payroll taxes cut in half, as I said before, for the worker as well as the business.

Some people say: OK, that is 98 percent of businesses. That is good news. What about the other 2 percent who have higher incomes?

Those businesses that have taxable income above $5 million will still get a payroll tax cut from 6.2 percent to 3.1 percent on the first $5 million of their taxable payroll. So they get it up to that level. So this is a huge benefit to small businesses across the country and even some businesses larger than that.

The Joint Economic Committee, of which I am the chair, recently released a report that indicated that small business lending remains well below prerecession levels both in the number of loans and the dollar value of those loans. So a lot of small businesses still cannot get access to credit. This payroll tax cut legislation will help those companies substantially to be able to get access to credit.

Finally, I wish to make a point about the legislation as it relates to eliminating the employer's share of the Social Security payroll tax on the first $50 million of increased payroll in 2012. This isn't just a cut, this is an elimination if they do one of three things: if they are hiring more workers; if they increase the hours, which is another way to get the benefit; thirdly, if they are boosting pay.

This legislation is one of the best ways to create jobs, one of the best ways to kick-start our economy.

I will conclude with this. If we look at the real world of communities across Pennsylvania or across the country, means that if we pass this legislation, for median family income in Pennsylvania, the benefit is $1,535, a little more than $1,500. So whether people go to small rural counties or big cities or suburban communities, wherever it is across a State such as ours, workers will be able to put roughly $1,500 in their pockets for this season coming up when people need some help, and small businesses will be substantially positively impacted by this legislation.

We need to pass this legislation. We need to do it now to help our workers, to help our businesses, and to grow the economy and create jobs.

Thank you, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

CERP REFORM

Mrs. MCCASKILL. Mr. President, I have offered an amendment to the Defense authorization bill that unfortunately we are not going to get a chance to vote on, but I want to begin talking about it because I think this is something we need to do as we appropriate money for our military for the next year.

I wish to start by saying that I support the mission in Afghanistan, but after years of work on wartime contracting issues and looking at the way we have spent money through contracting in both Iraq and Afghanistan, I have come to a stark and real conclusion about the money we have wasted and continue to waste in this effort.

We are building infrastructure in Afghanistan that we cannot secure and that will not be sustained. Since 2004, the Defense Department—just the Defense Department, not the State Department—has spent more than $6.9 billion in Iraq and Afghanistan on humanitarian stabilization projects that include infrastructure, energy, and road construction.

Primarily, this has occurred through what is known as the CERP fund. ''CERP'' stands for ''Commanders Energy Response Program.'' This began as an effort in the war against insurgencies, the counterinsurgency effort, the COIN strategy. This began as a good idea where the commanders on the ground would have money they could directly access to do small neighborhood projects, to win the hearts and minds, to secure a neighborhood, to stabilize a community.

These projects were envisioned, when I first came to the Senate, as fixing broken panes of glass in a shopkeeper's window. This program has morphed into something much different than what was envisioned at the beginning of the counterinsurgency effort in Iraq. These $100 projects, $1,000 projects, are now hundreds of millions of dollars. In fiscal year 2010, more than 90 percent of the spending in CERP was for projects over $½ million. At its height in 2009, the authorizations for CERP spending in Afghanistan and Iraq reached $1.5 billion. And—this is the kicker—the military building large infrastructure projects has not shown a measurable impact on the success of our mission.

I have stacks of studies, and I am such a wonk; I have actually read all of these studies. These are just a few of the studies that have been done by inspectors general, by special inspectors general, by the DOD inspector general, by the Wartime Contracting Commission that Senator WEBB and I put into place to look at all of the wartime contracting issues. Even our own troops have studied the expenditure of these funds. I want to quote their conclusion in a recent study that was completed by the troops that are, in fact, fighting this effort in Afghanistan.

> Despite hundreds of millions in investments, there is no persuasive evidence that the Commander's Emergency Response Program has fostered improved interdependent relationships between the host government and the population—arguably the key indicator of counterinsurgency success.

I go on, a direct quote:

> The effectiveness of CERP in advancing our counterinsurgency objectives in Afghanistan has yet to be operationalized or well documented. The relationship between development assistance and counterinsurgency is being increasingly challenged in the academic and practitioner fields with only unsubstantiated assertions and the occasional anecdote offered as counterargument. There are no clear objectives for a program that funds everything from immediate emergency relief to multi-year, multi-million dollar road projects. The lack of proper incentives and accountability measures have rendered CERP and similar funds an extractive industry for construction companies, nongovernmental organizations, and multiple Afghan government ministries, fueling rather than fighting corruption, community insecurity and insurgent coercion.

Finding and defeating terrorists, fighting the Taliban, securing strategic victories against al-Qaida, training the Afghanistan military and police—all of these things I support. But this amount of money being spent on large infrastructure projects that cannot be sustained we must end.

In an unprecedented fashion, our military—not the State Department—has embarked upon these massive projects. This year, for the first time in this authorization, there is now a new Afghanistan Reconstruction Fund to get around the limits that have been placed on the size of projects in the CERP fund. I call this fund the ''son of

CERP.'' It has now been documented that they want to go even larger and even bigger with these large multimillion dollar projects. I cannot stand by as we spend billions on roads, electrical grids, and bridges in Afghanistan, knowing the incredible need we have in this country for exactly that kind of investment.

These projects are not being built in a secure environment. We are paying off people to try to keep the contractors safe. And it has been documented that some of that money has gone right into the hands of our enemy. That must be stopped.

These projects, in many if not most instances, cannot be sustained. I can give a number of examples. But all you would have to do is travel around Iraq and see the empty, crumbling health care centers built with American taxpayer dollars, the water park that is a twisted pile of rubble that is no longer operational, all of the investments that were made in oil production and electricity generation that were blown to bits.

I can give specific examples in Afghanistan. How about hundreds of million of dollars spent on a powerplant—the latest technology: duel fuel—and nobody there knows how to operate it. And they cannot afford to operate it, so it stands by as an empty, hulking potential generator for backup power, while they buy cheaper electricity from a neighboring country.

For the first time, the Department of Defense has requested and received $400 million in authorization in this new Afghanistan Reconstruction Fund. We should limit our military to the small projects that CERP was originally intended for, not produce contracts to major, multinational corporations.

All of these reconstruction funds should be pulled, and my amendment would do just that. We would pull all of this money out with the exception of projects under $50,000. That would be as much as $700 million that we could immediately put directly into the highway trust fund in this country. That is what my amendment does. It will transfer that investment from a nonsecure environment, in areas these projects cannot be sustained, to the very needy cause of infrastructure investment in the United States of America.

Let's do this. Let's stop these large projects that cannot be secured and be sustained. Keep in mind, as much as $700 million would be pulled, and that is a small fraction of what we are spending in Afghanistan. The authorization for next year is more than $100 billion. So anyone who tries to say this will cripple our mission in Afghanistan does not understand the numbers. Of the moneys we are spending in Afghanistan, the vast majority is about personnel: to train the Afghan military, to train the Afghanistan police department, to fight the terrorists who are there, the Taliban, al-Qaida in the areas near Pakistan. All of that remains. A very small percentage of this would be pulled. But it should be pulled, and it should be pulled today. We should take this investment and put it in roads and bridges right here in our country.

I hope this amendment will have success when we look at the appropriations process. I think it is time we stop this funding, and stop it now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

DR. DONALD BERWICK

Mr. BINGAMAN. Mr. President, I want to take a few minutes to commend Dr. Donald Berwick for his service as Administrator of the Centers for Medicare and Medicaid Services and also to express my deep disappointment that his nomination was blocked by a minority of Senators.

CMS, the Centers for Medicare and Medicaid Services, has benefitted greatly from Dr. Berwick's innovation and leadership, and the refusal of some Members to support confirming him for this position is difficult to understand.

Dr. Berwick is widely recognized as a highly qualified leader in the realm of health care quality. But, unfortunately, many of my colleagues across the aisle adamantly opposed Dr. Berwick's tenure, beginning when he was first nominated by President Obama for this position in April of last year. Many of these objections are based on inaccurate accusations and sound bites that have been completely taken out of context.

Dr. Berwick has the qualifications, expertise, and demonstrated leadership ability that CMS needs at this critical time. He is a pediatrician by training, Harvard professor, health care analyst, elected member of the Institute of Medicine, a leading advocate on health care quality and patient safety, and a cofounder of the Institute for Healthcare Improvement, which is a respected think tank that trains hospitals on how to increase patient safety and improve operations.

Don Berwick has also written extensively, with there being more than 120 scholarly articles he has authored or coauthored, along with several books, on the quality and efficiency of health care.

Dr. Berwick is a true visionary. He has been an advocate for transparency and accountability within our health care system, and his distinguished career has made him the ideal candidate to lead the CMS at this critical time.

It was due to Dr. Berwick's deep knowledge of health care, his vast experience, and his passion for this issue that his nomination originally won praise from across the political and professional spectrum. This includes Tom Scully and Mark McClellan, both former Administrators of CMS under President George W. Bush. They strongly endorsed his nomination. His nomination also had the support of Dr. Nancy Nielsen, who is the past president of the American Medical Association; John Rother, who is the former executive vice president of the AARP; and former Republican Senator from Minnesota, our former colleague, Dave Durenberger. In fact, Newt Gingrich even saluted Dr. Berwick for seeking a ''dramatically safer, less expensive, and more effective system of health care.''

During his tenure as CMS Administrator—the few months he has been in that position—Dr. Berwick has been able to implement impressive reforms, including launching the new CMS Innovation Center, which will test new health care delivery models that emphasize primary care and innovative ways to finance health care.

He has also instituted a financial incentives program for physicians who use electronic health records. And generally, he has set the tone for health reform to take root and to provide Americans with affordable, high-quality health care in a cost-efficient manner.

To be perfectly clear, I am not in any way suggesting that I do not continue to have enthusiasm for the President's recent nominee to replace Dr. Berwick. From all I know of this nominee, she will do an excellent job. But I am frustrated that an eminently qualified public servant is being denied the opportunity to continue serving the American people in this important position. There is no valid justification for denying him that opportunity.

The ACTING PRESIDENT pro tempore. The majority's time has expired.

Mr. BINGAMAN. I ask unanimous consent for an additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. John McDonough of the Boston Globe, in his commentary on the response to Don Berwick's nomination, wrote:

> One of [health care's] most distinguished leaders and voices got mugged by partisan Republicans who know better and who got away with it.

I am truly disappointed that certain Senators have pledged to block his nomination and that he has chosen to resign his position effective tomorrow.

Our task now is to assess the new nominee the President has sent us. I hope Members can come together to do what is right in this circumstance; that is, to quickly confirm an Administrator for this very important position.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, it is my understanding that I have 20 minutes of time allotted under morning business.

The ACTING PRESIDENT pro tempore. Under the previous order, each Senator has 10 minutes to speak.

Mr. COATS. All right. Mr. President, I do not think I will use all of those 20 minutes. I might ask for 10 additional

minutes. I will use the 10 minutes, but I may need to ask for some additional time if it works out and others are not waiting.

FISCAL STABILITY

Mr. COATS. Mr. President, I come to the floor deeply disappointed—like many—over our failure to seize a unique opportunity to put America on a more fiscally sane path for the future.

My No. 1 priority for this year—I have talked about it so many times, not only publicly but with colleagues in discussions for nearly a year—that No. 1 priority has been to advocate for a deficit reduction package that would be deemed credible by the financial markets and would put us on a path to fiscal stability. I think, given the situation that exists around the world today, nothing could have been more impactful in a positive way producing such a package.

Financial experts agree—and they have now for years—that we are on the wrong path, that we are spending far too much in relationship to our anemic growth and GDP, and that we have staggered along for 3 years but continued to spend an extraordinary amount of money without seeing the economy recover.

A number of plans have come forward. One year ago today, Simpson-Bowles produced one of those types of bold plans that could help get us back on this fiscal path to prosperity. As you know, Mr. Bowles was the Chief of Staff to our former President Bill Clinton. He and our former colleague Alan Simpson put together a package that—whether you agreed with all of it or not, certainly was something that could have put us on a more fiscally sound path. Yet those recommendations were rejected out of hand by the White House and others.

We have seen the activities and presentations of the Gang of 6. Forty-plus Senators, including me, came together in a bipartisan way to urge the President to join us in pushing for a bold, comprehensive plan. That was rejected. Earlier in the year, the President's budget was laughed out of this Chamber. Not one person—either Democrat or Republican—voted for it.

Then in August we came far shot short of what we needed to do to address our debt crisis when Congress passed the Budget Control Act. I was not able to support that particular plan. Although it averted a default on our debt, it fell woefully short of what was needed to address our fiscal situation. Nevertheless, that opportunity—which we had with the involvement of both parties to do something truly significant—was passed over.

So then it fell to the committee of 12, which is called the supercommittee. Many of us—offered suggestions and urged those members to try and go beyond the minimum of $1.2 trillion of deficit reduction over a 10-year period of time.

There was a so-called Draconian sequester, or across-the-board cut, that would go into place automatically, starting in 2013, if the committee could not come to an agreement. The consensus at the time was these cuts would be so Draconian that it would force an agreement among Republicans and Democrats—to come forward with at least a minimal plan. Many of us were urging them to do much more, to bring forth something that would be credible with the investment community and restore confidence that America understood the dire situation we were in and we were doing something about it as representatives of the people.

No clearer message came to this body than the message sent in November of 2010 with the historic turnover of Members and an outpouring of support for putting the future of our country, our fiscal future and economic future and the future of our children and grandchildren ahead of politics. Yet it is politics that defeated the effort.

Now, it is easy to blame the committee of 12. I know there was an earnest attempt to come together. I believe, politically, perhaps, it was doomed from the start just by the way it was designed. That is one of the reasons I voted against that proposal. Nevertheless, they made an earnest attempt but, unfortunately, were not able to bring it home.

So the responsibility falls not just on those 12, but it falls on this entire Congress because we would not even have gotten to that supercommitteen if we had done our job earlier and presented a real plan in August, when we were bumping up against the debt limit extension. That's when we should have done what most of us intuitively understand needs to be done. Yet the political considerations and ramifications were such that we came forward with a very timid and woefully short plan of what we needed to do.

The President has to take some responsibility. We cannot really bring forward a bold change in the way the U.S. Government does business unless we have bipartisan support. We cannot get that bipartisan support unless the Chief Executive, the quarterback of the team, stands up and says: I want to be involved and engaged and stay engaged. While there was some rhetoric coming out of the White House, there was no plan. As I said, the only plan we have had from the President—his budget plan—was rejected earlier this year on a unanimous vote, every Republican and every Democrat turned it down.

The President has said some nice words about what we needed to do and so forth and so on. But he was AWOL. As I said, the quarterback of the team needs to be engaged. He is the key person. Yet that quarterback was not even on the field. So responsibility falls on both Congress and the White House. I think some responsibility also falls on outside groups who distorted what we were trying to do, who mischaracterized what Republicans were seeking to accomplish, and there was some mischaracterization of what Democrats were seeking to accomplish as well. But it was an undermining process. Those groups that supposedly are representative of seniors across this country, the shameful way in which they distorted the message and what we were trying to do—and, obviously, it had a political impact here and put restraint on Members because their base was being lied to in terms of what was under consideration and what we were trying to do.

We all know Social Security and Medicare are not going to have the funds available in the future to provide the services that were promised to the American people. Yet any attempt to try to salvage and save and retain those programs' solvency was distorted by these groups that supposedly represent the interests of our seniors. Many of these groups falsely claimed that we were trying to take away their program, we were trying to destroy their program.

I mean, how ridiculous it is that someone is going to come in here and say: My goal is to destroy retirement benefits for the American people or I am here to take away health benefits for American retirees. None of us are here to do that.

These programs are law. They are in place. We want them to be more efficient, more effective, but, more importantly, we want them to remain solvent. Yet outside groups were basically sending just the opposite messages. So the Congress failed. We came up short. But having done so, Congress cannot avoid the responsibility we have to do everything in our power to try to address a very serious fiscal problem that exists in this country.

Years and years, decades and decades, not only this Congress but former Congresses, not only this President but former Presidents have made promises to the American people that we now are unable to keep because we do not have the fiscal capability of doing so. We have not had a budget come out of the Congress in more than 1,000 days. There is some indication that we will have a budget next year. I sincerely hope we can get together and come forward with a deficit reduction budget, one that recognizes the fiscal plight in which we find ourselves. I will work with both sides of the aisle to try to accomplish that. We have to acknowledge that we continue to spend trillions more dollars than we have available to us. No nation can sustain that.

All we have to do is look across the Atlantic at what is taking place in Europe from country to country. It is not just Greece, it is not just Portugal, it is not just Ireland anymore. It is Italy and maybe France and maybe other countries. The European Union is struggling to try to address this serious debit crisis, the same type of problem we have here.

There have been many here that look at Europe and say: They need to get

their act together. Well, we need to get our act together here because what we are seeing there may be coming across the shore. Certainly, similar problems exist: promising more than we can deliver, borrowing more so that we can pay debts that we do not have the money to pay through the revenues we generate in our country. The same thing is happening here.

This is the challenge in front of us. We need to find a way to seize this opportunity to do something for the future of this country. Our generation must step up for the next generations and for the sake of the country's future. We need to continue this debate and go forward. It is easy to sit around and grumble and blame somebody else and say, well, we gave it our best shot and therefore we will just let whatever happens happen. We do not want to do that because what will happen here, if we continue on the current course, is what is happening in Europe today. There is no clearer picture of the consequences of a sovereign nation promising more and spending more than it takes in over time. It slows the economy. It piles up the interest payments. It shrinks the amount of money available for essential services. It puts the programs that were in place in real jeopardy.

So if we consider the consequences, we clearly have to answer the question: Where do we go from here? How do we go forward in a constructive way?

I would suggest a few things: First, we need to enforce the law that is there under the Budget Control Act. The law that is in place on the books now, even though I believe that law designed a process that is woefully short of where we need to go, but we need to enforce it now.

No one wanted to get to this across-the-board cutting, this sequester that impacts our national security and other functions of government. But that sequester was supposed to prevent us from failing and urge us to come to agreement. It did not. The sequestration rule now is the law, and I think an attempt to undo that is one of the most cynical things we can do, and the American people know it. I do not believe they will allow us to do it.

So the law needs to be enforced if we cannot come up with the minimum amount of cuts required. We need to go forward and do that. So there are a number of ways—and I commend the committee for at least trying to come up with some efficiencies and effectiveness rein in our Federal spending. I believe they have a list of things that we can look to in order to enforce more cuts. I have suggested a triage process when we review every aspect of an agency of government, every function that is performed through this Federal Government, and basically say: We have a patient that is sick, a patient with a potentially terminal disease. But we need to triage. We have a bunch of people in the waiting room. Some of them need attention right away. So we need a triage of every agency, every function, every expenditure being examined from the standpoint of, is this absolutely essential to the future of this country, to the protection of our citizens? Is this an absolutely essential function of government that cannot be done at the State level, at the local level, or at the private level? If so, then that needs to have priority.

Secondly, there is a whole range of issues. We come down every day with new ideas and thoughts of ''this would be nice to do, but we cannot afford to do.'' We have to delay these initiatives those or just simply say to people: I am sorry, we do not have the money to pay for this idea.

So we separate the essential from ''like to do and cannot do,'' and then we look at what needs to be done that someone else can do better. Whether in the private sector, at the State level, or at the local level, there are a whole range of areas where the Federal Government has gotten in way over its head. These are functions that can take place in the private sector or through State and local governments.

We can look at the duplication and inefficiencies that exist. Senator COBURN came up with a long list, trillions of dollars in expenditures that could be saved. We ought to look at that. We ought to look at those and decide which ones we want to go forward with and how we can start that process.

Let me mention a couple of things: 18 separate domestic food assistance programs. Do we need domestic assistance for food? Probably there are some areas where we do. Do we need 18 separate programs dolling this out?

There are 47 different job training programs. OK. The economy is restructuring. We need job training. Do we need 47 separate programs to do that?

And my personal favorite: 56 financial literacy programs. We can argue that the Federal Government is in no place to teach the American people how to be financially literate. I think what we need to do is be financially literate here in Washington and then use that model to show people how to be literate rather than simply say, well, we have the answer. We, obviously, do not have the answer. Why we have 56 financial literacy programs in place through the Federal Government is just astounding.

So these are suggestions. There are many others regarding cutting of spending. But there are other functions that need to be addressed. There are three major categories. One is regulatory reform. Regulation from various agencies is costing the American taxpayer and Americans millions and billions of dollars.

There is a process underway to look at those. That is one category. I can talk for a long time about that, but I will not. A second one is entitlement reform. Now, I have been talking about this subject from the beginning. This is the engine that drives the train of deficits, and we can stand by and continue to lie to the American people and say they have nothing to worry about. We can say we are going to preserve every penny of the Social Security and every penny of the Medicare and Medicaid, and it will always be there. Do not worry. Even the money put in via payroll taxes and so forth, it is all sacrosanct, and do not worry about it. We can continue that lie or we can tell the American people the truth; that is, if we want to keep these programs viable, we need to take structured reform measures now.

Those could be increasing the age of eligibility for Medicare to coincide with the current Social Security age. It could be changes in some of the indexes that are used to calculate the cost-of-living adjustment. That could be modified through means testing.

Warren Buffett says he does not need Social Security. Fine. If people do not need Social Security or Medicare or at least the full payment, let's give them back what they paid in. So we could put means testing in there. We need to debate and talk about this issue.

Is it politically sensitive? Sure. But let's be honest with the American people. They want us to be honest. I think that is what the message of 2010 was all about.

The third category, one in which I have been very involved in, is reforming our Tax Code, which is a mess.

The tax code is totally incomprehensible to anybody who spends less than 15 hours a day as a career studying it and trying to figure it out. Our tax code is a nightmare. Americans spend billions of dollars having people do their taxes because the tax code is too complex to understand. There are tens of thousands of pages in the Tax Code.

There is a growing bipartisan consensus here in Congress that we need to reform our Tax Code. Senator WYDEN and I have a bipartisan bill that has been worked on for 3 years to reform the tax code. Our plan is not the absolute answer to everything, but it is the only bipartisan bill in legislative text, it has been scored, and it is available to be debated. I know the supercommittee looked at our proposal. The Ways and Means Committee and the Finance Committee ought to look at it as well. Tax reform can, make this country more competitive, grow economy, and help with our fiscal situation.

I sense that I am close to or running out of time. In deference to my colleagues, I will wrap up.

I came here deeply disappointed today. I remain disappointed that we haven't been able to do more. My No. 1 priority has been to advocate for going big on a deficit reduction plan. We weren't able to do that. Experts agree that we must do more. We only have to look at Europe to see what is coming next. Let's try to avoid that. There are plans out there we can build off of right now. So instead of just folding our tent and saying there is nothing we

can do except wait for the election results of 2012 when we may have a different President or a different Congress, we have a responsibility to act now. There are ways we can do this. We need to demonstrate to ourselves and to the American people that we will accept this responsibility. I choose to do that. I choose to take the tough medicine for the future of the country. I believe the American people choose to do that as well.

I urge my colleagues to join me as we move forward. Let's not sit and wait for election results. Let's do something now because the urgency and the crisis is real, and it needs to be addressed now. Let's be responsible and step up and do it.

I yield the floor.

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

TRIBUTE TO LARRY MUNSON

Mr. CHAMBLISS. Mr. President, I rise today, along with my colleague, my fellow University of Georgia graduate, Senator ISAKSON, to honor a man who died last week who became a legend in his own time in our great State, a legend who was respected by, as we would say, folks on both sides of the aisle. That term for this man means he was respected by Georgia Tech football fans as well as University of Georgia football fans.

The man I am talking about is Larry Munson. Larry Munson was not a southerner by birth, but he became a southerner and Georgia Bulldog by passion. He was the Georgia football announcer for over four decades. During those four decades, he not only witnessed some of the most memorable football games, but he made some of the most memorable calls. His way of describing a football play will go down in the annals of broadcasting as not only being unique, not only being fascinating, but it will go down in the annals of sports broadcasting as being some of the best and most professional calls ever made on a football field.

But there was more to Larry Munson than the ''Run, Lindsay, run,'' more to Larry Munson than the ''Oh, you Herschel Walker,'' more to Larry Munson than ''We just stomped on them with a hob-nailed boot.'' He was a man who had passion for life, a man who had a thorough understanding of his profession, and a man who worked very hard at his profession.

He used to get up every Saturday morning before a football game and have coffee with our legendary coach, Vince Dooley. Coach Dooley said he finally had to stop having coffee with Larry Munson because Larry was ever the pessimist, from a football standpoint. Coach Dooley would come to those coffees feeling good about his chances in the ball game that day, and by the time he finished having coffee with Larry Munson, he had to go back and rewrite his playbook.

Larry Munson was simply a man who loved the University of Georgia. He loved calling football games, and he loved putting his emotions into those calls. He was also a man who cared not just about the University of Georgia but about his students. He used to have what he called a Wednesday night movie night where he would invite students to join him at a theater in Athens, GA, and he would share time—his time—with students that he loved. He did this for years and years and years. I have heard stories from some of those folks who attended those movie nights that Larry Munson was more passionate about movies than he was about University of Georgia football, which is hard to imagine.

As we look back on the life of Larry Munson, those of us who live and breathe Georgia football will always remember the passionate calls, the way he put his heart and soul into the football game, but we will also remember the man Larry Munson, who enjoyed life, enjoyed people, enjoyed his profession, and who gave so much back to his profession.

He was a man who loved the outdoors. He came south from his birthplace of Minneapolis many years ago. He remained a true southerner not just for his 40 years of broadcasting at the University of Georgia but in his bass fishing, for example. I remember when he would come down to our part of the world in south Georgia to speak to a touchdown club, or whatever it may be, and he would always call up and say, ''Where is the best bass pond in south Georgia? That is where I want to be this afternoon before my speech.'' He thoroughly enjoyed the outdoors, and he enjoyed being around people. That was obvious in the way he expressed himself behind the microphone when he called football games.

As we celebrate the life of Larry Munson, we celebrate more than his historic calls. His passion for football, his passion for his family, and his passion for friends exceeds any passion he had for football. He was a great man, a great friend, and he will certainly be missed by our State and particularly by our university.

With that, I yield to Senator ISAKSON.

The ACTING PRESIDENT pro tempore. The Senator from Georgia, Mr. ISAKSON, is recognized.

Mr. ISAKSON. I appreciate the opportunity to share a few moments with Senator CHAMBLISS on the floor of the Senate to pay tribute to a great Georgian, Larry Munson.

Larry Munson was born in Minneapolis, and after the service he got a scholarship at a broadcasting school, and he got a job at the University of Wyoming. He worked his way to Tennessee, where he announced for the Vanderbilt basketball and football programs. Then, when the Braves moved from Milwaukee to Atlanta, he was brought in to be one of the announcers for Atlanta Braves baseball. Shortly after that, the voice of the Georgia Bulldogs retired and went to another job, and Larry Munson was asked to take over broadcasting at the University of Georgia. He was a Yankee, an outsider, not one whom many people thought much of when he started. Well, he became a legend in his time. He is a revered person in our State.

It is said that Southeastern Conference football is not a game, it is a religion. In that analogy, if it is a religion in the Southeastern Conference, Larry was the high priest. He was the man whom everybody looked to to make the call nobody else could. The greatest tribute I ever saw to Larry Munson was on SEC football on an afternoon, at 3:30, when, a couple of years ago, before he retired, the announcer for CBS television brought in Larry Munson's radio play by play and set themselves aside because he was that good. He brought the game to life. He brought a spirit to the game you just could not find.

He was a hometown boy. There was no question whom he worked for, no question who signed his ticket. He was always fair but always friendly to the Dogs. It was his spirit that brought the University of Georgia from the doldrums of the 1960s to the height of college football—the national championship in 1980, four SEC championships in the last 12 years, and, hopefully, an SEC championship this Saturday night.

Larry Munson passed away a few days before Thanksgiving in his beloved town and hometown of Athens, GA. Although he started in Minneapolis, MN, and went to Wyoming and later to Tennessee, he finally resided in Georgia, and he died in Georgia. He is esteemed in our State.

On this day, let me, on behalf of the people I represent in my State of all persuasions when it comes to college football, pay tribute to a man who gave every single measure of himself to make sure every person who listened to his voice saw a game, whether they were blind or could see, because he brought life to a game like nobody else could. He was a great Georgian and a great American. He will be missed.

I can promise you this: His view at Stanford Stadium today is far better than the view he used to have in the broadcast booth because he is high over the stadium, where he made his living and where he will always be remembered.

I yield the floor and 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. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mr. GRAHAM. I believe we are still in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. I ask unanimous consent to enter into a colloquy, and if the Chair could let me know when 10 minutes has expired.

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

DEFENSE AUTHORIZATION

Mr. GRAHAM. While we decide how we are going to move on the Defense bill, I appreciate Senator KYL coming to the floor. Senator KYL and I, along with Senators LEVIN and MCCAIN, have been working on detainee policy for years now. There is an issue that is before the Senate soon. It involves what to do with an American citizen who is suspected of collaborating with al-Qaida or an affiliated group.

Does the Senator agree with me that in other wars American citizens, unfortunately, have aided the enemies of their time?

Mr. KYL. Mr. President, yes. I would say to my colleague, unfortunately, it is the case that there probably hasn't been a major conflict in which at least some American citizen has decided to leave his country and side with the enemy.

Mr. GRAHAM. Is the Senator familiar with the efforts by German saboteurs who landed—I believe, in the Long Island area, but I don't know exactly where they landed—during World War II, and they were aided by American citizens to execute a sabotage plot against the United States?

Mr. KYL. Mr. President, yes. In fact, there is a famous U.S. Supreme Court case, Ex parte Quirin, decided in 1942, that dealt with the issue of an American citizen helping the Nazi saboteurs that came to our shores.

Mr. GRAHAM. Does the Senator agree with me that our Supreme Court ruled then that when an American citizen decides to collaborate and assist an enemy force, that is viewed as an act of war and the law of war applies to the conduct of the American citizen?

Mr. KYL. Mr. President, I would say to my colleague, yes. My colleague knows this case, I am confident. I think one quotation from the case makes the point clearly—in Ex parte Quirin the court made clear: ''Citizenship in the United States of an enemy belligerent does not relieve him from the consequences of his belligerency.''

In other words, if a person leaves their country and takes the position contrary, they side with the enemy, they become a belligerent against the United States, the fact that they are still a citizen does not protect them from being captured, from being held, and in this case even being tried by a military tribunal.

Mr. GRAHAM. So the law, at least since 1942, by the Supreme Court has been that if someone decides as an American citizen to join forces with enemies of the United States, they have committed an act of war against their fellow citizens. It is not a criminal event we are investigating or dealing with; it is an act of war, and the American citizens who helped the Nazis were held as enemy combatants and tried as enemy combatants?

Mr. KYL. Mr. President, yes. I would just qualify that statement this way. A person can be subject to military custody being a belligerent against the United States, even while being a U.S. citizen, be tried by military commission because of the act of war against the United States that they committed. One could also theoretically have been tried in a criminal court. But one can't reach the opposite conclusion, which is that they can only be tried in civilian court.

Mr. GRAHAM. In the Military Commission Act of 2009, we prohibited American citizens from being tried by military commissions. I am OK with that. But what we have not done—and I would be very upset if we chose to do that—is take off the table the ability to interrogate an American citizen who has chosen to help al-Qaida regarding what they know about the enemy and what intelligence they may provide us to prevent a future attack.

Since homegrown terrorism is a growing threat, under the current law, if an American citizen became radical, went to Pakistan and trained with al-Qaida or an affiliated group, flew back to Dulles Airport, got off the plane, got a rifle, went down to the Mall right behind us and started shooting people, does the Senator agree with me that under the law as it exists today, that person could be held as an enemy combatant, that person could be interrogated by our military and intelligence community and we could hold them as long as necessary to find out what they know about any future attacks or any past attacks and we don't have to read them their Miranda rights?

Mr. KYL. Mr. President, yes. The answer to the question, short, is, yes. It is confirmed by the fact that in the Hamdi case, the U.S. Supreme Court precisely held that detention would be lawful. Of course, with the detention being lawful, the interrogation to which my colleague refers could also be taken.

Mr. MCCAIN. Would the Senator yield for a question on that subject point?

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. The individual who was an American citizen—Mr. Hamdi, the subject of the U.S. Supreme Court case—was an American citizen captured in Afghanistan; is that correct?

Mr. GRAHAM. Yes.

Mr. MCCAIN. Yet in the Supreme Court decision reference is made to an individual who was captured during World War II in the United States of America; isn't that correct? It was referenced in the Supreme Court decision.

Mr. GRAHAM. Yes. The In re Quirin case dealt with an American citizen helping the Nazis in America. The Hamdi case dealt with an American citizen helping the Taliban in Afghanistan.

Mr. MCCAIN. The reason why I raise the question is because the Senator from Illinois, and others, have cited the fact that Hamdi was an American citizen but captured in Afghanistan, not in the United States of America.

Yet isn't it a fact that the decision in Hamdi also made reference to a person who was apprehended in the United States of America?

This is what is bizarre about this discussion, it seems to me.

Mr. GRAHAM. The Hamdi case cited In re Quirin for the proposition that an American citizen who provides aid, comfort or collaboration with the enemy can be held as an enemy combatant. The In re Quirin case dealt with an American citizen helping the Nazis in New York. The Padilla case involves an American citizen, collaborating with al-Qaida, captured in the United States.

Mr. MCCAIN. So I guess my question is, it is relevant where the citizen of the United States was captured. Because the decision made reference to people captured both in the United States and outside the United States.

Mr. GRAHAM. Exactly. I would add, and get Senator KYL's comment. Wouldn't it be an absurd result if you can kill an American citizen abroad—Awlaki—whatever his name was—the President targeted him for assassination because he was an American citizen who went to Yemen to engage in an act of terrorism against the United States. The President went through an Executive legal process, targeted him for assassination and a drone attack killed him and we are all better off. Because when an American citizen helps the enemy, they are no longer just a common criminal; they are a military threat and should be dealt with appropriately.

But my point is, wouldn't it be an odd result to have a law set up so that if they actually got to America and they tried to kill our people on our own soil, all of a sudden they have criminal status?

I would argue that the homeland is part of the battlefield, and we should protect the homeland above anything else. So it would be crazy to have a law that says if you went to Pakistan and attacked an American soldier, you could be blown up or held indefinitely, but if you made it back to Dulles Airport, you went downtown and started killing Americans randomly, we couldn't hold you and gather intelligence. The Supreme Court, in 1982, said that made no sense.

If a Senator, in 1942, took the floor of the Senate and said: You know those American citizens who collaborated with the Nazis, we ought not treat them as an enemy, they would be run out of town.

I am just saying, to any American citizen: If you want to help al-Qaida, you do so at your own peril. You can

get killed in the process. You can get detained indefinitely. When you are being questioned by the CIA, the FBI or the Department of Defense about where you trained and what you did and what you know and you say to the interrogator: I want my lawyer, the interrogator will say: You don't have a right to a lawyer because you are a military threat.

This is not ''Dragnet.'' We are fighting a war. The Supreme Court of the United States has clearly said an American citizen who joins with the enemy has committed an act of war.

Senator FEINSTEIN, who is the chairman of the Intelligence Committee, is a very good Senator. But her concerns about holding an American citizen under the law of war, her amendment, unfortunately, would change the law.

Does Senator KYL agree with that?

Mr. KYL. Yes. Mr. President, that is the key point. There is a reason why you don't want to adopt the Feinstein amendment: It would preclude us from gaining all the intelligence we could gain by interrogating the individual who has turned on his own country and who would have knowledge of others who might have joined him in that effort or other plans that might be underway.

We know from past experience this interrogation can lead to other information to save American lives by preventing future attacks, and it has occurred time and time again. In a moment, I will put a statement in the RECORD that details a lot of this intelligence we have gathered. It is not as if an American citizen doesn't have the habeas corpus protection—which still attaches—whether or not that individual is taken into military custody.

The basic constitutional right of an American citizen is preserved. Yet the government's ability to interrogate and gain intelligence is also preserved by the existing law, by the status of the law that exists today. We would not want to change that law by something such as the Feinstein amendment.

Mr. GRAHAM. Simply stated, when the American citizens in question decided to give aid and comfort to the Nazis, I am very glad they were allowed to be held by the military and interrogated about the plot and what they knew, because intelligence gathering is the best way to keep us safe.

I would be absolutely devastated if the Senate, for the first time in 2011, denied the ability of our military and intelligence community to interrogate somebody who came back from Pakistan and started killing people on the Mall—that we could no longer hold them as an enemy combatant and find out what they did and why they did it; that we would have to treat them as a common criminal and read them their Miranda rights. That is not the law.

If that becomes the law, then we are less safe because I tell you, as we speak, the threat to our homeland is growing. Homegrown terrorists are becoming the threat of the 21st century, and now is not the time to change the law that has been in place for decades. I do hope people understand what this means.

It means we would change the law so that if we caught somebody in America who went overseas to train and came back home, an American citizen who turned on the rest of us, no longer could we hold them as an enemy combatant and gather intelligence. That, to me, would be a very dangerous thing to do.

I ask the Senator, who determines what the Constitution actually means; is it the Congress or the Supreme Court?

Mr. KYL. Mr. President, ultimately the U.S. Supreme Court, when cases come before the Court that present these issues, determines what the law is. In this situation we have actually two specific cases, and there are others that are tangential, that do clarify what the Court believes what the Constitution would provide in this case.

Mr. GRAHAM. So the issue is pretty simple. Our courts at the highest level—the Supreme Court has acknowledged that the executive branch has the legal authority to hold an American citizen who is collaborating with an enemy as an enemy belligerent to gather intelligence to protect the rest of us; they recognize that power of the executive. Does the Senator agree with me that the amendment of Senator FEINSTEIN would be a situation where the Congress does not recognize that authority and would actually try to change it?

Mr. KYL. Yes. One of the questions is this interplay between the executive and the legislative branch. When the legislative branch, as Congress has done here through the authorization of military force, has provided the legal basis for the administration to hold a person engaged in war against us, then it cannot be denied that that authority exists. There is a 1971 law that Congress passed that said you could hold people only pursuant to law. This was the precise holding of the Hamdi case, where the U.S. Supreme Court said they had the authority because of the authorization of military force. So the executive has that authority, the legislature has provided the basis for the authority, and the Supreme Court has upheld it by its ultimate jurisdiction.

Mr. GRAHAM. And to conclude this colloquy—I enjoyed the discussion—I am not saying our law enforcement or military intelligence community cannot read someone their Miranda rights. I will leave that up to them. I am saying Congress should not take off the table the ability to hold someone under the law of war to gather intelligence, and that is what we are about to do if this passes.

To those who believe that homegrown terrorists are a threat now and in the future, if you want to make sure we can never effectively gather intelligence, we only have one option, then that is what we are about to impose on the country.

Mr. KYL. If I might ask my colleague to yield for one other point I wish to make here.

Mr. GRAHAM. Absolutely.

Mr. KYL. In a criminal trial, the object is to do justice to an individual as it pertains to his alleged violation of law in the United States. In the case of the capture and detention of a combatant, someone who has taken action against the United States, the object first is to keep the United States safe from this individual's actions and, second, where possible, gain intelligence from that individual. That is the critical element that would be taken from our military, were the Feinstein amendment to be adopted.

I ask unanimous consent to have printed in the RECORD a statement that makes very clear where military detention is necessary: to allow intelligence gathering that will prevent future terrorist attacks against the American people.

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

WARTIME DETENTION OF ENEMY COMBATANTS—INCLUDING U.S. CITIZENS WHO JOIN THE FORCES OF THE ENEMY—IS AN ESTABLISHED PRACTICE THAT IS CLEARLY CONSTITUTIONAL

Unfortunately, in almost every major war that the United States has fought, there have been some U.S. citizens who have joined the forces of our Nation's enemies or who have otherwise collaborated with the enemy. These traitors and collaborators have always been treated as enemy combatants—and have been subjected to trial by military commission where appropriate.

The U.S. Supreme Court has consistently held that the President has the constitutional authority to detain enemy combatants, including U.S. citizens who have cast their lot with the enemy.

In its 2004 decision in *Hamdi v. Rumsfeld*, for example, the Supreme Court held that the detention of enemy combatants is proper under the U.S. Constitution. Moreover, the person challenging his military detention in that case was a U.S. citizen.

During World War II, the Supreme Court also upheld the military detention and trial of a U.S. citizen who had served as a saboteur for Nazi Germany and was captured in the United States. The Court made clear that ''[c]itizenship in the United States of an enemy belligerent does not relieve him from the consequences of a belligerency.'' That case is *Ex Parte Quirin* (1942).

In support of her amendment number 1126, Senator FEINSTEIN yesterday cited a 1971 law, apparently arguing that the detention of an enemy combatant who is a U.S. citizen would be prohibited under that law.

That 1971 law is 18 U.S.C. 4001. It provides that ''no citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.''

This is the very law that was at issue in the *Hamdi* case. And the precise holding of the U.S. Supreme Court in *Hamdi* was that the detention of a U.S. citizen as an enemy combatant through the duration of hostilities would not violate that law.

The Supreme Court stated: ''[Hamdi] posits that his detention is forbidden by 18 U.S.C. § 4001(a). Section 4001(a) states that '[n]o citizen shall be imprisoned or otherwise detained by the United States except pursuant

to an Act of Congress.' . . . Congress passed §4001(a) in 1971. . . . [The government maintains] §4001(a) is satisfied because Hamdi is being detained pursuant to an Act of Congress, the AUMF. . . . [W]e conclude that . . . the AUMF satisfied §4001(a)'s requirement that a detention be pursuant to an Act of Congress.''

WHY MILITARY DETENTION IS NECESSARY: TO ALLOW INTELLIGENCE GATHERING THAT WILL PREVENT FUTURE TERRORIST ATTACKS AGAINST THE AMERICAN PEOPLE

Some may ask, why does it matter whether a person who has joined Al Qaeda is held in military custody or is placed in the civilian court system? One critical reason is intelligence gathering. A terrorist operative held in military custody can be effectively interrogated. In the civilian system, however, that same terrorist would be given a lawyer, and the first thing that lawyer will tell his client is, ''don't say anything. We can fight this.''

In military custody, by contrast, not only are there no lawyers for terrorists. The indefinite nature of the detention—it can last as long as the war continues—itself creates conditions that allow effective interrogation. It creates the relationship of dependency and trust that experienced interrogators have made clear is critical to persuading terrorist detainees to talk.

Navy Vice-Admiral Lowell Jacoby, who at the time was the Director of the Defense Intelligence Agency, explained how military custody is critical to effective interrogation in a declaration that he submitted in the Padilla litigation. He emphasized that successful noncoercive interrogation takes time—and it requires keeping the detainee away from lawyers.

Vice-Admiral Jacoby stated:

DIA's approach to interrogation is largely dependent upon creating an atmosphere of dependency and trust between the subject and the interrogator. Developing the kind of relationship of trust and dependency necessary for effective interrogations is a process that can take a significant amount of time. There are numerous examples of situations where interrogators have been unable to obtain valuable intelligence from a subject until months, or, even years, after the interrogation process began.

Anything that threatens the perceived dependency and trust between the subject and interrogator directly threatens the value of interrogation as an intelligence gathering tool. Even seemingly minor interruptions can have profound psychological impacts on the delicate subject-interrogator relationship. Any insertion of counsel into the subject-interrogator relationship, for example—even if only for a limited duration or for a specific purpose—can undo months of work and may permanently shut down the interrogation process.

Specifically with regard to Jose Padilla, Vice Admiral Jacoby also noted in his Declaration that: ''Providing [Padilla] access to counsel now would create expectations by Padilla that his ultimate release may be obtained through an adversarial civil litigation process. This would break—probably irreparably—the sense of dependency and trust that the interrogators are attempting to create.''

In other words, military custody is critical to successful interrogation. Once a terrorist detainee is transferred to the civilian court system, the conditions for successful interrogation are destroyed.

Preventing the detention of U.S. citizens who collaborate with Al Qaeda would be a historic abandonment of the law of war. And, by preventing effective interrogation of these collaborators, it would likely have severe consequences for our ability to prevent future terrorist attacks against the American people.

We know from cold, hard experience that successful interrogation is critical to uncovering information that will prevent future attacks against civilians.

On September 6 of 2006, when President Bush announced the transfer of 14 high-value terrorism detainees to Guantanamo, he also described information that the United States had obtained by interrogating these detainees. Abu Zubaydah was captured by U.S. forces several months after the September 11 attacks. Under interrogation, he revealed that Khalid Sheikh Mohammed was the principal organizer of the September 11 attacks. This is information that the United States did not already know—and that we only obtained through the successful military interrogation of Zubaydah.

Zubaydah also described a terrorist attack that Al Qaida operatives were planning to launch inside this country—an attack of which the United States had no previous knowledge. Zubaydah described the operatives involved in this attack and where they were located. This information allowed the United States to capture these operatives—one while he was traveling to the United States.

Again, just imagine what might have happened if the Feinstein amendment had already been law, and if the Congress had stripped away the executive branch's ability to hold Al Qaeda collaborators in military custody and interrogate them. We simply would not learn what that detainee knows—including any knowledge that he may have of planned future terrorist attacks.

Under military interrogation, Abu Zubaydah also revealed the identity of another September 11 plotter, Ramzi bin al Shibh, and provided information that led to his capture. U.S. forces then interrogated bin al Shibh. Information that both he and Zubaydah provided helped lead to the capture of Khalid Sheikh Mohammed.

Under interrogation, Khalid Sheikh Mohammed provided information that helped stop another planned terrorist attack on the United States. K.S.M. also provided information that led to the capture of a terrorist named Zubair. And K.S.M.'s interrogation also led to the identification and capture of an entire 17–member Jemaah Islamiya terrorist cell in Southeast Asia.

Information obtained from interrogation of terrorists detained by the United States also helped to stop a planned truck-bomb attack on U.S. troops in Djibouti. Interrogation helped stop a planned car-bomb attack on the U.S. embassy in Pakistan. And it helped stop a plot to hijack passengers planes and crash them into Heathrow airport in London.

As President Bush stated in his September 6, 2006 remarks, ''[i]nformation from terrorists in CIA custody has played a role in the capture or questioning of nearly every senior al Qaida member or associate detained by the U.S. and its allies.'' The President concluded by noting that Al Qaida members subjected to interrogation by U.S. forces: ''have painted a picture of al Qaeda's structure and financing, and communications and logistics. They identified al Qaeda's travel routes and safe havens, and explained how al Qaeda's senior leadership communicates with its operatives in places like Iraq. They provided information that . . . has allowed us to make sense of documents and computer records that we have seized in terrorist raids. They've identified voices in recordings of intercepted calls, and helped us understand the meaning of potentially critical terrorist communications.

[Were it not for information obtained through interrogation], our intelligence community believes that al Qaeda and its allies would have succeeded in launching another attack against the American homeland. By giving us information about terrorist plans we could not get anywhere else, this [interrogation] program has saved innocent lives.''

If the Feinstein amendment were adopted, this is all information that we would be unable to obtain if the Al Qaeda collaborator that our forces had captured was a U.S. citizen. It would simply be impossible to effectively interrogate that Al Qaeda collaborator—the relationship of trust and dependency that military custody creates would be broken, and the detainee would instead have a lawyer telling him to be quiet. And we know that information obtained by interrogating Al Qaeda detainees has been by far the most valuable source of information for preventing future terrorist attacks.

Again, in every past war, our forces have had the ability to capture, detain, and interrogate U.S. citizens who collaborate with the enemy or join forces with the enemy. I would submit that in this war, intelligence gathering is more critical than ever. Al Qaeda doesn't hold territory that we can capture. It operates completely outside the rules of war, and directly targets innocent civilians. Our only effective weapon against Al Qaeda is intelligence gathering. And the Feinstein amendment threatens to take away that weapon—to take away our best defense for preventing future terrorist attacks against the American people.

Mr. KYL. I hope this statement clarifies in anyone's mind the point that by taking people in custody in the past we have gathered essential intelligence to protect the American people. That is the reason for the detention in the first place—A, to keep the American people safe from further attack by the individual, and, B, to gather this kind of intelligence. Nothing precludes the United States, the executive branch, from thereafter deciding to try the individual as a criminal in the criminal courts with all the attendant rights of a criminal. But until that determination, it cannot be denied that the executive has the authority to hold people as military combatants, gather intelligence necessary, and hold that individual until the cessation of hostilities.

The PRESIDING OFFICER. The time of the Senator has expired.

The senior Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I understand we are still in morning business?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. LEAHY. I ask unanimous consent I be recognized for another 5 minutes as in morning business, and the distinguished Senator from Illinois be recognized for 10 minutes as in morning business.

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

Mr. LEAHY. Mr. President, earlier this week, one of this bill's lead sponsors said here on the floor of the United States Senate that the bill's detention subtitle would authorize the indefinite detention of U.S. citizens at Guantanamo Bay. That is a stunning statement. We should all pause to consider the ramifications of passing a bill

containing such language. Supporters of the detention provisions in the bill continue to argue that such measures are needed because, they claim, ''we are a nation at war.'' That does not mean that we should be a Nation without laws, or a Nation that does not adhere to the principles of our Constitution.

One of the provisions in this bill, Section 1032, runs directly contrary to those principles. Section 1032 requires the military to detain terrorism suspects, even those who might be captured on U.S. soil. This provision is opposed by the very intelligence, military, and law enforcement officials who are entrusted with keeping our Nation safe—including the Secretary of Defense, the Director of National Intelligence, the Attorney General, the Director of the FBI, and the President's top counterterrorism advisor. As Chairman of the Judiciary Committee, I support the efforts of Senator FEINSTEIN, the chair of the Senate Intelligence Committee, to modify Section 1032 so that it does not interfere with ongoing counterterrorism efforts or undermine our constitutional principles.

In the fight against al-Qaida and other terrorist threats, we should give our intelligence, military, and law enforcement professionals all the tools they need. But the mandatory military detention provision in Section 1032 actually limits those tools by tying the hands of the intelligence and law enforcement professionals who are fighting terrorism on the ground, and by creating operational confusion and uncertainty. This is unwise and unnecessary.

On Monday, Director Mueller warned that Section 1032 would adversely affect the Bureau's ability to continue ongoing international investigations. Secretary Panetta has also stated unequivocally that ''[t]his provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.'' These are not partisan objections, but rather the significant operational concerns voiced by the Secretary of Defense and the Director of the FBI—both of whom were confirmed by this body with 100–0 votes. And yet these are the voices that supporters of this bill would ignore.

Supporters of this bill have argued that the new national security waiver and implementation procedures in this section provide the administration with the flexibility it needs to fight terrorism. The intelligence and law enforcement officials who are actually responsible for fighting terrorism and keeping our Nation safe, however, could not disagree more. As Director Mueller stated in his letter, these provisions are still problematic and ''fail to recognize the reality of a counterterrorism investigation.'' Director of National Intelligence Clapper has stated that ''the various detention provisions, even with the proposed waivers, would introduce unnecessary rigidity'' in the intelligence gathering process. Put differently, Lisa Monaco, the Assistant Attorney General for the National Security Division, recently stated that ''agents and prosecutors should not have to spend their time worrying about citizenship status and whether and how to get a waiver signed by the Secretary of Defense in order to thwart an al-Qaida plot against the homeland.''

We should listen to the intelligence and law enforcement professionals who are entrusted with our Nation's safety, and we should fix this flawed provision.

Senator FEINSTEIN's amendment would ensure that the requirement of military detention of terrorism suspects does not apply domestically. As Chairman of the Judiciary Committee, I am proud to be a cosponsor of this amendment, and I urge all Senators to support its adoption.

I know Senator DURBIN is next, but I now understand from Senator DURBIN the distinguished Senator from Missouri is going next.

In any event, I yield the floor and thank my colleagues for their courtesy.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BLUNT. Mr. President, I ask unanimous consent to address the Senate for 10 minutes in morning business.

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

Mr. BLUNT. I appreciate my good friend from Illinois allowing me to go ahead and talk about the Defense bill at this time, but doing it in the context of where we are on the floor right now.

Mr. President, defending the country is the Congress's most important constitutional responsibility. Abraham Lincoln said that government should do for people only those things that people cannot better do for themselves. If there is anything at the top of that list, this is at the top of that list. So it is critical that we have this discussion, that we pass this bill as soon as possible in order to give our men and women in uniform the tools they need to do their job and the certainty we need to know how that job is going to be done from the point of view of what the Government can and needs to provide.

While this bill we are debating today is only about next year's defense program, we should not lose sight of the fact that our budget environment is more challenging all the time and whether the automatic budget cuts to future defense happen, we do know we are going to have to be more thoughtful, more cautious about how we get the most for our investment in defense. Everybody else in America has spent the last 20 years figuring out how you focus on a better result from less investment, and defense is going to have to be there as well. Still, that does not mean it is not a top priority for the Federal Government.

I appreciate the work my friends Senator LEVIN and Senator MCCAIN have done to get this bill to the floor. I am proud to represent a State that is involved in our national defense. Missouri is the home of Fort Leonard Wood, of Whiteman Air Force Base, of the Marine Corps Mobilization Command Center in Kansas City. We have dozens of National Guard and Reserve facilities in our State. Our State has 17,184 active-duty soldiers, marines, and airmen right now; 34,000 Guard and Reservists.

We are the home of large and small defense contractors that provide thousands of jobs in our State. Those defense contractors can do their work better and our defense dollars are better spent if we know what the plan is. The only real way to know what the plan is is to have an authorization bill that works.

Since the beginning of Operations Enduring Freedom and Iraqi Freedom, 134 Missourians have given their lives and over a thousand have been wounded in the line of duty. In fact, one of the amendments I have that I hope finds its way into this bill is research associated with rehabilitating those wounded warriors who have eye injuries. Thousands of vision-related injuries have occurred as a result of the wars we are fighting now. Tremendous work is being done by St. John's Hospital and Missouri State University in Springfield to see what can be done to develop better ways to deal with those eye wounds. With IEDs as a principal tool of our opponents, our enemies in this war, your eyes are the hardest thing ultimately to protect. Twelve percent of our wounded warriors have eye wounds. Hopefully we can look to see what we can do to provide greater protection and greater recovery from those wounds.

I join all Missourians in thanking those who serve. I think all of us will show greater commitment to those who serve by actually having a Defense authorization bill that sets out a plan for the future.

I am particularly pleased that this bill contains funding for modifications of the B–2 bomber's mixed load capacity. Most of our Stealth bombers operate out of Whiteman Air Force Base in Missouri and we discovered, as recently as the operation in Libya, that operations with our B–2 bombers are not as efficient as they need to be or could be, simply by making that loading capacity work differently. That is the kind of thing we are going to have to do as we look at more difficult-to-get defense dollars. We are going to have to figure out how we spend those defense dollars in the best possible way. I hope the Senate language as it is in the bill now prevails in a final bill.

I also want to call attention to the bill's full authorization of the development of the next generation long-range strike bomber and I am pleased with the funding in this bill for a vehicle maintenance facility at Fort Leonard

Wood and weapons storage at Whiteman.

I filed a few amendments to this bill and I will mention a couple of them. One I am working on with Senator GILLIBRAND is an amendment to ensure National Guard soldiers mobilized for domestic emergency operations are entitled to the same employment rights as others are when they come back. Senator GILLIBRAND and I also worked on a bill to ensure that people in the Guard and Reserve, and their families, have access to financial and marital and other kinds of counseling as they try to put their other life back together.

I thank my colleagues for bringing this bill to the floor. We face a wide variety of threats today, including some that are new and constantly evolving—cyber-warfare, WMD, all things that we need to take seriously. This is a principal responsibility of the Federal Government. I am looking forward to seeing this bill passing the Senate today and then to work with the House to get a bill on the President's desk so that all who are involved in the defense of the country know what the long-term plan is.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I thank my colleague from Missouri, and I concur with his comments about our American military. We have the best in the world. These men and women serve us well with courage and honor every day, and we are fortunate to have them. We are fortunate—those of us who enjoy the blessings of liberty and the safety of this Nation—to have men and women willing to risk their lives for America.

This Defense authorization bill is a bill that authorizes the continued operations of our military, and every year we pass this bill, as we should, in a timely manner. I have supported it consistently over the years with very few exceptions and believe the work product brought to us by Senators LEVIN and MCCAIN is excellent, bipartisan, and moves us in a direction toward an even safer America, and I thank them for all the work they put into it.

There are provisions within this bill today which trouble me greatly. There are provisions on which I hope Members of the Senate will reflect, one in particular that I will address at this time. Senator FEINSTEIN is offering amendment No. 1125, which I am cosponsoring. I would say this amendment raises a serious question about section 1032 in this bill. I am concerned this section would limit the flexibility of any President to fight terrorism. I am concerned it will create uncertainty for law enforcement, intelligence, and our military regarding how to handle suspected terrorists. I think it raises fundamental and serious constitutional concerns.

This provision, 1032, would, for the first time in the history of the United States, require our military to take custody of certain terrorism suspects in the United States. On its face, that doesn't sound offensive, but, in fact, it creates a world of problems. Where do we start this debate?

We understand the responsibility of Congress in passing laws and the President with the option to sign those laws or veto them and the courts with the responsibility to interpret them. When it comes to the protection of this country in fighting terrorism, most of us have believed this is primarily an executive function under Presidents of both political parties. We may disagree from time to time on the PATRIOT Act and other aspects of it and debate those issues, but, by and large, I think we have ceded to Presidents of both parties the power to protect America.

My colleague and friend, Senator LINDSEY GRAHAM, a Republican of South Carolina, on September 19, 2007, stated—and he states things very colorfully and clearly—

> The last thing we need in any war is to have the ability of 535 people who are worried about the next election to be able to micromanage how you fight the war. This is not only micromanagement, this is a constitutional shift of power.

That was Senator GRAHAM's statement in 2007. Although I would carefully and jealously guard the constitutional responsibility of Congress when it comes to the declaration of war, even the waging of war, I do believe there is a line we should honor. We should not stop our President and those who work for him in keeping America safe by second-guessing decisions to be made.

Today, again, on the Republican side of the aisle came colleagues who make the argument that it is a serious mistake for us to take a suspected terrorist and put them into our criminal justice system. They argue the last thing in the world we want to do is to take a suspected terrorist and read them their constitutional rights: the right to remain silent, everything you say can be used against you, the right to counsel. They argue that is when terrorists will clam up and stop talking. Therefore, they argue, suspected terrorists should be transferred to military jurisdictions where Miranda rights will not be read. On its face it sounds like a reasonable conclusion. In fact, it is not. It is not.

Since 9/11, we have arrested and detained 300 suspected terrorists, read them their Miranda rights, and then went on to prosecute them successfully and incarcerate them. They cooperated with the Federal Bureau of Investigation, gave information, and in many cases gave volumes of information even after having been read their rights. So to argue that it cannot be done or should not be done is to ignore the obvious. Three hundred times we have successfully prosecuted suspected terrorists, and America has remained safe for these 10 years-plus since 9/11. How many have been prosecuted under military tribunals in that period of time? Six, and three have been released. We are keeping this country safe by giving to the President and those who work for the President in the military intelligence and law enforcement community the option to decide the best course of action when it comes to arresting, detaining, investigating, and prosecuting an individual.

Remember the man who was on the plane flying into Detroit a couple of years ago? He tried to detonate a bomb on the plane. His clothing caught fire, and the other passengers subdued him, restrained him. He was arrested, investigated by the FBI, and read his Miranda rights. Within a day his parents were brought over. The following day he decided to cooperate with the United States and told us everything he knew. At the end of the day, he was prosecuted, brought to trial, and pled guilty. He went through our regular criminal court system, though he was not an American citizen, and he was successfully prosecuted. President Obama had the right to decide what best thing to do to keep America safe, and he did it. Why would we want to tie his hands?

Now let me talk about this section 1032 and why it is a serious mistake. Section 1032 in this bill would for the first time in American history require the military to take custody of certain terrorism suspects in the United States. From a practical point of view, it could be a deadly mistake for us to require this. Listen to what was said by the Justice Department in explaining why:

> While the legislation proposes a waiver in certain circumstances to address concerns, this proposal inserts confusion and bureaucracy when FBI agents and counterterrorism prosecutors are making split-second decisions. In a rapidly developing situation—like that involving Najibullah Zazi traveling to New York in September of 2009 to bomb the subway system—they need to be completely focused on incapacitating the terrorist suspect and gathering critical intelligence about his plans.

Instead, this provision, 1032, written into this law, would require a handoff of terrorism suspects to military authorities. So what does our military think about this?

Well, the Secretary of Defense Leon Panetta made it abundantly clear when he said:

> The failure of the revised text to clarify that section 1032 applies to individuals captured abroad, as we have urged, may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States.

What we have seen, then, as our Secretary of Defense tells us, ceding to the military this authority could compromise America's security at a critical moment when every second counts, when the gathering of intelligence could literally save not just a life but thousands of lives.

Senator FEINSTEIN's amendment makes it clear—as the administration

wants to make it clear—that those terrorism suspects who are arrested abroad will be detained by the military. But within the United States we are told by this administration this provision will jeopardize the security of our country, will require a procedure now to hand off these individuals to the military side in places where they could not possibly be handed off quickly or seamlessly.

We have 10,000 FBI agents dedicated to the security of this country when it comes to these national security issues and 56 different offices. We don't have anything near that capacity when it comes to the military picking up the interrogation of an individual who may have knowledge that if we can glean it from that person could save thousands of lives.

Why in the world do we want to tie the hands of law enforcement? Why do we want to tie the hands of the intelligence community? Why do we want to create this situation of giving to the military this responsibility when they are not prepared at this moment to take it?

I think Senator FEINSTEIN is doing the right thing for the protection of this country. Her position is supported by the Attorney General, by the Secretary of Defense, and by the intelligence community. They have done a good job in keeping America safe. They have asked us: Please, do not micromanage. Do not presume, do not create another hurdle for us when it comes to gathering information that can save lives in America.

Why would we do that? After more than 10 years of success and avoiding another 9/11, let's not make the situation worse by this 1032, this section of the bill that is being presented to us.

I know we will hear arguments on the Senate floor, well, there are opportunities for a waiver. So if a person is detained by the Federal Bureau of Investigation and then it is determined that this is a suspect who falls in the category and needs to go to military detention and then we need to turn to the executive side for a waiver of that military detention, how much time will be lost? Will it be minutes, hours, days? Could we afford that if what is at stake is the potential loss of thousands of American lives? Why? Why make it more complex?

I cannot understand why the other side of the aisle is now so determined with this President to micromanage the defense of this country when it comes to terrorism. When it was a Republican President any suggestions along those lines were dismissed as unpatriotic and unwise and illogical. Now, under this President, everything is fair game. They want to change the rules, rules which have successfully protected the United States for more than 10 years.

I urge my colleagues to support Senator FEINSTEIN's amendment No. 1125 and amend this section 1032 and make sure that our Defense Department, military and law enforcement, as well as intelligence community have the tools they need to continue to keep America safe.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business for up to 10 minutes.

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

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that when we return to the bill, which will be after Senator CORNYN speaks, we move immediately to Feinstein amendment No. 1125, and that there be a 30-minute debate evenly divided and that the vote would occur immediately following that.

I withdraw my request.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I want to talk about something that is all too rare, and that is bipartisan support for an important piece of legislation that not only fulfills America's commitments to our ally, Taiwan, under the Taiwan Relations Act of 1979, but it helps stabilize a critical region of the world—that would be in Asia—and particularly the growing tensions between Taiwan and China. It also creates jobs in America by facilitating foreign military sales of things made here in America, by Americans, that we are going to sell to people in other countries—our friends in other countries—for cash and doesn't cost taxpayers a penny.

My amendment No. 1200 is pending before the Senate, and I was pleased in introducing this amendment to be joined by several of my colleagues on a bipartisan basis: Senator MENENDEZ from New Jersey, Senator INHOFE from Oklahoma, Senator LIEBERMAN from Connecticut, Senator WYDEN from Oregon, and Senator BLUMENTHAL from Connecticut.

This amendment is straightforward and simple. It would require the President to carry out the sale of 66 F–16C/D aircraft to Taiwan. These are American-made fighters our Democratic ally in Taiwan has been trying to purchase since 2007. As I said earlier, this is a win-win amendment. It reflects the right national security policy, and it is good for the American economy and jobs. We know Taiwan's Air Force continues to deteriorate.

First, let me just remind my colleagues what Taiwan is looking at in terms of the disparity in combat aircraft between Communist China and Democratic Taiwan.

Communist China has roughly 2,300 operational combat aircraft. Our ally and friend democratic Taiwan has 490 operational combat aircraft—obviously a growing imbalance in the Taiwan Strait. But that only tells part of the story because, as my colleagues also know, this chart indicates the incredible shrinkage of Taiwan's air force, that many of Taiwan's combat aircraft are F–5 aircraft which America has previously sold to Taiwan but which are now becoming older and more obsolete as time goes by, as well as French Mirage 2000 aircraft. As this chart indicates, around roughly 2020, maybe even before, these aircraft are going to become completely obsolete, and we will see the huge cliff and, in fact, exacerbate the disparity between Communist China and our democratic ally Taiwan.

This F–16 sale would be an export-driven job machine for our country at a time when unemployment is at 9 percent and when the No. 1 issue on America's agenda is job creation. People without jobs can't pay their mortgages, and they lose their homes due to foreclosure. Why in the world, when this sale would support jobs in 32 different States and the District of Columbia, would anyone object to this amendment? Indeed, as I indicated, I believe there is strong bipartisan support for it. This sale would support more than 60 job-years of employment and generate some $8.7 billion in economic output. It would also generate $768 million in taxes for the Federal Government.

As I indicated, Taiwan's air force is facing a looming fighter shortfall. The fact is, this falls squarely in Congress's wheelhouse. The Taiwan Relations Act that I referred to earlier was, in 1979, signed by President Jimmy Carter with bipartisan support. It requires the U.S. Government to provide Taiwan, our friend and ally, with the defense articles necessary for them to defend themselves against Communist Chinese aggression, and it instructs the President and the Congress to determine the nature and quantity of such defense articles based on their judgment of the needs of Taiwan.

Forty-seven Democrats and Republicans in the Senate—almost half—have signed a letter to the President of the United States supporting this sale. In the House of Representatives, 181 Democrats and Republicans have signed a letter to the President supporting this sale.

As my colleagues will recall, in September the Senate voted on an amendment like this in the trade adjustment authority assistance bill, which ended up in a 48-to-48 tie. Although the bill had strong bipartisan support, some of my colleagues said they preferred not to offer that amendment on that particular legislative vehicle but said that if I came back on an appropriate legislative vehicle, they would support it. And if there is a more appropriate legislative vehicle than the Defense authorization bill, I hope someone will point that out to me. This is the appropriate vehicle. This is the appropriate time. This is the right thing to do for job creation in America. It is the right thing to do in terms of our national security and stability in Asia. That is why I believe this is an appropriate time for us to take up this amendment.

I was advised by the Parliamentarian that my original amendment as drafted would not be germane postcloture. However, in consultation with the Parliamentarian, we have come up with a technical modification which essentially would strike what are called the findings that would support the need for the legislation. In essence, it strikes the A section and the B section and leaves only the C section remaining. This, of course, at this point in the proceedings would require unanimous consent.

In consultation with Senator MCCAIN, the ranking member of the Senate Armed Services Committee, I am advised that our friends across the aisle will not grant unanimous consent for us to modify what is really a technical modification for this amendment so we can get a vote on it. I realize that at this point we are in morning business and it is not appropriate, perhaps, for me to ask unanimous consent, but I will ask unanimous consent at a later and appropriate time because I would like to get an explanation from the distinguished chairman of the Armed Services Committee as to why in the world there would be an objection to an amendment that enjoys such broad bipartisan support on a clearly appropriate legislative vehicle.

Madam President, I see the distinguished chairman on the floor. So I would at this time, if it is appropriate, ask unanimous consent to modify my pending amendment, to strike the findings under section A and under section B, and to leave section C, which states in full:

Sale of aircraft. The President shall carry out the sale of no fewer than 66 F–16 C and D multirole fighter aircraft to Taiwan.

We have been advised by the Parliamentarian that this section is indeed germane and would be eligible for a vote with that modification. So I ask unanimous consent to so modify my amendment.

The PRESIDING OFFICER (Mrs. HAGAN). Is there objection?

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, there is objection on this side, and I will attempt to bring together Senator CORNYN and the objectors so he can hear from them why they object, but in the meantime I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CORNYN. Madam President, I am disappointed, but more than disappointed, I look forward to that explanation. I hope there will be an opportunity to have a colloquy and a discussion here on the floor so the American people can see why a piece of legislation that enjoys such broad bipartisan support can't even get a vote.

When people watch what is happening in Washington these days, I think they are tempted to avert their gaze because they ask the question of me—and I am sure, when the Presiding Officer is back in North Carolina, of her as well—why can't people get anything done? Well, it is because, unfortunately, of things like this. These are technical objections that are not based on the substance or the merit of the legislation.

I respect the chairman of the Armed Services Committee, who says there is an objection on the Democratic side, and he personally is not making that objection but is on behalf of some unnamed other party. I hope that person will be named. I hope they will come to the floor. I hope they will explain to the American people and to our Democratic allies in Taiwan why it is they object to a vote on this amendment.

I believe that if we are able to get a vote on the Defense authorization bill, this has a high likelihood of passage, and I think it would send a strong message to our friends and allies around the world that, yes, you can count on your friend and ally, the United States of America. Conversely, if we are thwarted in our attempt to try to get this amendment voted on and passed, then this will send a countervailing message—that you cannot depend on America—and it will embolden bullies around the world.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

ORDER OF PROCEDURE

Mr. LEVIN. I ask unanimous consent that the Senate proceed to the consideration of the pending Feinstein amendment No. 1125; that there be 30 minutes of debate equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Feinstein amendment, with no amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1867, which the clerk will report.

The bill 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 the 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.

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.

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 U.S. 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 U.S. Naval Station Guantanamo Bay, Cuba, to foreign countries and entities.

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. 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. 1093, to require the detention at U.S. Naval Station Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term.

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 U.S.-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

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.

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 U.S. allies.

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. 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, Oregon.

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 Heller/Kirk) amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the U.S. 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/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) 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. 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 U.S. European Command.

Sessions amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels.

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. 1236, to require a report on the effects of changing flag officer positions within the Air Force Material 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 Blunt/Gillibrand) amendment No. 1133, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty.

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 U.S. 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.

AMENDMENT NO. 1125

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate on the Feinstein amendment.

The Senator from Arizona.

Mr. MCCAIN. Madam President, before we begin the debate, and with the Senator from California on the floor, for the benefit of our colleagues and the chairman, there are two pending Feinstein amendments, as I understand it. The Senator from California has agreed to the half hour equally divided as the chair just said, and then I understand the Senator from California has agreed to the second amendment at 4 p.m.; is that correct?

Mrs. FEINSTEIN. That is correct.

Mr. MCCAIN. So prior to that, I would ask my friend the chairman if we could have an hour of debate starting at 3 o'clock equally divided before the vote at 4:00 on the second Feinstein amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I just want to know if the Senator from California understands that

the vote on the second Feinstein amendment would be at 4:00 and that the debate would begin at 3:00, with that hour equally divided.

Mrs. FEINSTEIN. I do. I have a four corners meeting on the Energy and Water appropriations bill. That is my problem. So the later it is, the better it is for me.

Mr. LEVIN. So is a 4 o'clock vote after an hour of debate acceptable?

Mrs. FEINSTEIN. Yes. My understanding is the House chairman only has until 3 o'clock, but I anticipate we will take all that time. So I can't change that.

Mr. LEVIN. So it is agreeable, then, that there will be an hour of debate on the second amendment starting at 3 o'clock with a vote at 4 o'clock?

Mrs. FEINSTEIN. Yes.

Mr. LEVIN. I also ask unanimous consent that there be no second-degree amendments to the Feinstein amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. MCCAIN. If we can then—obviously, we can call a vote at any particular time. So I would suggest again that we try to dispose of other amendments after the vote on the first Feinstein amendment, and then we will try to dispose of additional amendments between the disposition of the first Feinstein amendment and the second one, with the hour of debate equally divided, and Senator FEINSTEIN can begin.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise to ask my colleagues to support amendment No. 1125, which will limit mandatory military custody to terrorists captured outside the United States. This amendment is cosponsored by Senators LEAHY, DURBIN, UDALL, KIRK, LEE, HARKIN and WEBB.

This is a very simple amendment. It adds only one word—the word ''abroad''—to section 1032 of the underlying bill. I strongly believe if it is not broke, do not fix it. The ability to have maximum flexibility in the United States is very important, and I totally support the Executive having that flexibility.

This bill creates a presumption that members or parts of al-Qaida or associated forces will be held in the military system. That is what concerns me because the military system has not produced very well over the last 10 years.

I want to take a moment to contrast some cases.

On this chart, we have sentences—five of them from military commissions and five or six from Federal courts. The Federal courts have actually convicted over the last 10, 11 years not 300 people but 400 people.

Military commissions are limited to some six convictions. Let's take a look at what they are.

A very famous one is Salim Hamdan because he brought a Supreme Court case. He was bin Laden's driver. He was acquitted of conspiracy and only convicted of material support for terrorism. He received a 5-month sentence by the military commission and was sent back to his home in Yemen to serve the time before being released in January of 2009.

No. 2: David Hicks entered into a plea on material support for terrorism and was given a 9-month sentence, mostly served back home in Australia.

Omar Khadr pled guilty in exchange of an 8-year sentence, but he will likely be transferred to a Canadian prison.

Ibrahim Ahmed Mahmoud al-Qosi pled guilty to conspiracy and material support to terrorism. His final sentence was 2 years pursuant to a plea deal.

Noor Uthman Muhammed pled guilty to conspiracy and material support to terrorism. His final sentence will be less than 3 years pursuant to his plea agreement.

Ali Hamza al-Bahlul received a life sentence after he boycotted the entire commission process.

On the other hand, you have sentences from the Federal courts.

You have Richard Reid, the Shoe Bomber—life in prison.

''Blind Sheik'' Omar Abdel Rahman—life in prison for the plot to bomb New York City.

Twentieth Hijacker Zacarias Moussaoui—life in prison.

Ramzi Yousef—life in prison for the 1993 World Trade Center bombing and the Manila Air plot.

Umar Farouk Abdulmutallab—probably life in prison; will be sentenced in January 2012.

Najibullah Zazi—potential life in prison. This is the man, with conspirators, who was going to bomb the New York subway.

There is definitive evidence that is irrefutable that the Federal courts have done a much better job than the military commissions.

Why this constant press, that if it is not broke we are going to fix it anyway, I do not understand. Why the constant push to put people in military custody rather than provide the flexibility so that evidence can be evaluated quickly? This person will get life in a Federal court versus an inability or a problem in a military commission or vice versa. I think the Executive should have that.

I think the last 10 years have clearly shown that this country is safer than it has ever been. Terrorists are behind bars where they belong and plots have been thwarted, so the system is working.

This amendment would make clear that under section 1032, U.S. Armed Forces are only required to hold a suspected terrorist in military custody when he is captured abroad. All the amendment does is add one word—that is the word ''abroad''—to make clear that the military will not be roaming our streets looking for suspected terrorists. The amendment does not remove the President's ability to use the option of military detention or prosecution inside the United States.

The administration has threatened to veto this bill, and has said:

> [It] strongly objects to the military custody provision of section 1032 [because it] would tie the hands of our intelligence and law enforcement professionals.

Perhaps, most importantly, addressing the issue of this amendment specifically, on November 15, Defense Secretary Leon Panetta wrote this:

> The failure of the revised text to clarify that section 1032 applies to individuals captured abroad . . . may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States.

The Director of National Intelligence, Jim Clapper, also wrote a letter on November 23, to say that he opposes the detainee provisions of this bill because they could—and I quote—''restrict the ability of our nation's intelligence professionals to acquire valuable intelligence and prevent future terrorist attacks.''

The administration suggested this change to the Armed Services Committee, but it was rejected. So the administration has had to threaten a veto on the bill. Who knows whether they will. I certainly do not know. This amendment limiting mandatory military custody to detainees outside the United States is a major improvement to the bill, and I ask my colleagues to support it.

I have a very hard time because I have watched detainees carefully as part of the Senate Intelligence Committee, and we are doing a study on the detention and treatment of high-value detainees. This has been going on for 2 years now. It is going to be a 4,000-page document, and it is going to be classified. But it will document what was actually done with each of the high-value detainees and what was learned from them. It shows some very interesting things. But the upshot of all of this is that we should keep military custody to people arrested abroad and have the wide option in this country, which is the case now, and not mandate—mandate—that military custody and military commission trial must be for everyone arrested in the United States.

You will hear that anyone who comes to the United States who carries out a criminal act, a terrorist act under the laws of war, should be subject to military custody. The problem is, 10 years of experience has not worked. How many years' experience do we need? How many sentences—six cases—and this is all there is in 10 years.

I know the other side got very upset when Abdulmutallab was Mirandized. The fact of the matter is, every belief is Abdulmutallab is going to do a life sentence in a Federal prison, put away somewhere in a place where he cannot escape and where the treatment is very serious.

I have, again, a hard time knowing why if it is not broke we need to fix it, and why we need to subject everybody who might be arrested in this country to a record that is like this: 5-month sentence, 9-month sentence, 8-year sentence, 2-year sentence, 3 years pursuant to a plea agreement, and one life sentence, when you have 400 cases that have been disposed of in a prompt way in a Federal court, who are serving long sentences in Federal prison.

I wish to hold the remainder of my time and have an opportunity to respond to the distinguished chairman and ranking member.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I wish to yield——

Mr. LEVIN. Before the Senator yields time to the Senator——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Will the Senator refrain for 1 minute? While Senator FEINSTEIN is here, I understand it is now preferable from our leader that the vote be at 2 o'clock, not immediately following this half-hour debate.

Mrs. FEINSTEIN. If that is possible, that would be helpful. But it is whatever Senators want.

OK. All right.

Mr. MCCAIN. Does the Senator want to unanimous-consent that?

Mr. LEVIN. Madam President, I ask unanimous consent that the vote, which was previously scheduled to occur at the end of the half hour of debate on this amendment, now be rescheduled for 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. Madam President, relative to the time between that half hour and 2 o'clock, that time, hopefully, would be used. It will be by me for my remarks on this amendment, by the way, because after the 30 minutes, if it is used totally, I would want an opportunity to speak during that time, if necessary in morning business. But there are other amendments we believe can be voice voted during that period of time, I believe my friend from Arizona would agree. So that time will be fruitfully used. But the time now is 2 o'clock for the vote on that first Feinstein amendment.

I thank my friend.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, the vote will be at 2 o'clock. The Senators from New Hampshire and South Carolina wish to speak. I do not know if the chairman wishes to be before or during that or in between. But, also, it does not change the agreement we have, which has not been agreed to but we have agreed we will attempt to have a vote on the second Feinstein amendment at 4 o'clock still. Is that correct? We will attempt to do that?

Mr. LEVIN. It will continue to be our intent. It was objected to before. But we hope that objection will be removed. If it is not removed, we will have to have all these votes at the end of the day instead of during the day.

Mr. MCCAIN. So beginning at 3, whether we have a unanimous consent agreement—because the Feinstein amendment is very important—I would ask, informally, if we do not have a unanimous consent agreement, that we have an hour equally divided beginning at 3 so we can debate the second Feinstein amendment.

In the meantime, as the chairman said, we will try to dispense with voice votes and other agreed-upon amendments, and perhaps even maybe a recorded vote if necessary on one of the amendments.

I would remind my colleagues, we run out of time at 6 o'clock this evening, and we would rather do it in a measured fashion, allowing recorded votes or debate before those recorded votes, because those pending amendments will be voted on after 6 p.m. tonight.

I hope I did not say anything the chairman does not agree with.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. No. I agree with what the Senator said and what the intent is here; that, hopefully, we could have an hour debate starting at 3 o'clock. We will try to lock that in at a later time, after giving folks notice. But if there is objection to votes before the time runs out, the 30-hour clock runs out, then we will have to have all those votes after the 30-hour clock runs out, and it does not make any sense to do that. But if there is going to be an objection, then that is the way it will have to be.

What Senator MCCAIN is saying—and I totally agree with him—is, even if we are put in that position, which I hope we are not, that at least we could use the time between now and then for debate on those amendments which we would have to vote on at a later time. I totally agree with my friend from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I yield 7 minutes to the Senator from New Hampshire and 8 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I rise in opposition to the amendment offered by the Senator from California, amendment No. 1125. I would start with this: We have heard repeatedly—not only from the Senator from California but also from the Senator from Illinois—about the number of cases in our civilian system where we have tried terrorists versus the number of military commissions.

I think there is one thing that needs to be clarified upfront here; that one of the first acts the President took when he came into office was to actually suspend all military commissions for about 2 years. So to compare the number of cases in our civilian system versus the number of military commission trials we have had is a false comparison when we suspended these trials for over 2 years. I want to say that upfront.

But I think the chart the Senator shows actually misses the point of why we have this amendment before us; that is, we need to gather intelligence. When we have captured a member of al-Qaida who is planning an attack against the United States of America, the first goal has to be, obviously, getting that person away from where he can threaten us again to kill Americans, but also, just as importantly, to gather intelligence to protect America. The criminal justice system is set up to see that justice is served in a particular case, not to see that we have the maximum tools in the hands of our intelligence officials to gather information.

Yet it seems to me that if you look in the context of Senator FEINSTEIN's amendment 1126 that we have already talked about on the floor, she wants to limit the administration. The case law of our Supreme Court that is going back to World War II would take us before 9/11. And heaven forbid if we had an American citizen who was one of the participants in an incident such as we had occur on our soil on 9/11. Our military would not be permitted to hold that person and to question them to get the maximum amount of information and protect our country.

With respect to this amendment she has pending before the Senate, 1125, I want to point out that the amendment would lead to a very absurd result. Essentially what it would say is if you are a member of al-Qaida, planning or committing an attack against the United States of America, a foreigner, and you make it to our soil, as the 9/11 conspirators did who committed that horrible attack on our country, then you cannot be held in military custody. There is no mandatory military custody under those circumstances. Yet we will hold you in mandatory military custody if you are found overseas. So, in other words, please, their goal is unfortunately to come to the homeland, to come to our country to attack us here, and in our country we need the authority to, in the first instance—the presumption should be to hold those individuals in military custody so that we are not reading them Miranda rights. To tell a terrorist: You have the right to remain silent is counter to what we need to do to protect Americans and make sure that—for example, I will use the Christmas Day Bomber as an example because it has been cited so many times here on this floor.

That day, when he was found on the plane, after 50 minutes of questioning, he was read his Miranda rights and he invoked his Miranda rights and remained silent. It was only 5 weeks later after we tracked down his parents and convinced him to cooperate that he actually provided more information.

We are very fortunate that he was only involved in one event, that it was not a 9/11-type event where there were multiple events on American soil planned. But what if after that 50 minutes we waited 5 weeks to get more information, yet there had been more events coming that day? That is what is at issue here. Let's bring ourselves back to September 11. What if we had caught the individuals who were on one of those planes before it took off on 9/11? What if in that instance we would not hold those members of al-Qaida in military custody that instant to make sure that we could get the maximum amount of information from them to hopefully, God forbid, prevent the lifting off of the other flights and what happened on that horrible day in our country's history?

I have to believe that if we were standing here immediately after the events of 9/11, I do not think we would be debating this amendment, deciding whether if you make it to our homeland we will not hold you in military custody in the first instance, to find out how much information you have, to make sure you are not part of multiple attacks on the United States of America.

If the amendment of the Senator from California passes, what kind of message are we sending to members of al-Qaida, foreigners who are planning attacks against the United States of America? We are laying out, unfortunately in my view, a welcome mat to say: If you make to it America, you will not be held in military custody. But if you attack us overseas, then you will be held in military custody. Why would we create a dual standard where we should be prioritizing protecting our homeland, protecting the United States of America? This leads to an absurd result.

I would hope my colleagues would reject the Senator's amendment to say that only those members of al-Qaida who do not make it to our homeland to attack us right here on our soil will be held in the first instance in mandatory military custody. Because our goal has to be here to protect Americans and to make sure we do not create a dual standard where if you are captured over there, we are going to hold you in military custody, but if you are captured and if you make it here, you are going to be getting greater rights, we will process you in the civilian system, and we will tell you you have the right to remain silent. We should not be telling terrorists they have the right to remain silent. We should be protecting Americans. If we were to pass this amendment, it would create an absurd standard where you get greater rights when are you here on our soil. I think that makes us less safe.

I would urge my colleagues to reject both of the Senator's amendments, both 1126 that would deny the executive branch the authority to hold them——

The PRESIDING OFFICER. The Senator's time has expired.

Ms. AYOTTE. Madam President, I ask unanimous consent for 30 seconds to wrap up.

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

Ms. AYOTTE. Madam President, I would ask my colleagues to reject 1126 as well, which would take away the authority of the executive branch as allowed by our Supreme Court and would make us less safe in this country as well as 1125. We have to protect America and make sure we get the maximum information to prevent future attacks on this country.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining of the original 30 minutes.

Mrs. FEINSTEIN. Thank you very much.

Mr. LEVIN. Would the Senator yield for a question?

Mrs. FEINSTEIN. Not on my time. On the Senator's time.

Mr. LEVIN. On my time. Quick question. After the 30 minutes expires, because we are not going to have a vote now, there would be additional time should the Senator need it after that 30 minutes.

Mrs. FEINSTEIN. I appreciate it. I may well use it.

Madam President, I object to the statement just made that this will make the United States of American less safe. Ten years of experience has shown it has not. Plot after plot after plot has been interrupted. I have served on the Intelligence Committee for 11 years now. We follow this closely. This country is much more safe because things have finally come together with the process that is working.

The FBI has a national security division with 10,000 people. There are 56 FBI offices. The military does not have offices to make arrests around this country. This constant push that everything has to be militarized—they were wrong on Hamdi, they were wrong on Hamdan. And it keeps going. And that it is terrible to protect people's rights. I do not think that creates a safe country. This country is special because we have certain values, and due process of law is one of those values. So I object. I object to holding American citizens without trial. I do not believe that makes us more safe. I object to saying that everything is mandatory military commission and military custody if anyone from abroad commits a crime in this country. The administration has used the flexibility in a way that they have won every single time. There have been no failures.

The Bush administration as well used the Federal courts without failure. They have gotten convictions. The military commissions have failed, essentially; 6 cases over 10, 11 years. I pointed out the sentences. So to say that what we are doing is to make this country less safe may be good for a 30-second sound bite, but it is not the truth.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I say to my good friend from California, you are a patriot. You are here for all of the right reasons. We just have a strong disagreement about where we stand as a nation.

Nobody interrupted the Christmas Day Bomber plot. The people on the plane attacked the guy before he could blow it up. There was no FBI agent there. There was no CIA agent there. We are lucky, thank God, the passengers did it. So there is nothing to suggest that our intelligence community does not need as many tools as possible because the guy got through the system. We are lucky as hell the bomb did not go off.

Mrs. FEINSTEIN. Would the Senator yield for a question?

Mr. GRAHAM. The Times Square Bomber, nobody interrupted that plot. The guy did not know how to set the bomb off. We are lucky as hell the bomb did not go off. So do not stand here and tell me that we have got it right, because we have not. And here is the point: We never will always get it right. I am not saying that as criticism. Because we are going to get hit again. We cannot be right and lucky all of the time.

To those who are trying to defend us, the one thing I do not want to do is micromanage the war. Here is the political dynamic. You have got people on the left who hate the idea of saying ''the war on terror.'' If you left it up to them, they would never, ever use the military, they would always insist that the law enforcement model be used because they do not buy into the idea of we are at war. So you have got one part of the country, a minority, that wants to criminalize the war. If we ever go down that road, woe be unto us.

You have got people on my side—the Senator is right about this. They have gone the other way. If you left it up to people on my side, there would be a law passed tomorrow that you could never, ever read a Miranda right to a terrorist caught anywhere in the United States.

I do not agree with that way of thinking. To my fellow members of the U.S. military, you have not failed at Guantanamo Bay. You have not failed. Because you sentenced someone to 9 months to me validated the fact that those who are taking an oath to defend us, when they are put in a position of passing judgment on people accused of trying to kill us all, will be fair.

So when you say a military commission tribunal at Guantanamo Bay gave a 9-month sentence and that is a failure, I say, as a proud member of the military, I am proud of the fact that you can judge a case based on the facts and the law and not emotion. So I am very proud of the fact that military commissions can do their job as well as the civilian courts.

I say to our Federal prosecutors and our Federal juries and our Federal judges, I am proud of you too. We should be using an ''all of the above'' approach. There are times that Federal courts are better than military commissions. There are times that military commissions are better than Federal courts.

The 1032 language has nothing to do about what venue you choose. This provision is simple in its concept. It is a compromise between those on the left who say you must criminalize this war; we are not at war; you are going to have to use the law enforcement model; you can neither gather military intelligence, who do not believe that the military has a role on the homeland to gather intelligence, which is an absurd concept, never acknowledged before in any other war.

When American citizens helped the Nazis, collaborated with Nazis to engage in sabotage, not only were they held as enemy combatants during World War II, they were tried by military commissions. We no longer allow American citizens to be tried by military commissions. I think that is a reasoned decision. But what we do not want to do is prevent our intelligence community from holding an al-Qaida affiliated member and gathering intelligence.

If an American citizen went to Pakistan and got radicalized in a madrasah and came back to the United States and landed at Dulles Airport and got a rifle and started shooting everyone on the Mall, I believe it is in our national security interests to give our intelligence community the ability to hold that person and gather intelligence about: Is another guy coming? What did you do? What future threats do we face? And not automatically Mirandize him. But if they choose to Mirandize him, they can. In this legislation, we presume military custody, but it can be waived.

That is the point I am trying to make. Senators LEVIN and MCCAIN have struck a balance between one group that thinks the military can only be used and nobody else and another group that says we can never use the military. We have that balance. If we upset this balance, we are going to make us not only less safe, the Congress is going to do things on our watch that we have never done in any other war.

A word of warning to my colleagues: If we had a bill on the floor of the Senate saying we are not going to read Miranda rights to terrorists who are trying to kill us all, 70 percent of the American people would say: Heck yes.

I don't want this bill to come up. I believe the people who are best able to judge what to do is not any politician, they are the experts in the field fighting this war. We are saying we can waive the presumption of military custody, we can write the rules to waive it, but we believe we should start with that construct.

Let me read to you what the general counsel for the Department of Defense said today:

> Top national security lawyers in the Obama administration say U.S. citizens are legitimate military targets when they take up arms with al-Qaida. The government lawyers, CIA counsel Stephen Preston, and Pentagon counsel Jeh Johnson, did not address the Awlaki case. But they said U.S. citizens don't have immunity when they are at war with the United States.

The President of the United States was right to target this citizen when he went to Yemen to help al-Qaida. I am glad we took him out. So would it not be absurd that we can kill him, but we cannot detain him? If he came here, we cannot question him for military intelligence gathering. So this is a compromise between two forces that are well intended but will take us into a bad policy position: the hard left who wants to say the military has no role in protecting us on the homeland and some people on my side who say the law enforcement community cannot be involved at all.

So Senator LEVIN and Senator MCCAIN have constructed a concept that provides maximum flexibility, gives guidance to the law enforcement community, starts with a presumption that I like and can be waived and will not impede an ongoing investigation. That is the part of the bill that was changed.

To my good friend from California, we have the balance we have been seeking for 5 years. To me, this is what we should be doing as a nation—creating legislation that allows those who are fighting the war the tools they need. In this case, we start with the presumption of military custody because that allows us to gather intelligence. Under the domestic criminal law, we cannot hold someone and ask them about future attacks, because we are investigating a crime. Under military law, when somebody joins the enemy and engages in an act of war against the Nation, our military intelligence community can hold that person for as long as it takes to find out what they know about future attacks. If the guy gets off of plane and starts killing people at the mall, when we grab him and he says I want my lawyer, we can say: You are not entitled to a lawyer. We are trying to gather intelligence.

At the end of the day, use military commission trials, use Federal courts, and read Miranda rights when we think it makes sense; but we don't have to because the law allows us to hold people, under military custody, who represent a military threat. The law allows us to kill American citizens who have joined al-Qaida abroad. That has been the law for decades. I hope this compromise that CARL LEVIN and JOHN MCCAIN have crafted—and I say to CARL LEVIN, I have been in his shoes. When JOHN and I were on the floor saying don't waterboard people—gather intelligence but don't become like the enemy—a lot of Americans believed we should waterboard these people, do whatever we need to do because they are so vicious and hateful. But JOHN MCCAIN knows better than anybody in this body what it is like to be tortured.

I wish to protect America without changing who we are. It has always been the law that when an American citizen takes up arms and joins the enemy, that is not a criminal act; that is an act of war. They can be held and interrogated about what they did and what they know because that keeps us safe. If we take that off the table, with homegrown terrorism becoming the greatest threat we face, we will have done something no other Congress has done in any other war.

The PRESIDING OFFICER. The original 30 minutes has expired.

Mr. GRAHAM. Madam President, I thank Senators LEVIN and MCCAIN for drafting a compromise that I think speaks to the best of this country. To my colleagues, please don't upset this delicate balance. If you do, you will open a Pandora's box.

Mr. MCCAIN. Madam President, I say to both Senators while they are on the floor, if it had not been for their invaluable effort, this legislation would not have come about. I thank them for their incredibly important contributions, using the benefit of the experience that both Members have.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I wonder if I might take a few minutes to make a couple statements.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Madam President, I have no objection.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I wished to say with respect to Abdulmutallab, what was very new there was that an explosive had been invented that could go through a magnetometer without detection. It is, to my knowledge, the first time anyone came into the United States—this young Nigerian from a very prominent Nigerian family—wearing a diaper that had enough of this PETN, this new explosive, to blow up the plane. He missed in detonation and it caught on fire and the fire was put out.

There have been other incidents of trying to smuggle this PETN in cartridges of computers and they even had dogs going to the airport and they could not smell the explosive inside the computer cartridge. That was in Dubai. It is a very dangerous explosive. It is new, and it has been improved. It is something we need to be very wary of.

I also wish to point out that there is a public safety exception to Miranda. We do not have to Mirandize someone or we could continue to question them, if there is a public safety risk. So Mirandizing an individual is not a point in this argument, in my view, because we can continue the interrogation.

What is a point, in my argument, is that the FBI now has competence; that there is a group of special experts who can be flown to a place where someone is arrested and do initial interrogation. They are specifically trained and, to the best of my knowledge, they are effective at interrogating. My point is, the system is working, and we should keep it as it is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. While Senator GRAHAM is on the floor, I ask unanimous consent to have a colloquy with him about this section 1032, the section at issue.

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

Mr. LEVIN. I very much appreciate Senator GRAHAM's remarks. He said the provision provides for military custody as a beginning or starting point. I wonder whether he would agree that not only is it a beginning point, but it is only for a narrow group of people who are determined to be al-Qaida or their supporters.

Mr. GRAHAM. Yes. It is not only a presumption that can be waived, based on what the experts in the field think is necessary; the waiver provision is incredibly flexible. You do not have to stop an interrogation to get the waiver. The executive branch can write the procedures. Not only is it a presumption that can be waived, it is also limited to a very narrow class of people. It has nothing to do with somebody buying gold. I don't know about Senator LEVIN, but people call me, who are on the right, saying: Don't let Obama put me in jail because I think he is a socialist or are you going to be able to grab me because of my political views? I tell my staff to be respectful and read them the language. The only people who need to worry about this provision are a very narrow group of people who are affiliated with al-Qaida, engaged in hostile acts.

Mr. LEVIN. Would the Senator also agree with me that under the provision in the bill, on page 360—we were told that civilian trials are preferable to military trials, preferable to the detention of an unlawful combatant. Does the Senator agree that every one of those options is open to the executive branch and that there is no preference stated, one way or the other, for which approach is taken to people who are detained?

Mr. GRAHAM. Not only would I agree that 1032 and 1031—the compromise language about statement of authority to detain and military detaining as a presumption—has nothing to do with the choice of venue, there are people on my side who are champing at the bit to prohibit civilian courts from being used in al-Qaida-driven cases; is the Senator familiar with that?

Mr. LEVIN. Yes.

Mr. GRAHAM. I am of the view that we are overly criminalizing the war. I don't want to adopt that policy. There is nothing in this language that has anything at all to do with how you try somebody and what venue you pick. I am in the camp—and I think Senator LEVIN is too—of an all-of-the-above approach. I am proud of our civilian courts and our military courts. The Senator and I are probably not in the best position to determine that. Let's let the experts do it.

Mr. LEVIN. That is exactly the point. This language, when it is described as language that says somehow or other it works against using civilian courts, is from folks who haven't read our language. The language is explicit. On page 360, lines 3 through 14 in the bill, it says the disposition of a person under the law of war may include the following—and then they talk about detention under the law of war, trial under title X, which is the military trial, transfer for trial by an alternative court or competent tribunal having lawful jurisdiction; that is, article III courts, and transfer or return of custody to the country of origin. There are no others. There is no preference stated for which of those venues would be selected by the executive branch.

Mr. GRAHAM. Is this a fair statement: If it was your goal to prevent military commissions from ever being used, you didn't get your way in this legislation. If it was your goal to mandate that military commissions are the only venue to be used, you didn't get your way in this legislation because this legislation doesn't speak to that issue at all.

Mr. LEVIN. That is absolutely true. Senator GRAHAM brought to the floor something that was stated this morning by the top lawyer for the Obama administration. I think everybody ought to listen to this. There has been so much confusion about what is in the bill and what isn't. Right now, there is authority to detain U.S. citizens as enemy combatants. That authority exists right now. That is not me saying it, that is the Supreme Court that has said it as recently as Hamdi, when they said there is no bar to this Nation holding one of its own citizens as an enemy combatant. That is current law. That is the Supreme Court saying that. Then, the Supreme Court also said in Hamdi that they see no reason for drawing a line because a citizen, no less than an alien, can be part of supporting forces hostile to the United States or coalition partners and engaged in armed conflict against the United States.

Top lawyers for the President, this morning, acknowledged this. I wish every one of our colleagues could hear what Senator GRAHAM brought to the floor. Top national security lawyers in the administration say U.S. citizens are legitimate military targets when they take up arms with al-Qaida.

Are we then going to adopt an amendment that says to al-Qaida that if you attack us overseas, you are subject to military detention; but if you come here and attack us, you are not subject to military detention? That is what the first Feinstein amendment says.

Mr. GRAHAM. If I may just add—not only is that the effect, that would be a change in law because the Senator agrees with me that in other conflicts, prior to the one we are in today, American citizens, unfortunately, have been involved in aiding the enemy; is that correct?

Mr. LEVIN. I am sorry, I was distracted.

Mr. GRAHAM. Does the Senator agree with me that in prior wars American citizens have been involved in aiding the enemy of their time?

Mr. LEVIN. They have, and they have been held accountable.

Mr. GRAHAM. Yes. And the In re Quirin case, which Hamdi cited and affirmed, was a fact pattern that went as follows: We had German saboteurs, some living in America before they went back to Germany—I think one or two may have been an American citizen—who landed on our shores with a plot to blow up different parts of America. During the course of their efforts, American citizens aided the Nazis. The Supreme Court said when an American citizen chose to help the Nazis at home, on our homeland, they were considered to be an enemy belligerent regardless of their citizenship, and we could detain one of our own when they sided with the enemy.

Mr. LEVIN. There was a naturalized citizen involved in Quirin, who was arrested, as I understand it, on Long Island, and who was charged with crimes involving aiding and supporting the enemy.

Mr. GRAHAM. Let's talk about the world in which we live today.

Mr. LEVIN. And military detention.

Mr. GRAHAM. Military detention and tried by a military commission.

Mr. LEVIN. Exactly. By the way, I think executed.

Mr. GRAHAM. And executed. The Senator from Michigan and I have said, along with our colleagues, that military commissions cannot be used to try American citizens.

Mr. LEVIN. That is correct.

Mr. GRAHAM. Our military has said they do not want that authority. They want to deal with enemy combatants when it comes to military commission trials. But our military CI and FBI have all understood their power to detain for intelligence-gathering purposes is an important power. It is not an exclusive power.

So let's talk about today's threat. The likelihood of homegrown terrorism is growing. Does the Senator agree that the homegrown terrorist is becoming a bigger problem?

Mr. LEVIN. It is an issue, absolutely.

Mr. GRAHAM. So in a situation where an American citizen goes to Pakistan and gets radicalized in a madrasah, gets on a plane and flies back to Dulles Airport, gets off the plane and takes up arms against his fellow citizens, then goes to the mall

and starts randomly shooting people, the law we are trying to preserve is current law, which would say if the experts decide it is in the Nation's best interests, they can hold that American citizen as they were able to hold the American citizen helping the Nazis and gather intelligence.

That is a right already given. Senator FEINSTEIN's amendment, even though I don't think it is well written, could possibly take that away. That is 1031. But what we are saying is, we want to preserve the ability of the intelligence community to hold that person under the law of war and find out: Is anybody else coming? Are you the only one coming? What do you know? What madrasah did you go to? How did you get over? How did you get back?

We want to preserve their ability to hold that person under the law of war for interrogation. But we also concede, if they think it is better to give them their Miranda rights, they can. That is what the legislation we create will do. Does the Senator agree with that?

Mr. LEVIN. I do. And the top lawyers of the administration acknowledged as much this morning when they said U.S. citizens are legitimate military targets when they take up arms with al-Qaida.

The provisions we are talking about in section 1032, which Senator FEINSTEIN would modify so that it is only al-Qaida abroad who would be subject to this presumption of a military detention, but al-Qaida who come here—and, by the way, American citizens are not even covered under 1032. But the foreign al-Qaida fighters who come here to attack us are not going to be subject to that presumption of military detention which, again, can be waived. It has nothing to do with in what venue they are tried. The administration, the Executive, has total choice on that. It is just whether we are going to start with an assumption if they are determined to be al-Qaida, if they are a foreign al-Qaida person, they sure as heck ought to be subject to that same assumption whether they attack us here or whether they attack us overseas.

Mr. GRAHAM. Wouldn't it be kind of hard to explain to our constituents that our top lawyers in the Pentagon and CIA said today that once an American citizen decides to help al-Qaida they can be killed in a drone attack, but the Congress somehow says, OK, but they can't be detained?

Mr. LEVIN. I wouldn't want to try to hold that position.

Mr. GRAHAM. Does the Senator believe America is part of the battlefield in our global war on terror?

Mr. LEVIN. It has been made part of the battlefield without any doubt. On September 11, the war was brought here by al-Qaida. How do we suggest that a foreign al-Qaida member should not be subject to an assumption to begin with, if they are determined to be al-Qaida, that they are going to be detained—that we should not start with that assumption—subject to procedures which the administration adopts. It is totally in their hands. It cannot interfere with a civilian interrogation. It cannot interfere with civilian intelligence. We are very specific about it. The procedures are written by the executive branch. They can try them anywhere they want.

But if they bring a war here—they bring a war here—we are going to create an assumption that they can be subject, and are going to be subject, to military detention.

Mr. GRAHAM. Well, my belief is that most Americans would want our military being able to combat al-Qaida at home as much as they would abroad. I think most Americans would be very upset to hear that the military has no real role in combatting al-Qaida on our own shore, but we can do anything we want to them overseas.

Frankly, there are very good people on our side who want to mandate that the military has custody, and no one else, so we never have to read Miranda rights. Quite frankly, there are people on the left, libertarians, well-meaning people, who want to prevent the idea of a person being held under military custody in the homeland because they do not think we are at war and this is really not the battlefield.

What the Senator and I have done is to start with the presumption that focuses on intelligence gathering because the Senator and I are more worried about what they know about future attacks than how we are going to prosecute them.

Under domestic criminal law, we can't hold someone indefinitely. The public safety law I will talk about in a bit, but I say to my good friend from California, the public safety exception was a very temporary ability to secure a crime scene. It was not written regarding terrorism. So our law enforcement officials cannot use the public safety exception to hold an al-Qaida operative for days and question them. The only way to do that legally is under the law of war. In every other war we have had that right, and we are about to change that.

Mr. LEVIN. If I can interrupt, we have that right abroad against members of al-Qaida. But under this approach we would not be able to assume that military detention at home, again, subject to waiver and subject to all the other protections we have.

Mr. GRAHAM. Right. Well, let's keep talking about it because the more we talk about it the more interesting the whole concept becomes.

The last time I looked, there were no civilian jails overseas. So when we capture a terrorist overseas, the only place we can detain them is in military custody. If they make it at home to say the military can't hold a person and interrogate them under the law of war, the only way we can hold an al-Qaida operative who made it to America is under the law enforcement model. This is not ''Dragnet.'' We are trying to make sure both systems are preserved, starting with the presumption of intelligence gathering.

Here is the key distinction. To my colleagues who worry about how we prosecute someone, that is really the least of my concerns. I am worried about intelligence gathering. I have confidence in our civilian system and confidence in our military system. But shouldn't we be concerned, most of all, Senator LEVIN, that when we capture one of these operatives on our shores or abroad that we hold them in a humane fashion but a fashion to gather intelligence?

Imagine if we got one of the 9/11 hijackers. Wouldn't it have been nice to have been able to find out if there was another plane coming and hold them as long as necessary to get that information humanely? To say we can't do that makes us a lot less safe.

Mr. LEVIN. We could do that if we captured them in Afghanistan, but here we are going to be treating them differently. It ought to probably be worse. In other words, people who bring the war here, it seems to me, at a minimum ought to be subject to the same rules of interrogation as they would be if they were captured and part of al-Qaida in Afghanistan.

I don't understand the theory behind this. As a matter of fact, when we adopted the authorization for use of military force, it would seem to me the first people we would want to apply the authority of that authorization to would be al-Qaida members who attack this country.

Mr. GRAHAM. That is the only group subject to this provision; is that correct?

Mr. LEVIN. The only group that is protected.

Mr. GRAHAM. But this provision we wrote only deals with that.

Mr. LEVIN. Exactly.

Mr. GRAHAM. No one is going to be put in jail because they disagree with LINDSEY GRAHAM or Barack Obama. We are trying to fight a war.

I would say something even more basic. It is in my political interest, quite frankly, being from South Carolina—a very conservative State, great people—to be able to go home and say I supported legislation to make sure these terrorists trying to come here and kill us never hear the words ''you have the right to remain silent.'' Most people would cheer.

It would have been in my interest years ago, quite frankly, to have gone back and said: You know what. I wish the worst thing that could happen to our guys caught by these thugs and barbarians is that they would get waterboarded. They get their heads cut off. Yet we have all these people worried about how we treat them in trying to find out a way to protect the country. That would be in my political interest, and I am sure it would probably be in your political interest to say: Wait a minute, we don't want to militarize this conflict.

At the end of the day, what I wanted to say about the Senator and Senator

MCCAIN is that one of you is a warrior who has experienced worse than waterboarding and doesn't want that to be part of his country's way of doing business. The other is someone who has been a very progressive, solid, left-of-center Senator for years. I am a military lawyer who comes from a very conservative State, but I want to fight this war—I don't believe we are fighting a crime—but I want to fight it in a way that doesn't come back to haunt us. I don't want to create a system on our watch that could come back and haunt our own people. I don't want to say that every enemy prisoner in this war has to go to trial because what if one of our guys is captured in a future war? Do we want them to be considered a war criminal just because they were fighting for the United States?

So what we are trying to do is to create policy that is as flexible as possible but understands the difference between fighting a war and fighting a crime.

Mr. LEVIN. Mr. President, I understand there are other Senators who may be coming over to speak, and I will be happy to yield the floor whenever that happens because this is the time which is not structured before the scheduled vote at 2 p.m. But if I can continue, then, until another Senator comes to the floor, I want to just expand on this one point which has been made which has to do with whether there is something in this section of ours that would allow our military to patrol our streets. We have heard that.

Well, we have a posse comitatus law in this country. That law embodies a very fundamental principle that our military does not patrol our streets. There is nothing in section 1032 or anywhere else in this bill that would permit our military to patrol our streets.

I think Senator GRAHAM is probably more familiar with what I am going to say than perhaps any of our colleagues. We have a posse comitatus statute in this country. It makes it a crime for the military to execute law enforcement functions inside the United States.

That is unchanged. That law is unchanged by anything in this bill.

Mr. GRAHAM. Does the Senator know why that law was created?

Mr. LEVIN. I think we had a fear a couple hundred years ago that that might happen.

Mr. GRAHAM. One of the things you learn in military law school is the Posse Comitatus Act, because if a military member or a unit is asked to assist in a law enforcement function, that is prohibited in this country. Why is that? We don't want to become a military state. We have civilian law enforcement that is answerable to an independent judiciary.

The Posse Comitatus Act came about after Reconstruction, because during the Reconstruction era the Union Army occupied the South. They were the judge, jury, and law enforcement. They did it all because there was no civilian law enforcement. After the South was reconstructed, a lot of people felt that was not a good model to use in the future; that we don't want to give the military law enforcement power; they are here to protect us against threats, foreign and domestic; law enforcement activities are completely different.

Now we have National Guard members on the border. That is not a law enforcement function. That is the national security function. But I have been receiving calls that say our legislation overturns the Posse Comitatus Act. Here is why that is completely wrong.

Surveilling an al-Qaida member, capturing and interrogating an al-Qaida member is not a law enforcement function; it is a military function. For the Posse Comitatus Act to apply, you would have to assume that a member of al-Qaida is a common criminal and our military has no legal authority here at home to engage the enemy if they get here.

You talk about perverse. You would be saying, as a Congress, that an al-Qaida member who made it to America could not be engaged by our military. What a perverse reading of the Posse Comitatus Act.

The reason al-Qaida is a military threat and not a common criminal threat is because the Congress in 2001 so designated. I think most Americans feel comfortable with the idea that the American military should be involved in fighting al-Qaida at home, and that is not a law enforcement function.

Mr. LEVIN. That is why we have very carefully pointed this provision 1032 to a very narrow group of people—people who are determined to be members of or associated with al-Qaida.

Then the question becomes, Well, how is that determination made? What are the procedures for that? The answer is it is left up to the executive branch to determine those procedures. Can there be any interference with the civilian law enforcement folks who are interrogating people that they arrest? If someone tries to blow up Times Square and they are being interrogated by the FBI, is there any interference with that interrogation? None. We explicitly say that there is no such interference.

What about people who are seeking to observe illegal conduct? Is there any interference with that? There is none. We specifically say those procedures shall not interfere with that kind of observation, seeking intelligence. We are not interfering with the civilian prosecution, with the civilian law enforcement at all.

The rules to determine whether someone is a member of al-Qaida are rules which the executive branch is going to write. They can't say, Well, this thing authorizes the interference with civilian interrogation when, as a matter of fact, it specifically says it won't, and the procedures to determine whether somebody is governed by this assumption are going to be written by the FBI and the Justice Department and the executive branch. And, on top of that, there is a waiver.

Mr. GRAHAM. May I add something. I want to respond to one of my good friends, Senator PAUL, who said, Well, that is all good, but sometimes in democracies you let in very bad people and I don't want to give broad power to the executive branch that could result in political persecution.

I would tell you—Senator LEVIN may find this hard to believe—there are people on my side who don't trust President Obama and his administration. Some of them don't think he is an American. Some of them believe that if we pass this law, you are going to give the Obama administration the power to come on and pick them up because they go to a rally somewhere.

All I can say to Senator PAUL and others: I share the concern about unlimited executive power. I support the Posse Comitatus Act. I don't support the idea that the military can't fight al-Qaida when they come here. We are not talking about law enforcement functions.

But here is what happens: If someone is picked up as a suspected enemy combatant under this narrow window, not only does the executive branch get to determine how best to do that—do you agree with me that, in this war, that every person picked up as an enemy combatant—citizen or not—here in the United States goes before a Federal judge, and our government has to prove to an independent judiciary outside the executive branch by a preponderance of the evidence that you are who we say you are and that you have fit in this narrow window? That if you are worried about some abuse of this, we have got a check and balance where the judiciary, under the law that we have created, has an independent review obligation to determine whether the executive branch has abused their power, and that decision can be appealed all the way to the Supreme Court?

Mr. LEVIN. That guarantee is called habeas corpus. It has been in our law. It is untouched by anything in this bill. Quite the opposite; we actually enhance the procedures here. The Senator from South Carolina has been very much a part of the effort here.

Mr. GRAHAM. Much to my detriment.

Mr. LEVIN. With all the risks that are entailed of being misunderstood and all the rest. That is something the Senator from South Carolina has engaged in, to try to see if we can put down what the detention rules are—by the way, ''are''—because as the administration itself said in its statement of administration policy, the authorities codified in this section—authorities codified in section 1031 they are referring to—those authorities already exist.

Mr. GRAHAM. In this case where somebody is worried about being picked up by a rogue executive branch because they went to the wrong political rally, they don't have to worry

very long, because our Federal courts have the right and the obligation to make sure the government proves their case that you are a member of al-Qaida and didn't go to a political rally. That has never happened in any other war. That is a check and balance here in this war. And let me tell you why it is necessary.

This is a war without end. There will never be a surrender ceremony signing on the USS Missouri. So what we have done, knowing that an enemy combatant determination could be a de facto life sentence, is we are requiring the courts to look over the military's shoulder to create checks and balances. Quite frankly, I think that is a good accommodation.

Mr. LEVIN. Not only is what the Senator said accurate, but we have done something else in this bill. There is an Executive order that was issued some years ago that said there should be a periodic review process for folks who are being detained under the law of war. Because it is so unclear as to when this war ends, there is real concern about that. What do we do about that? So in this bill what we require the executive branch to do—and I am now quoting from section 1035—is to adopt procedures for implementing a periodic review process. Those procedures don't exist now. They are not formalized. So we want to formalize them for the very reason that the Senator from South Carolina addressed: because we want to make sure that since we don't know when this particular war is going to end, it is kind of hard to define it and everyone is concerned about that, you have got to have review procedures. The greatest review procedure of all is habeas corpus. But there are also requirements in the Executive order for a periodic review process of whether somebody is still a threat or not a threat, for instance. The war may still be going on, but the person may no longer be a threat.

Should there be an opportunity for the person to say that? Well, there should be. There surely should be a regular review process. The Senator from South Carolina has been very much involved in this kind of due process. But what we put into our bill—which would have been eliminated, by the way, if the Udall amendment had been adopted yesterday—is a requirement that the Executive order's procedures be adopted, because so far we haven't seen that.

Mr. GRAHAM. I would say why I wanted to do that. I want to be able to say—and not to my political advantage. But I want to be able to tell people post-Abu Ghraib, post-early Guantanamo Bay, we have cleaned up our act. We are trying to get the balance we didn't have originally. I want to be able to tell people we no longer torture in America. That is why you and I wrote the Detainee Treatment Act, with Senator MCCAIN, the War Powers Act that clearly bans waterboarding.

I want to be able to tell anybody who is interested that no person in an American prison—civilian or military—held as a suspected member of al-Qaida will be held without independent judicial review. We are not allowing the executive branch to make that decision unchecked. For the first time in the history of American warfare, every American combatant held by the executive branch will have their day in Federal court, and the government has to prove by a preponderance of the evidence you are in fact part of the enemy force. And we did not stop there. Because this could be a war without end, we require an annual review process where each year the individual's case is evaluated as to whether they still maintain a threat or they have intelligence that could be gathered by longer confinement.

What I would say to our colleagues is that we have tried to strike that balance. There are a lot of people who don't like the idea that you give these terrorists Federal hearings and lawyers and all that other stuff. There are a lot of people who don't like the fact that we do have now humane interrogation techniques. But I like that, because I want to win this war on our terms, not theirs. So I couldn't be more proud of this bill.

To my colleagues on the right who want to mandate military custody all the time and you never can read them their Miranda rights, I am sorry, I can't go there. To our friends on the left who want to say the military has no role in this war at home, I am sorry, I can't go there. Military commissions make sense sometimes, sometimes Federal courts make sense.

I will end on this note. This compromise that we have come up with I think will stand the test of time. Unfortunately, most likely radical Islam as we know it today is not going to be defeated in our lifetime, and I hope to have created on my watch as a Senator a legal system that has robust due process, that adheres to our values, but also recognizes we are at threat like any other time in recent memory and allows us to protect ourselves within the values of being an American. I cannot tell you how much I appreciate working with the Senator and Senator MCCAIN, and I think we have accomplished that after 10 years of trying.

Mr. LEVIN. Mr. President, I yield the floor.

Mr. MANCHIN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

EXTENSION OF PAYROLL TAX CUTS

Mr. MANCHIN. Mr. President, I want to speak on these very strange days in Washington, in this Congress.

This esteemed body's approval rating is at 9 percent, and I am having a hard time finding the 9 percent. It seems to me that the only thing we are working hard on is whether we can get the approval rating to zero, and I think we seem to be going in that direction.

We fight over political solutions that can't pass and, more importantly, won't solve this Nation's great problems. We fight for political points and mistakenly believe that the American people care who is up or down. But they don't.

I didn't come to Washington for the purpose of playing games, taking names, or keeping score. That is not what I was sent here to do. That is not what the people of West Virginia want me to do. I came here to fix things and to be a part of the solution. I have not come here to worry about my next election or whether Republicans or Democrats are up or down. I came here to do what I could to improve life for the next generation. I, for one, am willing to sacrifice my next election so the next generation can win. And if that means losing, so be it.

I rise today to speak about the next chapter of this sad state of affairs which the American people are forced to witness: whether we should extend and expand the payroll tax cut that will cost more than $240 billion in 1 year.

Many accusations are being thrown back and forth in the debate over the so-called tax cuts or tax increases, depending on which side of the fence you are on. There is one very basic fact that is missing from all of this very important conversation: Americans pay for one thing with our payroll tax—One. Social Security.

Social Security isn't just another government program. It was established in 1935 to provide economic security for our Nation's seniors who worked hard and earned their retirement benefits. They worked their whole life to provide our generation and those that will follow with a better and greater America.

Yet at the time when our Nation faces a death spiral of debt, when we should be talking about how we can come together to fix a fiscal nightmare that will threaten the very programs we care about such as Social Security, instead we are talking about undermining the very foundation of our longest standing retirement program. Right now, Social Security is on a collision course. By 2037, according to the trustees, if we do not do anything, benefits for everyone will have to be cut by 22 percent. Yet we are digging a deeper hole by destabilizing its funding with this recommendation. All in return for what? A temporary measure that has already cost nearly $120 billion and has at best created few if any jobs.

In the real world, when policy doesn't work, we stop and try something else. Apparently, in Washington we double down. Why would we do this? Why would we double down on a policy that did not work? The answer is simple. For the sake of a short-term political gain, leaders of both parties and the President are willing to fight over how we should pay for a failed program that jeopardizes the fundamental way that

we pay for our retirement security in this country. That does not make any sense to me, and it does not make any sense to the good people in West Virginia.

I know in the coming days we are going to hear a lot of political talk about extending the payroll tax. What they are saying sure sounds good: More money in our pockets. In fact, politicians will offer assurances that Social Security will not be hurt at all. My good friend, who will be speaking also on this, Senator KIRK from Illinois, is going to show a graph that basically shows that to be different.

What you will not hear them say, though, is that reducing payroll taxes even temporarily would take more than $240 billion out of Social Security's funding stream, if we approve the President's proposal. We certainly will not hear them say the way they would repay those hundreds of billions of dollars is through our general revenue fund. If we extend the cuts this year, what about the next year and the year after? When does it stop? When do we have the political will to finally say we better start paying again for Social Security.

Our approval rating is at 9 percent, and we are rapidly losing the support of our family members. Just how many Americans really believe that Congress will make sure our general fund is solid enough to live up to the responsibility of funding Social Security? If the payroll tax cut is extended as it stands this year, the average family in West Virginia will pay $14 less per week. For a lot of people that is a lot of money. But the few West Virginians who even realize they are getting help say they would gladly give that up in return for a reliable Social Security safety net or for a real tax reform that cuts rates across the board and that ensures that every American, especially the wealthy, will start paying their fair share. They would gladly do that.

Let me be clear. As a country, we cannot expect that Social Security will remain secure if we keep telling Americans we do not have to pay for it, and that is exactly the conclusion people will reach if we keep reducing their contributions. Social Security is one of our highest priorities as a country, and we should not let the Federal Government undermine Social Security by convincing Americans they do not really have to pay for it.

Then, again, there are some in Washington who want us to believe the very act of reducing our contributions to Social Security will spur job creation. Unfortunately, the reality is very different.

We tried the payroll tax cut last year, and I supported it. But I will not double down on the failed policy, especially one that jeopardizes the future of Social Security. Truth be told, over the last year I traveled more than 18,000 miles in my State, and I have yet to find very many West Virginians who even know they are getting a discount, let alone business owners who say they will hire anybody if we give them a discount for 1 year.

What business owners do tell me is that what they want more than anything is some certainty and some confidence in this economy; that we will do the right thing and stabilize this economy. Instead, the President and leadership in both parties are trying to give them more of the same failed policies—taking steps that will further undermine our finances, worsen our debt crisis, and jeopardize hundreds of billions from Social Security's regular funding stream, all without the reality that it will create any jobs.

With this great Nation now more than $15 trillion in debt—it will be $17 trillion next year and going to $21 trillion by 2021—the enormity of this problem is that just servicing the debt by 2021 will be greater than what we spend on our Department of Defense to secure this great Nation. We cannot afford to continue to double down on failed policies.

As for taxes, don't get me wrong. I don't want to see Americans paying higher taxes. No way. I simply want a commonsense tax system that ensures everyone pays their fair share, especially the wealthy, who have benefitted the most from this failed tax system we have right now—real tax reform that will lower tax rates for everyone as we close the loopholes, credits, and offsets that allow some corporations and some Americans to avoid paying their fair share. It is time to stop all of that.

Some will say that it is impossible; it cannot be done. I think they are wrong. It requires leadership from the White House to every corner of Congress, and it requires each and every one of us to be willing to sacrifice our political futures for the Nation's future. I, for one, am willing to do just that.

This is our moment. At this critical moment in our history we must get our financial house in order and letting Americans believe we do not have to pay for Social Security is wrong. It is dead wrong. It is the wrong policy. It is wrong for our seniors, it is wrong for our future, and I will not vote for it, period, under any condition. For the sake of the next generation we must get our fiscal house in order, and we can do that if we are willing to make difficult decisions.

I will not vote for either of these two proposals to extend the payroll tax cuts. Looking forward for the sake of our Nation, I hope we will begin to work on a proposal that makes the hard decisions while also protecting the programs and commitments we value as a nation. For myself, and I believe many of my colleagues, there is a bipartisan path forward that can help save this Nation, and I have my good colleague, the Republican from Illinois, who is going to speak to it also.

I believe the best path forward is based on the framework and recommendations outlined in the Bowles-Simpson proposal. When those recommendations were laid out a year ago today—this is the anniversary today—I had been a Senator for less than a month—brandnew, less than 1 month. What I saw in that report gave me great hope. It gave me hope that we could identify our problems, which we did—the fiscal responsibility that we had—and willingly tackle them together. So I was on a high for that one short period.

As a brandnew Member, I was so encouraged that such a responsible, bipartisan group of people, put together by the President, offered a no-holds-barred report on our fiscal situation and some pathways to fix it. Then the proverbial air came out. Not only did the President and his administration walk away from these bipartisan proposals, but leadership in both Chambers of Congress failed to pick up this report and run with it.

Here we are a year later. If anything, our problems are worse. We are going to be forced to make deeper cuts than we wanted to, all because our leadership would not confront the enormous problems we face with a comprehensive long-term solution. But the Bowles-Simpson plan is still the only proposal that enjoys strong bipartisan support. It started as a bipartisan commission. It grew in numbers and it is still growing. It has a responsible manner to balance this problem we have.

It is not perfect; no plan is. I do not agree with everything it proposes. But no plan can be everything to everyone. With today being the 1-year anniversary of the unveiling of that proposal, I am urging, and will continue to urge, our President and the leadership of both Chambers to support any and all efforts—not only to pick up this report, but also to put the resources behind drafting and passing this legislation into law. I ask we all remember the great opportunity we have before us to do what is right.

I do not want to be part of the first generation—and I know the Presiding Officer doesn't want to be part, and I know my good friend from Illinois doesn't want to be part of the first generation that leaves this Nation in worse shape for the next generation. I don't believe this President or any Member of Congress wants to fail the next generation either.

With that, I want to turn over my time to my colleague from Illinois.

Mr. KIRK. If I could engage the Senator in a colloquy, this is a chart that shows the legislation we are considering today. What it shows is the tremendous hit to the tax that supports Social Security. This is the Old Age Survivors Disability Act. It is a $240 billion hit to the funding to support Social Security. We both are going to vote no on both pieces of legislation today because we do not think seniors should take this level of hit.

In the Casey-Reed legislation—this is where the so-called millionaires' tax comes in—it only refunds what Social

Security needs to the level of 7 percent in 2013. In fact, according to one analysis, we may trigger the end of the debt limit before the election if we pass this because of the $246 billion we will have to borrow temporarily until the long stretch of this revenue comes in.

We are about to do a chart with the Republican alternative. It has the same long payout there, and tremendous hit to Social Security. In this time of all these political bills, I think Senator MANCHIN and I are both saying let's not do the political thing anymore. We both voted for the payroll tax deduction legislation before because the country was in crisis, and we wanted to try this out. But this is revenue that supports the benefits that Social Security recipients depend on, and we cannot continue to try to run this program without that revenue. So I think this holiday should end. I think this revenue should not be foregone. I do not think seniors should be faced with a trust-us policy that will pay them back. I would actually say even the political vote is to vote against this so you are for Social Security and for making sure this payment is continued.

I commend the Senator. I think we should exactly follow this policy of no on both of these because, if you vote no, you are supporting Social Security.

One other thing: I ask AARP to speak more clearly on this issue. AARP currently told my staff that they are neutral on this. I urge AARP members to contact AARP and say: Defend Social Security revenues. Make sure there is enough in the kitty for our benefits. We know that 10,000 Americans a day are now qualifying for Social Security. We know this is an age of no free lunch. We want to make sure the revenues are there not just today but tomorrow because seniors absolutely depend on that.

With that, I yield back to my colleague.

The PRESIDING OFFICER. Let the record show the Senator sought recognition, unanimous consent to proceed to a colloquy and did so without objection.

Mr. KIRK. I thank the Chair.

Mr. MANCHIN. I say to my friend from Illinois, what he says is absolutely correct. We have so many people, especially in West Virginia and Illinois, who depend on Social Security. In fact, in West Virginia, for 62 percent of the people who receive Social Security it is their major funding mechanism. It is how they live day to day. They have told me: Do not touch our Social Security Program, our core values of Social Security, what it does for us. If we pass this, not only do we touch it, we jeopardize its solvency in the long term.

If you believe we are going to be responsible enough to pay for this in the 10 years outgoing, then we have some beach-front property in West Virginia we would love to interest you in.

Mr. KIRK. I would say, this is a very long payout, both under the majority and minority piece of legislation. I am hoping enough Members say no to both pieces of legislation so we defend Social Security, and I commend the Senator.

Mr. MANCHIN. I think we are very strong in support of the Bowles-Simpson, basically, the template that it laid out. It is the only one that is bipartisan. As you can see, it stayed bipartisan with the Senator and I, and it will remain bipartisan. It has a tax reform, but everyone pays a fair share. The very wealthy who have escaped paying because of the flawed tax policies would now start paying if we had real tax reform—not increased rates but just their fair share. That is what we ask.

Mr. KIRK. With that, I yield and commend the Senator. We are hoping for two ''no'' votes because we think those are the votes that support Social Security and its continued revenue.

Mr. MANCHIN. I thank the Bowles-Simpson committee, Mr. Bowles and Mr. Simpson, for what they have done a year ago, bringing it to our attention, bringing a pathway to fixing the financial problems we are dealing with. We are concerned about the next generation more so than our next election. That is what we were sent here to do.

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 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 rise to urge my colleagues to pass amendment No. 1414 that I have offered with my distinguished colleague from Illinois, Senator KIRK, to strengthen sanctions against Iran that go to the heart of the regime's ability to finance its nuclear ambitions. This is a broad-based effort, a bipartisan effort, and one that needs the Senate's attention and passage.

In my view, we have to follow the money, and this amendment does exactly that. If we are serious about limiting Iran's ability to finance its nuclear ambitions, this amendment is essential to that effort. It is a serious attempt to sanction the Central Bank of Iran, which is known to be complicit in Iran's nuclear efforts.

If we fail to close loopholes and sanction funding mechanisms for Iran's nuclear development programs, we would be like a rancher who left the barn open and wonders why the horses are gone. To not pass this amendment is leaving the door open to Iran's runaway nuclear ambitions. We cannot and we must not let that happen.

I know the administration has expressed their concerns about this amendment—an amendment which, by the way, has come about as a result of the administration asking us to work with them, and a bipartisan effort has achieved a narrower, more defined, tailored effort to bring the maximum sanctions upon Iran with the minimum consequence to both the United States and our allies across the globe. But in the absence of congressional action over the last 15 years, starting with the Iran and Libya Sanctions Act and ending with CISADA, I have to wonder what we would be doing to stop Iran's drive to obtain nuclear weapons, if it were not for the Congress's intercession and actions.

I recognize this administration has done more than any prior administration in terms of using those tools the Congress has given them, but in my view, we have not done enough.

In a letter from Secretary Geithner today, the administration recognizes that ''Iran's greatest economic resource is its export of oil. Sales of crude oil line the regime's pockets, sustain its human rights abuses, and feed its nuclear ambitions like no other sector of the Iranian economy.'' That is what Secretary Geithner had to say in his letter. That is pretty compelling as to why this amendment needs to pass, that is why I have worked with Senator KIRK to pass this important amendment, and that is why we urge our colleagues to pass it.

To those who have raised concerns about the impact of the amendment on our allies and our multilateral diplomacy efforts, I would note that the European nations and the French in particular are already considering their own Iranian oil embargo. This is not, by the way, an oil embargo, but they are considering something far more significant—their own Iranian oil embargo. They recognize that the Iranian nuclear program has a short fuse. Published reports say it may be as short as 1 year, and the time to act is now. They recognize that the Shahab missile would not only be capable of hitting the State of Israel but could easily hit a European nation—a European nation which obviously would be a NATO ally.

As for other countries, frankly, I am not concerned with how the Chinese feel about our amendment given that they are currently one of greatest violators of our current sanctions regime already. The evidence is clear.

I have been made aware that several major energy traders continue to make prohibited sales of refined petroleum to Iran. Yet our response has been to sanction the front companies rather than the major figures behind these sales.

China also continues to be a major Iranian trading partner and has agreements with Iran for nearly $40 billion in investments to develop Iranian oil fields. China has reportedly directed the China National Offshore Oil Corporation and National Petroleum Corporation to slow their work in Iran, presumably to allow them to make the argument to Washington to hold off on sanctions.

We must ask, why has the administration been reluctant to sanction Chinese companies when there is ample evidence that they are violating our own existing laws and there is precedent for us sanctioning Chinese companies for nuclear and weapons proliferation outcomes?

Mr. MCCAIN. Would the Senator yield for a question?

Mr. MENENDEZ. I would be happy to yield.

Mr. MCCAIN. Is it the Senator's impression that action by the United Nations Security Council is pretty dim given the stated positions of Russia and China on this issue?

Mr. MENENDEZ. The Senator, in my view, is right, considering that they both have veto power at the Security Council. It seems to me that they are not likely allies in helping us pursue this course.

Mr. MCCAIN. So then it really makes a more compelling argument to those who may be wavering on this amendment that there is a clear record on the part of China and Russia in the U.N. Security Council that we cannot expect a Security Council vote, but perhaps we could expect other nations to follow suit once the United States leads on this issue.

Mr. MENENDEZ. I believe the Senator is right.

Mr. MCCAIN. I thank the Senator.

Mr. MENENDEZ. The November 8 IAEA report underscores the need for this amendment. It undeniably confirms that there is a military component to Iran's nuclear program; that Iran has not suspended its Iranian enrichment and conversion activities at declared facilities and is seeking to develop as many as 10 new enrichment facilities; that there are undisclosed nuclear facilities in Iran; that Iran is seeking back channels to acquire dual-use technology and materials; that Iran is experimenting and testing detonators and initiation systems critical to creating a nuclear weapon; and that Iran may be working on an indigenous design for a nuclear weapon, including a nuclear payload small enough to fit on Iran's long-range Shahab missile, a missile capable of reaching Israel. These public revelations have led to an increase in multilateral sanctions on the Iranian regime, which I applaud, but given what appears to be a shortening timeline until Iran has a potential nuclear weapon, it would seem we are not doing enough fast enough.

Iran has adapted to CISADA and has negotiated workarounds to constraints on its financial transactions and its ability to acquire requisite materials to advance its clandestine program. This amendment will prevent those workarounds. It will impose sanctions on those international financial institutions that engage in business activities with the Central Bank of Iran—particularly in the pursuit of petroleum products—with the exception of transactions that include medicine and medical devices.

It is a timely amendment that follows the administration's decision last week designating the entire Iranian banking sector as a primary money laundering concern and a threat to government and financial institutions, noting Iran's illicit activities, including its pursuit of nuclear weapons, its support of terrorism, and its efforts to deceive responsible financial institutions and evade sanctions. 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 those banks in 2011. In making these transfers, the CBI attempted to evade sanctions by minimizing the direct involvement of large international banks with both CBI and designated Iranian banks.

The Under Secretary of the Treasury for Terrorism and Financial Intelligence, David Cohen, wrote:

> 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.

I don't know how much more compelling even the administration's own arguments are. As I have said on this floor, Iran's conduct threatens the national security of the United States and its allies. 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 important, 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.

This amendment will starve the beast. 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 markets, 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 that the country declines to make significant decreases in the purchases of Iranian oil.

This bipartisan amendment has been carefully crafted to ensure the maximum impact on Iran's financial infrastructure and ability to finance terrorist activities and to minimize the impact on global economy. It has the best chance of helping us achieve a peaceful solution to this threat. I urge my colleagues to support this amendment.

Mr. MCCAIN. May I ask one additional question?

Mr. MENENDEZ. I would be happy to do so. I know we have a vote in 5 minutes, and I want the distinguished Senator from Illinois to have an opportunity to speak.

Mr. MCCAIN. These questions are for either Senator.

Is it true that in this legislation, there is a national security waiver, that the President can waive the provisions of this bill if he feels it is in the national interest? Also, how do you respond to the argument being put forward that this could destroy the world's financial system if this legislation would be put into effect?

Mr. MENENDEZ. The answer is, yes, there is a national security waiver, and, no, we do not believe the world's financial system will be destroyed. The fact is, as my distinguished colleague from Illinois has said, it is a choice between a $300 billion economy in Iran and a $14 trillion economy in the United States. I think that choice would be very clear for countries as they choose to do so, and the Europeans are already on a march on their own because they understand the risk to them.

I yield the floor, and I hope to hear from my colleague from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. I rise in very strong support of the Menendez-Kirk amendment.

I wish to compliment the Senator from New Jersey for an outstanding performance in the Senate Foreign Relations Committee today in which he called on the representatives of our government to move quicker on this.

We saw the Baha'is radicals of Iran overrun the embassy of our allies in the United Kingdom. We saw the British Prime Minister just announce that he was removing all Iranian diplomats from the United Kingdom. We saw the Government of Italy announcing that they were suspending some diplomatic activities. We have seen a whole number of actions by the EU now to join with us on sanctions.

I will just say with regard to this amendment that it has now been cosponsored formally by 46 Senators: MENENDEZ, KIRK, BARRASSO, BLUMENTHAL, BLUNT, BOOZMAN, BROWN of Massachusetts, BROWN of Ohio, CARDIN, CASEY, COLLINS, COONS, CRAPO, FEINSTEIN, FRANKEN, GILLIBRAND, GRAHAM, HATCH, HELLER, JOHANNS, KLOBUCHAR, KYL, LAUTENBERG, LEE, LIEBERMAN, MANCHIN, MERKLEY, MIKULSKI, MORAN, MURKOWSKI, NELSON of Florida, NELSON of Nebraska, PORTMAN, PRYOR, RISCH, ROBERTS, SCHUMER, SNOWE, STABENOW, TESTER, THUNE, TOOMEY, VITTER, WARNER, WHITEHOUSE, and WYDEN. These 46 Members are on the shoulders of the 92 who signed the Kirk-Schumer letter in August. When in these partisan times do we have all but eight Senators agreeing on a policy?

I will just note, as Senator MENENDEZ and Senator MCCAIN pointed out, the administration is somewhat worried about this amendment, but Senator MENENDEZ correctly provided flexibility to the administration by saying,

No. 1, if the energy information agency says oil markets are tight and issues a report on the affected oil markets, these sanctions could be suspended for a time. On top of that one waiver, there is a second waiver for the national security of the United States that the President could have that kind of flexibility.

So with flexibility, with bipartisan support, with outrageous activity by Iran, in the face of the IAEA report, moving toward a nuclear weapon, with the danger we see from that government and Hezbollah and Hamas against our allies in Lebanon and Israel, with the plot announced by the Attorney General of the United States to blow up a Georgetown restaurant in an effort to kill the Saudi Arabian Ambassador, with the plight of 330,000 Baha'is oppressed by that country, with someone like Nasrin Sotoudeh, the lawyer for Shirin Ebadi—the Noble Prize laureate's lawyer was thrown in jail just for representing that client—for all these reasons, this is the right amendment, at the right time, sending the right message in the face of a very irresponsible regime.

I yield back and thank the Senator for offering this well-timed amendment.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1093 WITHDRAWN

Mr. MCCAIN. On behalf of Senator INHOFE, I ask to withdraw amendment No. 1093.

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

Mr. MCCAIN. Mr. President, very briefly I would like to thank the Senators for their leadership on this issue. There is a threat to the security of the world posed by the Islamic nation of Iran. This is much needed legislation.

I think it is important to note, as they did, that there is a national security waiver given to the President of the United States, and also we cannot expect a lot of help considering the membership of the United Nations Security Council and Russia and China's unwillingness to act on behalf of reining in this path that Iran is on to the acquisition and the possibility and the capability for the use of nuclear weapons.

I congratulate both sponsors of the amendment, and I hope we can get a recorded vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1125

Mr. UDALL of Colorado. Mr. President, I wanted to rise at this time in support of the Feinstein amendment No. 1125, which would modify the requirement that the Armed Forces detain suspected terrorists by adding the word ''abroad'' to ensure that we aren't disrupting domestic counterterrorism efforts. And I would like to correct the record because some of the opponents of the amendment have stated that by inserting the word ''abroad,'' we would be preventing the military from detaining al-Qaida terrorists on U.S. soil, and that is simply not true.

The President knows and my colleagues know that I am not comfortable with the detention provisions in this bill because I think they will undermine our fight against terrorism. But this would be an important change, a narrowly focused change in the provisions that have already been put on the floor.

Mr. President, is the vote imminent?

The PRESIDING OFFICER (Mr. SANDERS). It is.

Mr. UDALL of Colorado. Mr. President, I rise in support of the Feinstein amendment No. 1125, which would modify the requirement that the Armed Forces detain suspected terrorists by adding the word ''abroad'' to ensure we are not disrupting domestic counterterrorism efforts. I wish to correct the RECORD, because some of the opponents of this amendment have stated that by inserting the word ''abroad'' we would be ''preventing the military from detaining al Qaeda terrorists on U.S. soil.'' This is simply not true.

I am not comfortable with the detention provisions in this bill because I think they will undermine our fight against terrorism. While section 1031 of this legislation will authorize the military to detain terrorists, section 1032 requires that the military detain certain terrorists even if the FBI or local law enforcement is in the middle of a larger investigation that would yield the capture of even more dangerous terrorists.

This may disrupt the investigation, interrogation, and prosecution of terrorist suspects by forcing the military to interrupt FBI, CIA, or other counterterrorism agency operations—against each of these organizations' recommendations, including the military's. This would be an unworkable bureaucratic process that would take away the ability to make critical and split-second decisions about how best to save Americans lives. That is why the director of the FBI and the director of National Intelligence have strongly opposed the underlying provisions.

The Feinstein amendment would simply provide the needed flexibility for the FBI and other law enforcement agencies to work to fight and capture terrorists without having to stop and hand over suspects to the military. However, even with the Feinstein modification, with the authorization in section 1031 the military could still detain a suspected terrorist but would not have to step in and interrupt other domestic counterterrorism operations.

In other words, the Feinstein amendment would do nothing to prevent the military from acting, it would simply take away the mandate that they interrupt other investigations. I still do not believe we should enshrine in law authorization for the military to act on U.S. soil, but to argue that adding ''abroad'' to section 1032 would take away from the authority given in this bill is just wrong.

Clarifying that the military is only required to detain suspected terrorists abroad is the best approach to address the FBI's concerns about this legislation, and it is the best approach for our national security. What we are doing is working. We should not take away the flexibility that is necessary to keep us safe.

Passing this amendment would be welcome news to Secretary of Defense Panetta, Director of National Intelligence Clapper, FBI Director Mueller, and CIA Director Petraeus—who oppose the intrusive restrictions on their counterterrorism operations that the underlying bill would create.

The other side has argued that this is fundamentally about whether we are fighting a war or a crime. I think that is a false choice and it does a disservice to our integrated intelligence community that is fighting terrorism successfully using every tool it possibly can. We can debate this in theoretical, black-and-white terms about whether this is a war or a crime. Or we can get back to the business of taking on these terrorists in every way we know how, including by using our very effective criminal justice system. At the end of the day, it is about protecting Americans, protecting this country. Why on Earth would we want to tie our hands behind our back?

Our national security leadership has said the detention provisions in this bill could make us less safe. We should listen to their concerns and pass this amendment to preserve the U.S. Government's current detention and prosecution flexibility that has allowed both the Bush and Obama Administrations to effectively combat those who seek to do us harm.

Again, I encourage my colleagues to support the Feinstein amendment, to keep faith with the Directors of the FBI, the DNI, the Secretary of Defense, and our Attorney General, who say these provisions could create unwanted complications in our fight against terrorism.

Let's adopt the Feinstein amendment. It will help us win the war against terror.

Thank you, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a vote on the Feinstein amendment No. 1125.

Mr. BARRASSO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—45

Akaka	Bennet	Blumenthal
Baucus	Bingaman	Boxer

Brown (OH)	Kerry	Reed
Cantwell	Kirk	Reid
Cardin	Klobuchar	Rockefeller
Carper	Kohl	Sanders
Conrad	Lautenberg	Schumer
Coons	Leahy	Shaheen
Durbin	Lee	Tester
Feinstein	Menendez	Udall (CO)
Franken	Merkley	Udall (NM)
Gillibrand	Mikulski	Warner
Hagan	Murray	Webb
Harkin	Nelson (FL)	Whitehouse
Johnson (SD)	Paul	Wyden

NAYS—55

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hatch	Murkowski
Begich	Heller	Nelson (NE)
Blunt	Hoeven	Portman
Boozman	Hutchison	Pryor
Brown (MA)	Inhofe	Risch
Burr	Inouye	Roberts
Casey	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kyl	Snowe
Cochran	Landrieu	Stabenow
Collins	Levin	Thune
Corker	Lieberman	Toomey
Cornyn	Lugar	Vitter
Crapo	Manchin	Wicker
DeMint	McCain	
Enzi	McCaskill	

The amendment (No. 1125) was rejected.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. SHAHEEN. Mr. President, I rise today in support of the 2012 National Defense Authorization Act, the critical piece of legislation we are now working on that will strengthen our national security, provide for our troops and their families, and improve oversight of American taxpayer dollars.

Over the last half century, the Senate has successfully passed a defense authorization bill without fail every year. This strong tradition of bipartisanship continues today under the joint leadership of Senators LEVIN and MCCAIN.

As a member of the Armed Services Committee, I thank the chairman and ranking member, as well as the majority and minority staff, for their dedicated and tireless effort as we work to bring this important legislation to the floor.

Throughout this yearlong process, our committee takes on extremely difficult and contentious security issues, and at times we have our differences. However, we take on these disagreements in a respectful and openminded fashion, driven by a strong commitment to cooperation and compromise. Bipartisanship has never been easy, but it works, as the Armed Services Committee has proven year in and year out. I hope all of our committees in the Senate can work in this kind of cooperative fashion, especially these days when budget constraints are so difficult.

No department of the Federal Government is immune from the severe fiscal challenges facing our Nation. That includes our Department of Defense. We are cutting $27 billion from the President's budget request in this bill, nearly $43 billion from the last year's authorization. We need to find ways to maximize our investments in defense by aggressively eliminating unneeded and underperforming programs and we need to streamline our business practices and invest strategically in future technology.

The bill before us helps ensure that our troops, especially the 96,000 serving in Afghanistan as well as their families, continue to receive the care and support they deserve. It provides hard-earned pay raises for all uniformed military personnel, funding for critical equipment, and training required for our men and women to succeed on the battlefield.

The Defense authorization bill before us makes important investments in defense, science, and technology. As I know the Chair agrees, we need to do more to prepare the next generation of scientists and engineers who will be so important to maintaining our Nation's superior technological edge. The current bill makes a small downpayment on this important effort, and I intend to continue to fight for more investment as we move forward.

The bill also includes a number of provisions that will enable the Defense Department to lead in the creation of a more secure energy future for our military and for our country. As the single largest consumer of energy in the world today, the U.S. military has taken some initial steps on energy efficiency, energy mitigation, and the use of renewable and clean energy alternatives. But we still have a very long way to go. I look forward to continuing to work with the Department of Defense to take advantage of more energy savings opportunities in the future.

This year's Defense authorization bill also includes significant resources to fight nontraditional threats, including the proliferation of nuclear, chemical and biological weapons and the growing challenge posed by cyber warfare. In addition, I am pleased a number of provisions I have been working on are currently included in the bill.

First, we are extending the Small Business Innovation Research Program for the next 8 years. This is critical to keep our defense manufacturing base and our small business innovators strong and competitive. This is a provision I have worked on. I commend Senators LANDRIEU and SNOWE for their leadership in the Small Business Committee for working on this effort and for working so hard to get this extension, a long-term extension, into the Defense authorization bill.

The bill also includes a version of the National Guard Citizen Soldiers Support Act, which will go far in providing our National Guard members with the unique services and support they need when they return home from the fight.

We also have a Navy shipyard modernization provision that has been introduced by Senators SNOWE and COLLINS and Senator AYOTTE and I, from New Hampshire. It also includes a $400 million cut to an unnecessary and underperforming weapons program that I have worked closely with Senators MCCAIN and BEGICH to include.

In addition, I was pleased to cosponsor Senator LEAHY's National Guard Empowerment Act, which gives a stronger voice to our 450,000 citizen soldiers in our National Guard.

Although we have a good bill before us, I believe it could be better, and I have introduced several additional amendments, two of which are designed to provide the nearly 214,000 women serving in our Armed Services with the reproductive health care they are currently denied under the law. Unfortunately, we were not able to get a vote on those amendments. But I hope to continue to work closely with the chairman and ranking member to address these important concerns.

In addition, I have worked closely with Senators COLLINS and CASEY on an amendment to address unsecured and looted stockpiles of tens of thousands of shoulder-fired missiles in Libya. If these weapons fall into the wrong hands, they pose a serious threat to civil aviation worldwide and to our deployed forces abroad.

I wish to thank the committee for including this provision in the legislation. I also wish to address, briefly, some of the concerns that have been raised with respect to the detainee provisions in the bill. The underlying legislation which I supported is an attempt to provide a statutory basis for dealing with detained members of al-Qaida and its terrorist affiliates.

In committee, we made some difficult choices on this extremely complex issue. But we did that in order to strike a bipartisan agreement to both protect our values and our security. I understand, similar to all the Members of this body, the concerns that have been raised on both sides of these issues.

Again, as a general principle, I believe our national security officials should have the flexibility needed to deal with the constantly evolving threat. But I also believe that clear, transparent rules of procedure are a bedrock legal principle of our constitutional system. I believe the military detention language in this bill includes a significant amount of flexibility for the executive branch, including a national security waiver and broad authorities on implementation.

Although I support the goals of the chairman and ranking member's underlying legislation, I also believe we can improve those provisions. I supported Senator FEINSTEIN's amendment that we just voted on which would restrict required military custody to only those terrorist suspects captured abroad.

I hope that despite the disagreements, we will continue to chart a bipartisan path forward with respect to these detainee provisions in the years ahead. We need to give our national security officials at home and abroad a clearly defined but yet flexible system which protects our constitutional rights and our national security.

In conclusion, I believe the 2012 Defense authorization bill before us will strengthen our national security, maintain our military power, keep our defense businesses competitive, help cancel and roll back wasteful spending, and support the men and women who defend our Nation every day. I hope the full Senate will quickly come to an agreement on the pending amendments and pass this important piece of legislation so it can go to the President's desk as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I call for the regular order with respect to the Merkley amendment No. 1174.

The PRESIDING OFFICER. The Senator has that right. That amendment is now the regular order.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Is it necessary to lay aside the pending amendment so I may engage in a colloquy?

The PRESIDING OFFICER. There is no need to do that.

AMENDMENT NO. 1206

Mrs. BOXER. Senator LEVIN and Senator MCCAIN, I wish to thank you very much. Before we engage in a colloquy, I simply want to show one chart which tells a story as to why Senator GRASSLEY and I are so pleased the Senators are willing to accept this by voice vote.

If I could ask Senator LEVIN to take a peek at this because I think this tells the story. This is what our military leadership makes, about $200,000. This is what the President of the United States as the Commander in Chief makes every year. This is what we have limited, and that was a reform, the top five defense contractors to—almost $700,000. But all the rest of the contract employees have absolutely no limit and can make $1 million a year. This is from the taxpayers.

Senator GRASSLEY and I feel, particularly in these times, but just as a matter of equity, we can fix it. We are very grateful to the two Senators for their willingness. So I would like to enter into a colloquy with Chairman LEVIN and, of course through him, Ranking Member MCCAIN.

I greatly appreciate their willingness to accept the Boxer-Grassley amendment No. 1206 that limits contractor employees' salaries to no more than the salary of the Commander in Chief, who is, of course, the President of the United States.

Mr. LEVIN. The Senator from California, my great friend, Mrs. BOXER, is correct. We are willing to accept the Boxer-Grassley amendment by voice vote.

Mr. GRASSLEY. Mr. President, there currently is no cap at all on the amount taxpayers will reimburse contractor employees for compensation except for just a handful of executives, and that limit is already too high at $693,951. That is far above what the chief executive of the U.S. Government gets paid at $400,000 a year.

So that is why we would cap it at no more than what the President can get. I presume the Senator from Michigan is aware of that and willing to help us on that process by adopting this amendment.

Mr. MCCAIN. Where would the congressional and staff salaries fit on that?

Mrs. BOXER. That is a good question. We would be well below. We would be about here.

Mr. MCCAIN. I thank the Senator.

Mr. LEVIN. In response to Senator GRASSLEY's question, I am very much aware of what he referred to.

Mr. GRASSLEY. I thank the Senator.

Mrs. BOXER. Mr. President, just in conclusion, did the Senator from Iowa and I have word from the Senator from Michigan that during conference negotiations with the House of Representatives regarding this bill, he will work to ensure that contractor employees are covered by a reasonable limit so taxpayers are not on the hook for excessive salary reimbursements?

Mr. LEVIN. You do, indeed.

Mrs. BOXER. I thank the Chairman.

Mr. GRASSLEY. I say thank you to the managers of the bill for helping us with this very important amendment.

Mr. LEVIN. I thank the Senator from California and the Senator from Iowa for their efforts in this area.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1145

Mr. TESTER. Mr. President, first, I wish to start by thanking Chairman LEVIN and Senator MCCAIN for their continued dialog on a matter of overseas basing priorities. I very much appreciate their efforts to work to get at least the first steps in place for a thorough review of our overseas basing needs and finally getting some answers on the costs of these bases.

I also wish to especially thank my colleague from Texas, Senator HUTCHISON, for her continued leadership on this issue and for joining me on amendment 1145, a bipartisan effort to establish an overseas basing commission.

I realize there are concerns that this is not the right time to establish such a commission. However, I think it is the perfect time. So let me reiterate one point I mentioned yesterday. The commission would be charged with saving taxpayers money by identifying potential savings from reevaluating and potentially realigning our overseas military base structure and investments.

It is time we take some commonsense steps to identify and cut overseas military facilities and construction projects that have minimal negative impacts on our national security and military readiness. There is no better time than the present to begin this work. In a spirit of compromise and understanding that establishing a commission is not currently acceptable to some, I have worked with my colleagues to include an independent assessment of our overseas basing in this legislation.

I ask unanimous consent to speak now as in morning business for 5 minutes.

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

PAYROLL TAX HOLIDAY

Mr. TESTER. What I would like to speak on now is regarding the payroll tax votes that we are going to be taking later today or possibly even this evening. I wish to tell you exactly why I am going to vote against both of these proposals. I believe they are gimmicks, designed more for political posturing than what Congress ought to be doing right now; that is, working together to create jobs on a long-term basis; to create long-term certainty for businesses throughout this country, Montana included, while we work to cut our deficit.

The Democrat's proposal is the same included in the President's American Jobs Act, which I voted against several weeks ago. My reasons for voting against that proposal have not changed. It would temporarily extend the Social Security payroll tax holiday through 2012 and pay for it by raising taxes on the wealthy. Although I support making sure millionaires and corporations pay their fair share in taxes, I do not believe this particular proposal will create jobs or give our economy the boost it needs right now.

A small 1-year temporary tax cut will not give Main Street businesses the long-term certainty they need to grow and hire.

The proposal by the Senate Republicans also temporarily extends the payroll tax holiday but only by cutting certain Medicare benefits and cutting jobs and extending a current pay freeze for our folks who serve in public service. Neither of these proposals is right for Montana and neither will earn my vote.

I want to take you back to a few weeks ago, in November, when Congress unanimously passed my veterans jobs bill, called the VOW to Hire Heroes Act. The President has already signed it into law. I believe Congress has a responsibility to spend more time passing legislation such as that—real solutions that create real jobs, and not political theater.

I know we can do it. It was appropriate for us to work together for the veterans. It is also appropriate for us to work together to create jobs for all Americans.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. 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. 1126

Mr. CHAMBLISS. Mr. President, I rise in opposition to the second Feinstein amendment, No. 1126, I believe. I have the privilege as serving as vice chairman on the Intelligence Committee with Chairman FEINSTEIN. We have a good working relationship and agree on most every issue that comes before the committee. I know the diligence and seriousness with which she takes every issue but particularly this one.

We have had a number of discussions about the fact that we have a lack of a detainee and interrogation policy in this country now, and I know she is concerned about that and is trying to make the situation better. I remain committed to work with her on a solution.

Unfortunately, I am going to have to oppose her amendment today because of my concerns about the limitation it imposes on the authority to detain Americans who have chosen to wage war against America. My first concern is that it appears, from the debate yesterday, that there is confusion among some Members about what this amendment does. For example, my colleague and friend from Illinois, Senator KIRK, argued that he is in favor of robust and flexible U.S. military action overseas, including against American citizens such as Anwar al-Awlaqi. Senator KIRK said he supports the Feinstein amendment, however, because he believes in a zone of protection for citizens inside the United States.

But the Feinstein amendment does not apply to only those American citizens who commit belligerent acts inside the United States; it would also prohibit the long-term military detention of American terrorists such as Anwar al-Awlaqi, who committed terrorist acts outside the United States. As a result, this amendment would have the perverse effect of allowing American belligerents overseas to be targeted in lethal strikes but not held in U.S. military detention until the end of hostilities. That makes no sense whatsoever.

I am also concerned about the ambiguity in the amendment's language and the uncertainty it will cause our operators, especially those overseas. The amendment exempts American citizens from detention without trial until the end of hostilities. But short of the end of hostilities, the amendment appears to allow detention without trial. Is it the Senator's intent to allow for some long-term detention of Americans without trial?

This is troubling because we don't know how the prohibition will be interpreted by our operators or the courts that will hear inevitable habeas challenges. Would the military be permitted to hold a captured belligerent for a month, a few months, or a few years, as long as it was not until the end of hostilities? Or would the military interpret the amendment as a blanket prohibition against military detention of Americans for any period of time? If the military rounded up American terrorists such as Adam Gadahn or Adnan Shukrijumah among a group of terrorists, would they have to let these Americans go because the military would not be permitted to detain them? Would more American belligerents be killed in strikes if capture-and-detain operations were perceived to be unlawful? I don't believe we can leave our operators with this kind of uncertainty.

Finally, we should all remember the provisions of the National Defense Authorization Act do not provide for a new authority to hold U.S. citizens in military detention. American citizens can be held in military detention under current law. Contrary to some claims that were made yesterday and debated on this floor, these Americans would be given ample due process through their ability to bring habeas corpus challenges to their detention in Federal court. The Supreme Court has held in the Hamdi case that the detention of enemy combatants without the prospect of criminal charges or trial until the end of hostilities is proper under the AUMF and the Constitution. Hamdi is a U.S. citizen. This is not a new concept. In reaching its decision, the Hamdi Court cited the World War II case, Ex parte Quirin, in which the Supreme Court held:

[C]itizenship in the United States as an enemy belligerent does not relieve him from the consequences of a belligerency.

In conclusion, I understand Senator FEINSTEIN's motivation, but I just don't believe this amendment does what she wants it to do, and there will be unintended consequences that could seriously hamper overseas capture operations. Mr. President, I urge my colleagues to oppose the Feinstein amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

ATF FAST AND FURIOUS OPERATION

Mr. GRASSLEY. For anybody interested in how long I might be, I would say roughly 10 minutes.

Mr. President, for nearly a year, I have been investigating the Bureau of Alcohol, Tobacco, Firearms, and Explosives' operation known as Operation Fast and Furious. I have followed up on questions from that investigation as the Senate Judiciary Committee held oversight hearings over the past few weeks with both Secretary Janet Napolitano and Attorney General Eric Holder. Each of them testified about the aftermath of the shooting of Border Patrol agent Brian Terry. I have sought to clarify with facts some of the half-truths that were said during these meetings.

Each claimed they were ignorant of the connection between Agent Terry's death and Operation Fast and Furious until my letters with whistleblower allegations brought the connection to light. However, documents that have come to light in my investigation draw those claims into question. I would like to address a couple of those discrepancies.

Secretary Napolitano went to Arizona a few days after Agent Terry's death. She said she met at that time with the FBI agents and the assistant U.S. attorneys looking for the shooters. She also said at that point in time that nobody knew about Fast and Furious. Yet documents show that many people knew about Fast and Furious on December 15, the day Agent Terry died.

Secretary Napolitano referenced the FBI agents looking for the shooters. The head of the FBI field division was present at the December 15 press conference about Agent Terry's murder. At that very press conference the FBI head told a chief assistant U.S. attorney about the connection to an ongoing ATF investigation. That same night, U.S. attorney Dennis Burke confirmed that the guns tied back to Operation Fast and Furious. These connections were made days before Secretary Napolitano's visit at that time. The very purpose of her visit was to find out more about the investigation.

So a very important question comes up: The Department of Homeland Security oversees the Border Patrol. Why wouldn't the Phoenix FBI head have told Secretary Napolitano that the only guns found at the scene of Agent Terry's murder were tied to an ongoing ATF investigation?

Let's not forget the U.S. Attorney's Office. Secretary Napolitano said she met with the assistant U.S. attorneys looking for the shooters. The chief assistant U.S. attorney for the Tucson office, which coordinated the Terry investigation, found out about the ATF connection directly from our Federal Bureau of Investigation.

So a very important question comes up that needs to be answered: Why would they conceal the Fast and Furious connection from Secretary Napolitano days later?

The Tucson office is overseen by the U.S. attorney for the District of Arizona, Dennis Burke, who confirmed to Tucson that guns came from Operation Fast and Furious. When Ms. Napolitano served as Governor of Arizona,

Mr. Burke served as her chief of staff for 5 years. Secretary Napolitano acknowledges that she had conversations with him about the murder of Agent Terry.

So a very important question comes up: Why would Mr. Burke conceal the Fast and Furious connection from Secretary Napolitano?

Even before Secretary Napolitano came to Arizona, e-mails indicate Mr. Burke spoke on December 15 with Attorney General Holder's deputy chief of Staff, Monte Wilkinson.

So a very important question is unanswered: Before finding out about Agent Terry, Mr. Burke e-mailed Mr. Wilkinson that he wanted to ''explain in detail'' about Fast and Furious when they talked. In that phone call—and this is a very important question—did U.S. attorney Burke tell Mr. Wilkinson about the case's connection to a Border Patrol agent's death that very day?

The next day, the Deputy Director of the ATF made sure briefing papers were prepared about the Operation Fast and Furious connection to Agent Terry's death. He sent them to individuals in Washington, DC, in the Deputy Attorney General's Office at the Justice Department. Within 24 hours, they were forwarded to the Deputy Attorney General. They were accompanied by personal e-mails from one of the Deputy Attorney General assistants explaining the situation.

Two weeks later, that Deputy Attorney General, Gary Grindler, was named Attorney General Holder's chief of staff. Yet a month and a half after Agent Terry's death, Attorney General Holder was allegedly ignorant of the Operation Fast and Furious connection to the murder of Agent Terry.

So a very important question is unanswered: Why wouldn't Mr. Grindler bring up these serious problems with Attorney General Holder, either as his Deputy Attorney General or as his chief of staff?

It is clear that multiple highly placed officials in multiple agencies knew almost immediately of the connection between Operation Fast and Furious and Agent Terry's death.

The Department of Justice and the Department of Homeland Security have failed to adequately explain why Attorney General Holder and Secretary Napolitano allegedly remained ignorant of that connection. Whether it is the Attorney General or the Secretary or members of their staff, somebody wasn't doing their job. Somebody wasn't serving their higher-ups as they should have been, as proper staff people.

In the case of Secretary Napolitano, either she was not entirely candid with me and others or this was a gross breach on the part of those who kept her in the dark. The Border Patrol and the Department of Homeland Security lost a man—Agent Terry being murdered. It was their right to know the full circumstances surrounding that from people who served under them.

No one likes the unpleasant business of having to fess up, but the FBI, ATF, and U.S. Attorney's Office owed it to Agent Brian Terry and his family to fully inform the leadership of the Department of Homeland Security. This was the death of a Federal agent involving weapons allowed to walk free by another agency in his own government.

Let me explain ''walking guns.'' The Federal Government operates under the rule of law, just like all of us have to live under that rule of law. There are licensed Federal gun dealers, and Federal gun dealers were encouraged to sell guns illegally to straw buyers and, supposedly, follow those guns across the border to somehow arrest people who were involved with drug trafficking and other illegal things. Two of these guns showed up at the murder scene of Agent Terry. So it is a very serious situation that we need to get to the bottom of.

If what I have just described, with all these unanswered questions, is not enough to brief up to the top of the Department, then I don't know what is. In other words, staff people ought to be doing their job or, if staff people were doing their job, then the Congress, in our constitutional job of oversight, is being misled.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Rhode Island.

Mr. REED. Madam President, I ask unanimous consent to speak as in morning business.

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

PAYROLL TAX CUT AND UNEMPLOYMENT COMPENSATION

Mr. REED. Madam President, I rise today to urge my colleagues to extend and expand the payroll tax cut and to fully extend unemployment compensation insurance immediately. The payroll tax cut and full extension of unemployment insurance are two of our best tools for strengthening our economic recovery. We must work without let-up to pass this legislation before year's end.

Democrats are doing everything we can to create jobs and solve our unemployment crisis. Millions of Americans are still out of work, however, and looking for a job in the toughest economy since the Great Depression. Jobless benefits, which have been essential to millions of Americans as they search for a job, are set to expire at the end of this year.

Congress has never failed to extend benefits when unemployment is this high. Unfortunately, right now, Republicans are refusing to fully extend unemployment insurance, despite our Nation's 9 percent unemployment rate. In extending benefits, we should not do any less for the recently unemployed than we did for those who were unemployed in the last year or two. That is why I introduced the Emergency Unemployment Compensation Extension Act of 2011, which fully extends Federal support for unemployment insurance through 2012.

Extending benefits doesn't just make sense for a person who has been laid off, it makes sense for the economy as a whole. In fact, during today's hearing in the Senate Banking Committee, a business operator recognized that failing to extend unemployment insurance would have a negative impact on their business. Its was hard for him to quantify, but the sense he has, from operating a very dispersed convenience store operation throughout this country, is there would likely be a negative impact.

Those impacts will be magnified and multiplied throughout our economy. It will, ironically, cause not just those without jobs to lose benefits, it will also probably lead to further reductions in jobs as demand falls off and the need for employees, particularly in retail establishments, might lessen.

That is why, if Congress truly wishes to help strengthen our economy, we need to extend unemployment insurance now. The reason we must fully extend unemployment insurance is simple: If people don't have jobs, they can't spend money. If people can't spend money, businesses go under. If businesses fail, more people lose their jobs, and the downward spiral continues.

Extending unemployment insurance is not just the right thing to do, it is a wise investment with a strong rate of return that will provide a much needed economic boost to every State across the country.

Unemployment is, regrettably, a national crisis. This program will address a nationwide problem, and it will do it in an extraordinarily cost-effective way. The CBO has calculated that this has one of best returns on the dollar. The reason we must fully extend unemployment insurance is quite simple. People who are receiving unemployment benefits need that money to pay for groceries, to put some gas in the car, to take care of those immediate expenses. So, as the economists would say, their marginal propensity to consume—i.e., their willingness to take the dollar in and spend it out—is very high. As a result, this program not only helps families who are struggling, it also immediately injects dollars and demand into the economy. These programs have a real benefit.

We understand what we have to do to address our unemployment crisis and that is to grow the economy, and that means we must create jobs. Again, this program will help stimulate demand, will help keep people at work and perhaps even—we hope—put more people to work.

When it comes to the efficacy of this program, the bang for the buck, it is among the most effective. I referred earlier to some economists—in specific terms—Alan Blinder and Mark Zandi

have estimated that for every dollar spent on extending unemployment benefits, the economy grows by $1.61. The Economic Policy Institute has estimated that failing to extend UI benefits for a year could result in the loss of $72 billion in economic activity for 2012, which impacts 560,000 jobs across the country. The country cannot afford this hit. We cannot afford to miss the opportunity to maintain or create over 500,000 jobs. We cannot ignore the fact that, in this very critical budget situation, this is one of the most cost-effective ways to continue to stimulate demand and grow jobs in our country.

We also have to understand that we are dealing with a situation that is getting to be critical because we are running out of time. These benefits will expire at the end of the year, and we must move forward.

I think we can also do something else, and that is to improve this program. One way to improve it is to adopt a program that is very effective in my State of Rhode Island and several other States across the country, and that is work sharing. Work sharing is a voluntary program that prevents layoffs, it keeps people on the job, it helps employers retain skilled workers, and it strengthens the unemployment insurance system.

Over 20 States are utilizing this program. They estimate they saved 100,000 jobs in 2010 alone. Essentially what it does is it allows an employer—for example—to keep people on the job for 3 out of 5 days of the week, and the other 2 days are compensated for by the Unemployment Insurance Fund. The fund saves money, and the employer keeps these people in the workplace with all their skills and all their contributions to the firm. It is a win-win, and it is something over 20 States across this country have embraced. I think it should be national, and we have provisions in legislation I've introduced that would help extend it nationally.

Again, we cannot delay. I urge all of my colleagues to join me in taking the needed steps to help our economic recovery and extend our unemployment compensation insurance program before the end of this year.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I rise to speak in regard to several amendments to the Defense authorization bill. First is in regard to the nuclear triad and the important role it plays in defense of our Nation and security of the world and also in regard to the Global Hawk unmanned aerial systems program and the important role it has for our forces, both today in our efforts around the world and what it means to us in the future.

First, in regard to amendment 1279 and the nuclear triad, this amendment was cosponsored by Senator TESTER, Senator ENZI, Senator BLUNT, Senator VITTER. Also, I ask unanimous consent that my colleague from North Dakota, Senator CONRAD, be included as a cosponsor of the amendment, as well as Senator BAUCUS of Montana.

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

Mr. HOEVEN. The amendment declares that the United States should maintain a triad of strategic nuclear delivery systems which includes missiles, bombers, and submarines. It also declares that it is the sense of the Senate that the President should budget for the modernization of those systems and the weapons they deliver.

Over the past couple of years, numerous statements have been made in support of the triad. The 2010 Nuclear Posture Review concluded that the United States needs the nuclear triad. The Senate, in its resolution of ratification for the New START treaty, declared that the United States needs the nuclear triad. And President Obama last February certified that he intends to modernize the nuclear triad. However, the administration is now currently conducting a further review of the role nuclear weapons play in defending U.S. national security—a miniature Nuclear Posture Review. It is important that the Senate reaffirm its commitment to the nuclear triad once again.

I am particularly concerned by statements that we can reduce our nuclear arsenal significantly below the requirements laid out in the New START treaty. Given the threats we face and the responsibility we have to the American people and to our allies, I believe we must retain the nuclear triad. The reasons are clear and compelling. We need missiles to provide a persistent, dispersed, and cost-effective deterrent. We need submarines to provide an invisible, mobile, and survivable deterrent. And we need bombers to provide a visible, long-range, recallable deterrent.

The bottom line is that the triad provides us with a safe, credible, reliable nuclear deterrent that renders any effort to eliminate or sidestep our retaliatory capabilities completely meaningless. And those benefits accrue not only to the United States but to our allies as well. The Congressional Strategic Posture Commission, the resolution of the ratification to the New START agreement, and the 2010 Nuclear Posture Review all concluded that the United States needs to maintain the triad.

The triad was developed out of a need to counter an immense threat from the Soviet Union, but it now gives us the flexibility to adapt to an ever-changing international security environment. And supporting a triad means supporting a program to maintain and enhance the weapons and a delivery system that make up the triad.

It is very important to point out—particularly given our fiscal situation—that the costs of updating and maintaining the weapons in the triad will not take up a very big percentage of the defense budget, particularly relative to the tremendous security advantages it provides. In fact, General Kehler, the head of Strategic Command, recently indicated his strong support for efforts to preserve the triad and modernize each of the associated delivery systems.

It is tempting to assume that because the Cold War is over, we don't need the nuclear arsenal anymore. In fact, people who defend the nuclear arsenal are often accused of being stuck in a cold war mindset. The truth is just the opposite. Only in a cold war mindset would we assume Russia is the sole reason we preserve our nuclear arsenal. Today, our nuclear deterrent counters a variety of threats that did not even exist during the Cold War, and it hedges against the emergence of new nuclear threats.

The decades following the end of the Cold War have made nuclear deterrence far more complicated than the old superpower confrontation of last century. We must now counter nuclear threats from multiple actors around the world.

First, consider China. China's military modernization program is built on a foundation of a large and growing nuclear arsenal. Intelligence estimates suggest that the number of warheads atop Chinese ICBMs capable of reaching the United States could more than double within the next 15 years. Recent reports indicate that China is fielding four different new nuclear-ready ballistic missiles. China is prioritizing the development of mobile land-based ICBMs and submarine-launched ballistic missiles. China's nuclear posture is also troubling. China has not defined what it would consider a minimum nuclear deterrent, making it difficult to understand the motivations behind China's nuclear force expansion and their modernization efforts.

Second, new nuclear powers such as North Korea and Pakistan further complicate how we calculate our need for deterrence. North Korea has pursued nuclear weapons using both plutonium and uranium and continues to develop long-range ballistic missiles that can threaten the United States. North Korea's nuclear arsenal forces our allies in East Asia—especially South Korea and Japan—to put a premium on the U.S. nuclear deterrent. Pakistan's nuclear weapons greatly complicate the security situation in central Asia and create a serious risk of nuclear proliferation. The emergence of these two nuclear powers is a cautionary tale about the unpredictable ripple effects of new players in the nuclear game and a strong reason why reductions to U.S. strategic forces should only be made with the greatest caution.

Third, nuclear proliferation will remain one of our foremost security challenges in the world. The IAEA reports that Iran has been researching and developing nuclear weapons, and it expressed serious concerns about the military dimensions of Iran's nuclear program. Syria was so serious about developing a nuclear weapon—probably with the help of North Korea and Iran—that in 2007 Israel had to destroy

a Syrian nuclear site. Terrorist groups and other rogue actors also seek the development or the acquisition of nuclear arms.

And, of course, fourth, we cannot yet forget about Russia. Under the provisions of the New START agreement, Russia can expand its nuclear force rather than pursue reductions. Russia intends to build a new heavy ICBM to be available by 2018. Russia expects to build eight new nuclear submarines, and it also plans on designing and building a new nuclear bomber.

We cannot afford to let our nuclear deterrent atrophy in light of so many nuclear threats. Once we lose our nuclear capabilities, it will be extremely hard to reconstitute them.

We need a reliable and credible nuclear arsenal. We need it to dissuade new nations from acquiring nuclear weapons. We need it to deter nuclear powers from using their weapons. And we need it to hold enemy arsenals at risk.

People may not always stop and think about the demands placed on America's nuclear deterrent, but they are real and they are extensive. We have nuclear weapons as a guarantor of the security of the American homeland. Our nuclear arsenal renders any plan to strike the United States with nuclear weapons sheer folly. The investments made over the last several decades continue to pay dividends by creating the space within which America can address other security threats.

Make no mistake, without a large nuclear arsenal other nations would move plans to strike the United States from the category of unthinkable to possibly thinkable.

Second, and nearly as important, the United States nuclear deterrent replaces the need for our allies to develop or acquire nuclear weapons, keeping the peace in critical regions around the world. East Asia is a particularly good example. The status of U.S. nuclear posture is a major concern in Japan. Despite assurances from the United States that our nuclear umbrella will continue to protect Japan, Tokyo is worried about even the most subtle changes in U.S. policy. During his most recent trip, Secretary Panetta publicly reiterated the U.S. commitment to protect South Korea with our nuclear umbrella and our nuclear deterrent is probably the only reason South Korea has not developed a nuclear capability in response to North Korea's nuclear programs.

I will conclude on the triad. Our nuclear deterrent has been the foundation of U.S. national security since World War II. The nuclear triad provides an incredible return on our investment and I urge the Senate to send a strong signal of support for the nuclear triad as laid out in amendment No. 1279.

AMENDMENT NO. 1358

Madam President, if I may very briefly also address the importance of the Global Hawk with a brief overview of amendment No. 1358. This amendment simply states that it is the sense of Congress that the Secretary of the Air Force should continue to abide by the guidelines set forth in the acquisition decision memorandum issued June 14, 2011 from the Office of the Secretary of Defense. That memorandum on Global Hawk, the RQ–4 Global Hawk, found that the Global Hawk UAS is essential to national security and that there is no other program that can provide the benefits to the warfighter that the Global Hawk can provide.

The Global Hawk is a vital intelligence surveillance and reconnaissance asset. The Global Hawk flies at high altitude. It can fly at extended ranges and for long periods of time, and it can carry a wide array of sensors simultaneously.

We have invested a lot of time and a lot of money in this platform and it is paying fast dividends. The Global Hawk is flown in a wide variety of missions all over the world in support for things such as CENTCOM operations, humanitarian relief efforts in Japan and Haiti, and extensively for operations in Libya. For these reasons and many more, my amendment stresses that the Air Force must continue to heed the conclusions of the June 14, 2011 acquisition decision memorandum on the RQ–4 Program. The RQ–4, which is Global Hawk, remains essential for United States national security and is irreplaceable.

The bottom line is America needs to support and continue the Global Hawk. Our commanders require as much information about the battlefield as they can get. The RQ–4 represents a new generation of ISR aircraft with unprecedented capabilities.

Finally, we must invest in this essential capacity precisely because budgets are tight. As the Pentagon concluded in June, the Global Hawk represents the most cost-effective way to meet the requirements of our warfighters now and in the future.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 1274

Mr. SESSIONS. Madam President, I wish to address amendment 1274, which would clarify what I believe is existing law that the President has authority to continue to detain an enemy combatant under the law of war, following a trial before a military commission or an article III court, and regardless of the outcome of that trial. Let me explain what I mean.

As I said yesterday, even under the law of war the President has the authority to detain an enemy combatant, a prisoner of war, a captured enemy soldier, a belligerent. The President can detain him through the duration of the hostilities. The President is not required—the Commander in Chief is not required to release an individual whose sworn duty it is to return to his military outfit and commence hostilities again against the United States. That individual could be killed on the battlefield, but if captured, you are not required, under all laws of war that I am aware of and certainly the Geneva Conventions—you can maintain that individual in custody to prevent him from attacking you. But you can also try an individual who has been captured if that individual violated the rules of war.

For example, a decent soldier from Germany—many of them were held in my State of Alabama. They behaved well. They made paintings of American citizens, they did a lot of things, and did not cause a lot of trouble. They were in uniform and they complied with the rules of war and they were not tried as illegal enemy combatants.

But many of the terrorists today do not wear uniforms, deliberately target innocent men, women, and children, and deliberately violate multiple rules of war. Those individuals are subject, in addition to being held as a combatant, as an unlawful combatant. They can be prosecuted and they should be prosecuted. In World War II a group of Nazi saboteurs in the Ex parte Quirin case were let out of a submarine off, I think, of Long Island. They came into the country with plans to sabotage the United States. They were captured and tried by military commissions. Several were American citizens. A number of them—most of them, frankly—after being tried and convicted, were executed. The Supreme Court of the United States approved that procedure.

But recent cases demonstrate the potential problem we have today. One Guantanamo Bay detainee has already raised the question I have discussed before the military commission where he is being tried. Abd al-Rahim al-Nashiri, the alleged mastermind of the USS Cole bombing, was arraigned before a military commission on November 9. He was held not only as an al-Qaida, or a belligerent against the United States, but he was charged with a violation of the rules of war.

This was a group that sneaked into the harbor pretending to be innocent people and ran their boat against the Cole, killing a number of U.S. sailors.

I remember being at a christening of one of the Navy ships at Norfolk not long after this. I walked out of that area and I heard one of the sailors cry out: Remember the Cole. The hair still stands up on my neck when I hear it.

We have an obligation to defend our men and women in uniform. When they are out on the high sea or they are in a neutral port, they expect to be treated according to the laws of war and then they are murdered by an individual such as this.

This individual's lawyers filed a motion asking the military judge to clarify the effect of an acquittal, should the commission acquit him. He argued that the members of the committee had a right to know what would happen if he were acquitted because they might object to taking part in what he called a show trial if it turned out that he would continue to be detained at Guantanamo Bay.

There is another case in which the administration was almost confronted with the problem a year ago, in the case of a former Guantanamo detainee, an al-Qaida member named Ahmed Ghailani, who was responsible for the 1998 embassy bombings in Kenya and Tanzania. Most of us remember those early al-Qaida bombings against our embassies in Africa.

After the Justice Department chose to prosecute Ghailani in an article III civilian court and directed the United States Attorney not to seek the death penalty—I am not sure why that ever happened; we don't know—but the jury acquitted him on 284 out of 285 counts. Luckily, he received a life sentence on the single count of conspiracy, for which he was convicted.

But what if he had not been convicted? What if there was insufficient evidence to prove he committed a crime, but not insufficient evidence to prove he was a combatant against the United States? Al-Qaida has declared war against the United States, officially and openly. The U.S. Congress has authorized the use of military force against al-Qaida, which is the equivalent of a declaration of war.

What if he had received a modest sentence after being convicted and had credit for time served? What if he had been acquitted on all 285 counts? Would the President have been required to release him into the United States, if the government could not get some country to take him? That would be wrong. He was at war against the United States. He was a combatant against the United States. Like any other captured combatant, he can be held as long as the hostilities continue.

By the way, let me note, military commissions are open. If they decide to try one of these individuals—not just hold him as a prisoner of war but hold him and try him for violation of the laws of war—they get lawyers, they get procedural rights. The Supreme Court has established what those rights are. Congress has passed laws effectuating what the Supreme Court said these trials should consist of, and a mechanism has been set up to fairly try them.

But enemy combatants are not common criminals. If a bank robber is denied bail, he remains in jail awaiting a trial, a speedy public trial, with government-paid lawyers. Enemy combatants are not sitting in Guantanamo Bay awaiting trial by a military commission, or by an article III court. They are held in military custody precisely because they are enemies, combatants against the United States. They should continue to be held there as long as the war continues and as long as they do not remain a threat to return to the battlefield against the United States.

This is an important point, considering that 27 percent of the former Guantanamo detainees who have been released—161 out of 600—have returned to the battlefield, attacked Americans. This Nation has no obligation to release captured enemy prisoners of war when we know for an absolute fact that 27 percent of them have returned to war against the United States. How many others have but we do not have proof of it? That is what the whole history of warfare is.

Lincoln ceased exchanging prisoners with the South after he realized they had more soldiers in the South. It was not to his advantage to release captured southern soldiers who would return to the fighting, so he held them until the war was over. Under the laws of war, the President has the authority to prevent an enemy combatant from returning to the battlefield. That is consistent with all history.

This amendment—please, Senators, I hope you would note—would make it clear that the President simply has authority to continue to detain enemy combatants held pursuant to the rules of war, even though they may have been tried, regardless of where that trial would be held and what the outcome was, as long as, of course, they could prove they were an enemy combatant and violating the rules of war.

I would note one thing.

I see my friend, the Senator from California, is here and probably is ready to speak.

On the question of citizenship, can a citizen be held in this fashion? The Supreme Court has clearly held they may. But the Senator is offering legislation that might change that. My amendment does not answer that question. It simply says a combatant should be able to be held under the standard of a prisoner of war, a combatant, even if they had been prosecuted for violation of the laws of war and acquitted.

It is common sense. I believe the courts will hold that, but it is an issue that is out there. I think Congress would do well to settle it today.

I urge my colleagues to do so.

I thank the Chair, and I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Madam President, in a few moments, Senator MCCAIN and I will be seeking unanimous consent that the following pending and germane amendments be considered en bloc, that the amendments be modified with the changes that are at the desk where applicable: Begich 1114, as modified; McCain 1220; Reed of Rhode Island 1146, as modified; Levin 1293, as modified; Boxer 1206; Chambliss 1304, as modified; Pryor 1151; Nelson of Florida 1236; Blunt 1133; Murkowski 1287.

Further, that the amendments be agreed to en bloc—we are not making that request now. We will be making that request in a few minutes. This is not the so-called managers' package, by the way. These are the pending germane amendments which have been before us for some time but which we believe have now been cleared, and there is no opposition; however, if there is, there is an opportunity for people to come down.

I would yield now to my friend from Arizona.

Mr. MCCAIN. Reserving the right to object, and I will not object, I thank my friend. I believe the Senator overlooked Brown of Massachusetts amendment No. 1090, I think, was agreed to be a part of that.

Mr. LEVIN. That was not on my sheet, but that is fine, and that would be added.

Mr. MCCAIN. I note the presence of our friend from Texas, who would like to voice his objections to the package of amendments which is pending which have been agreed by both sides because of his concerns about a particular amendment he had. I would like to hear from him in a minute.

I would like to say to my colleagues on this side of the aisle, if you have an objection, please come to the floor. We would intend to vote—or seek approval of what the distinguished chairman just proposed—at 5 after the hour. That gives them 15 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, is there a unanimous consent request pending?

The PRESIDING OFFICER. There is not.

Mr. CORNYN. Thank you for clarification. I just wanted to make sure.

Madam President, I discussed with the distinguished chairman of the Senate Armed Services Committee and the distinguished ranking member my concerns that earlier I attempted to gain unanimous consent to modify my amendment regarding the sale of F–16s to Taiwan in order to make it germane. I was happy to do that in order to get a vote, but the chairman tells me there is an objection to that.

I wished to make clear that any amendment that is offered—whether now in this list or subsequently in the managers' package or otherwise—and is being treated differently than mine is, then I am going to object to unanimous consent.

Through the Chair, I would ask the distinguished chairman of the Armed Services Committee are there any amendments on this list that were modified in order to make them germane?

Mr. LEVIN. I doublechecked on this. The answer is no, and that is about as directly as I can say it. I checked with staff and the staff says they have been modified—in many cases as I indicated—but none in order to make them germane.

Mr. CORNYN. Madam President, I appreciate the direct response from the chairman. I will have no objection to

any amendment that is being offered that is not being offered as modified in order to make it germane. I hope my point is clear as mud.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I just wish to say I strongly support the amendment by the Senator from Texas, and I will do everything I can to see that this issue is raised. I cannot comprehend why we would not want to provide one of our closest allies with the equipment they need to defend themselves with the growingly aggressive mainland China exhibiting the characteristics of intimidation and bullying and perhaps threatening Taiwan.

I wished to state, first of all, my appreciation to both Senators from Texas, who have been very involved in this issue, and I wish to tell them I will do everything I can to make sure this amendment is adopted. We do need to send the signal that we support our friends.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I join with Senator MCCAIN in support of Senator CORNYN's amendment. Taiwan has been a strong ally of the United States. Senator MCCAIN said we would provide them military aircraft, but, in truth, they would buy it. They are our allies. They are friends. They are prepared to purchase from an American company legitimate military equipment that they could use to help maintain the freedom they have cherished on the island, and it is hard for me to understand how that would be objected to.

I just wish to say, as someone who has looked at these issues for some time as a member of the Armed Services Committee, I do believe Senator CORNYN—also a member of that committee—is correct, and I strongly support the amendment and urge my colleagues to vote for it, if and when we can get a vote.

I thank the Chair, yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. Madam 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. 1090

Mr. BROWN of Massachusetts. I have an amendment that has been accepted—almost—sort of kind of accepted—amendment No. 1090, which I would like to discuss briefly.

I thank Senators WYDEN and COONS for their bipartisan leadership as cosponsors of this amendment. I believe we are going to vote on it shortly, and I ask that it be accepted, either by vote or by unanimous consent.

It is a simple amendment that will make sure the National Guardsmen who get deployed will receive the housing allowances they need and deserve. This is a bipartisan amendment. The Defense Department has agreed that the situation needs to be fixed—something that recently was developed.

There is a little bit of history behind this, but I don't think it is important because Senator WYDEN and Senator COONS and I have taken the lead on this issue, which is critically important to providing the funds that have been taken merely by a change in the regulations. This has happened at a time, quite frankly, when our men and women who are fighting need that money.

I am offering this amendment as a result of a bill I introduced last September, entitled the ''National Guard Basic Allowance for Housing Equity Act.'' I introduced this legislation to fix an inequity that hurts National Guardsmen who are deployed. Merely as a result of their deployment, they could lose upward of $1,000 per month in their monthly housing allowance.

Basic Allowance for Housing, or BAH, is a benefit paid to members of the military to help offset the cost of local housing markets. When a servicemember is deployed, for example, BAH is necessary to help offset the cost of a mortgage or rent in a particular geographic area. Everyone in the military, especially families, rely on this benefit. This benefit is especially critical when servicemembers deploy because, as we know, the spouse is often at home and she or he is responsible for taking care of the bills.

What would my colleagues say if I said that because you are ordered to deploy to Afghanistan, for example, the Department of Defense is going to withhold $1,000 or more from your monthly housing allowance, a huge piece of your total household income—upward of $12,000 or more per year—because of a new policy interpretation? That is right. It is merely a new policy interpretation.

Because of a DOD oversight, over 800 Guardsmen—some even in the Presiding Officer's State and 40 in Massachusetts who are deployed to Afghanistan right now—are losing, in the middle of the battle, up to $1,000 per month in their housing allowance because they were ordered to deploy.

Title X mandates that full-time Guardsmen, when ordered to Active Duty for a contingency operation, even if there is no break in their active Federal service, must revert back to their home-of-record status rather than their current duty station. Because of this change in status, it alters a guardsman's basic allowance for housing on their monthly pay stub. Basically, guardsmen are being punished for being deployed to a war zone.

For example, take a full-time guardsman who is from Worcester. He calls Worcester, MA, home and probably votes there, but he is stationed in Washington, DC, let's say right down the street at the Pentagon. So he or she earns a housing allowance based on the cost of living in DC and, as we all know, it is higher than in Worcester, MA. Sounds pretty normal, pretty straightforward, right?

This guardsman is then ordered to Active Duty—to Federal status—for the purpose of deploying overseas. A new housing allowance rate kicks in that is based on his home of record back in Worcester, not where he or she was actually stationed, here in D.C.

As a result, the guardsman and his family immediately start losing up to $1,000 per month because of that deployment to serve their country. So full-time guardsmen are entitled to the BAH rate they are receiving at the duty station because it is where they and their dependents live, and that is often where the spouses will reside until that servicemember comes back. Obviously, family members are not going back to Worcester while the guardsman is stationed at the Pentagon or here in D.C.

This is not right. It is something DOD agrees with. Senator WYDEN and Senator COONS concur, and I appreciate their bipartisanship in moving this forward. I am all about finding savings, but the good thing is that this is no cost to the government. It is already budgeted in the DOD budget. I am not into savings that treat our service men and women unfairly.

So my amendment provides a simple, noncontroversial fix. It is germane. It is relevant. It helps people who are serving our country right now. It is bipartisan. It is how we should do things around here.

I am glad the DOD has realized this is a problem, and I hope my colleagues will move forward in a manner to make our citizens proud.

I wish to thank Senator MCCAIN for his effort in getting this important matter to our guardsmen who are serving presently overseas. It is a testament to his diligence. I thank Chairman LEVIN for putting up with the problems over the last few days, but it is important to the people. It is not about politics; it is about serving our men and women.

AMENDMENT NO. 1206

Mr. GRASSLEY. Madam President, at a time when the national security budget is under immense pressure, it is vitally important that we spend our defense dollars more wisely.

The Boxer-Grassley amendment will contain runaway spending in contractor salary reimbursements. Notice that I said ''salary reimbursements,'' not salaries.

Someone not familiar with government contracting might ask why it's any of our business what government contractors get paid, and I would agree if we're talking about what their company pays them out of its own pocket.

When most people hire a contractor to renovate their bathroom or re-shingle their roof, they find the one that does the best work for the least cost.

Having done that, you are not likely to ask or care what their cut is or what they pay their crew.

To the extent that government contracts work the same way, the same principle applies. Unfortunately, not all government contracts do work that way.

A large proportion of government contracts actually reimburse the contractor directly for the costs they incur, including for the salaries of their employees. These types of contracts are risky because contractors lose the incentive to control costs. They are only supposed to be used when a fixed price contract is not possible for instance, if the scope or duration of the work is not possible to determine at the outset.

Nevertheless, cost-reimbursement type contracts are used extensively by Federal departments and agencies.

The Defense Department alone accounted for over $100 billion in cost reimbursement type contracts in fiscal year 2010.

President Obama has criticized the widespread use of these types of contracts and has set a goal of slowing the growth and ultimately reducing their use.

He has made a little progress. However, we are talking about a small dent in a large bucket.

It's clear that cost type contracts are going to account for a major proportion of the dollars spent on federal contracting for the foreseeable future. As a result, we must take steps to limit unreasonable expenditures under these types of contracts.

Senator BOXER and I worked together to try to head off this problem back in 1997.

At that time, we proposed capping salary reimbursements at the salary level of the President of the United States.

However, a compromise was ultimately enacted that capped how much the top 5 highest earning contractor executives could charge the federal government for their salaries.

The cap was set at the median salary of the top five executives at companies with annual sales over $50 million, which must be recalculated annually.

Since that time, the cap has more than doubled from $340,650 to $693,951. That's 53 percent faster than the rate of inflation.

The House-passed version of the National Defense Authorization bill expands the current cap to all contractor employees, not merely the top five executives, closing a loophole that was being exploited.

The version of the DoD Bill before the Senate extends the cap only to the top 10 to 15 executives.

However, Senator BOXER and I think it's time to reconsider a fixed cap at the level of the President's salary, which I should add was doubled by Congress to $400,000 since our previous proposal.

That is more than generous.

Surely the taxpayers should not be asked to pay the salary of a contractor more than the President makes, which is twice what any cabinet secretary makes.

Keep in mind that this cap just limits how much Uncle Sam can be billed for, which is on top of whatever the company chooses to pay its employees out of its own pocket.

Not only would our straightforward cap save man-hours in the Office of Federal Procurement Policy, which has to gather the data every year to determine the current convoluted cap, but it would save millions of dollars that need not be spent.

Again, we cannot afford to go on wasting our increasingly limited defense dollars.

We have to be more aggressive in weeding out waste in defense spending and this is one unnecessary expenditure that we can easily eliminate in favor of higher priorities.

I urge my colleagues to join us in this commonsense cost cutting measure.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the Senator from Massachusetts for his amendment. He has spent a great deal of time in his life serving in the National Guard, including spending time in Afghanistan recently. He understands the burdens our National Guard men and women bear. I am very grateful for his careful attention to their needs. This is clearly an issue that needed to be addressed. We are proud to have it as part of our legislation.

Again, my thanks to the Senator from Massachusetts as well as to my friend, Chairman LEVIN, for helping make this amendment possible.

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. LEVIN. Madam 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. 1114, AS MODIFIED; 1220; 1146, AS MODIFIED; 1293, AS MODIFIED; 1206; 1304, AS MODIFIED; 1151, 1236, 1133, AS MODIFIED; 1287, AS MODIFIED; AND 1090, AS MODIFIED

Mr. LEVIN. Madam President, I now ask unanimous consent that the following pending germane amendments be considered en bloc; that the amendments be modified with the changes that are at the desk, where applicable: Begich No. 1114, as modified; McCain No. 1220; Reed of Rhode Island No. 1146, as modified; Levin No. 1293, as modified; Boxer No. 1206; Chambliss No. 1304, as modified; Pryor No. 1151; Nelson of Florida No. 1236; Blunt No. 1133, as modified; Murkowski No. 1287, as modified; and Brown of Massachusetts No. 1090, as modified; further, that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 1220, 1206, 1151, and 1236) were agreed to.

The amendments (Nos. 1114, 1146, 1293, 1304, 1133, 1287, and 1090), as modified, were agreed to, as follows:

AMENDMENT NO. 1114, AS MODIFIED

At the end of subtitle E of title III, add the following:

SEC. 346. ELIGIBILITY OF ACTIVE AND RESERVE MEMBERS, RETIREES, GRAY AREA RETIREES, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

''§ 2641c. Space-available travel on department of defense aircraft: eligibility

''(a) AUTHORITY TO ESTABLISH BENEFIT PROGRAM.—The Secretary of Defense may establish a program to provide transportation on Department of Defense aircraft on a space-available basis. The program shall be conducted in a budget neutral manner.

''(b) BENEFIT.—If the Secretary establishes such a program, the Secretary shall, subject to section (c), provide the benefit equally to the following individuals:

''(1) Active duty members and members of the Selected Reserve holding a valid Uniformed Services Identification and Privilege Card.

''(2) A retired member of an active or reserve component, including retired members of reserve components, who, but for being under the eligibility age applicable to the member under section 12731 of this title, would be eligible for retired pay under chapter 1223 of this title.

''(3) An unremarried widow or widower of an active or reserve component member of the armed forces.

''(4) A dependent that—

''(A)(i) is the child of an active or reserve component member or former member described in paragraph (1) or (2); or

''(ii) is the child of a deceased member entitled to retired pay holding a valid Uniformed Services Identification and Privilege Card and a surviving unremarried spouse; and

''(B) is accompanying the member or, in the case of a deceased member, is the surviving unremarried spouse of the deceased member or is a dependent accompanying the surviving unremarried spouse of the deceased member.

''(5) The surviving dependent of a deceased member or former member described in paragraph (2) holding a valid Uniformed Services Identification and Privilege Card, if the dependent is accompanying the member or, in the case of a deceased member, is the surviving unremarried spouse of the deceased member or is a dependent accompanying the surviving unremarried spouse of the deceased member.

''(6) Other such individuals as determined by the Secretary in the Secretary's discretion.

''(c) DISCRETION TO ESTABLISH PRIORITY ORDER.—The Secretary, in establishing a program under this section, may establish an order of priority that is based on considerations of military needs and military readiness.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641b the following new item:

''2641c. Space-available travel on Department of Defense aircraft: eligibility.''.

(c) REQUIREMENT FOR COMPTROLLER GENERAL REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review

of the Department of Defense system for space-available travel. The review shall determine the capacity of the system presently and as projected in the future and shall examine the efficiency and usage of space-available travel.

(2) ELEMENTS.—The review required under paragraph (1) shall include the following elements:

(A) A discussion of the efficiency of the system and data regarding usage of available space by category of passengers under existing regulations.

(B) Estimates of the effect on availability based on future projections.

(C) A discussion of the logistical and managements problems, including congestion at terminals, waiting times, lodging availability, and personal hardships currently experienced by travelers.

(D) An evaluation of the cost of the system and whether space-available travel is and can remain cost-neutral.

(E) Other factors relating to the efficiency and cost effectiveness of space available travel.

AMENDMENT NO. 1146, AS MODIFIED

On page 114, strike line 2 and insert the following:

the study; and

(8) ensure the involvement and input of military technicians (dual status).

AMENDMENT NO. 1293, AS MODIFIED

At the end of subtitle C of title X, add the following:

SEC. 1024. TRANSFER OF CERTAIN HIGH-SPEED FERRIES TO THE NAVY.

(a) TRANSFER FROM MARAD AUTHORIZED.—The Secretary of the Navy may, subject to appropriations, from funds available for the Department of Defense for fiscal year 2012, provide to the Maritime Administration of the Department of Transportation an amount not to exceed $35,000,000 for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the vessels as follows:

(1) M/V HUAKAI.

(2) M/V ALAKAI.

(b) USE AS DEPARTMENT OF DEFENSE SEALIFT VESSELS.—Each vessel transferred to the Department of the Navy under subsection (a) shall be administered as a Department of Defense sealift vessel (as such term is defined in section 2218(k)(2) of title 10, United States Code).

AMENDMENT NO. 1304, AS MODIFIED

Strike section 324 and insert the following:

SEC. 324. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the Drawdown, Retrograde and Reset Program for the equipment used in support of operations in Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

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

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(3) FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) VIRTUAL AND FLEXIBLE.—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) SPEED TO MARKET.—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) RISK MANAGEMENT.—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) REPORT ON THE ALIGNMENT, ORGANIZATIONAL REPORTING, AND PERFORMANCE RATING OF AIR FORCE SYSTEM PROGRAM MANAGERS, SUSTAINMENT PROGRAM MANAGERS, AND PRODUCT SUPPORT MANAGERS AT AIR LOGISTICS CENTERS OR AIR LOGISTICS COMPLEXES.—

(1) REPORT REQUIRED.—The Secretary of the Air Force shall enter into an agreement with a federally funded research and development center to submit to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the alignment, organizational reporting, and performance rating of Air Force system program managers, sustainment program managers, and product support managers at Air Logistics Centers or Air Logistics Complexes.

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

(A) Consideration of the proposed reorganization of Air Force Materiel Command announced on November 2, 2011.

(B) An assessment of how various alternatives for aligning the managers described in subsection (a) within Air Force Materiel Command would likely support and impact life cycle management, weapon system sustainment, and overall support to the warfighter.

(C) With respect to the alignment of the managers described in subsection (A), An examination of how the Air Force should be organized to best conduct life cycle management and weapon system sustainment, with any analysis of cost and savings factors subject to the consideration of overall readiness.

(D) Recommended alternatives for meeting these objectives.

(3) COOPERATION OF SECRETARY OF AIR FORCE.—The Secretary of the Air Force shall provide any necessary information and background materials necessary for completion of the report required under paragraph (1).

AMENDMENT NO. 1133, AS MODIFIED

At the end of subtitle H of title X, add the following:

SEC. _____. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.

Section 4312(c)(4) of title 38, United States Code, is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

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

''(F) ordered to full-time National Guard duty (other than for training) under section 502(f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds, as determined by the Secretary concerned.''.

AMENDMENT NO. 1287, AS MODIFIED

At the end of subtitle C of title I, add the following:

SEC. 136. LIMITATION ON RETIREMENT OF C–23 AIRCRAFT.

(a) IN GENERAL.—Upon determining to retire a C–23 aircraft, the Secretary of the Army shall first offer title to such aircraft to the chief executive officer of the State in which such aircraft is based.

(b) TRANSFER UPON ACCEPTANCE OF OFFER.—If the chief executive officer of a State accepts title of an aircraft under subsection (a), the Secretary shall transfer title of the aircraft to the State without charge to the State. The Secretary shall provide a reasonable amount of time for acceptance of the offer.

(c) USE.—Notwithstanding the transfer of title to an aircraft to a State under this section, the aircraft may continue to be utilized by the National Guard of the State in State status using National Guard crews in that status.

(D) SUSTAINMENT.—Immediately upon transfer of title to an aircraft to the State under this section, the State shall assume all costs associated with operating, maintaining, sustaining, and modernizing the aircraft.

AMENDMENT NO. 1090, AS MODIFIED

At the end of title VI, add the following:

Subtitle D—Pay and Allowances

SEC. 641. NO REDUCTION IN BASIC ALLOWANCE FOR HOUSING FOR NATIONAL GUARD MEMBERS WHO TRANSITION BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY WITHOUT A BREAK IN ACTIVE SERVICE.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(6) The rate of basic allowance for housing to be paid a member of the Army National Guard of the United States or the Air National Guard of the United States shall not be reduced upon the transition of the member from active duty under Title 10, United States Code, to full-time National Guard duty under Title 32, United States Code, or from full-time National Guard duty under Title 32, United States Code, to active duty under Title 10, United States Code, when the transition occurs without a break in active service of at least one calendar day.''

AMENDMENTS NOS. 1105 AND 1158 WITHDRAWN

Mr. LEVIN. I ask unanimous consent now that the following two amendments be withdrawn: Collins No. 1105 and Collins No. 1158.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendments are withdrawn.

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. 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. VITTER. Madam President, I ask unanimous consent to speak for up to 10 minutes on a different topic than the Defense authorization bill.

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

NATIONAL FLOOD INSURANCE PROGRAM

Mr. VITTER. Madam President, I come to the Senate floor to discuss another very important issue for our economy, which is the National Flood Insurance Program.

The National Flood Insurance Program is a vital Federal program that helps provide flood insurance for properties all across the country. It is absolutely vital to citizens and to our economy, to the real estate market, to closings which cannot happen without this type of insurance in many instances. It is important all across the country. It is nowhere more important than in Louisiana, which, unfortunately, has pretty severe flooding risks.

In the last few years, we have extended this necessary and important program but sometimes with real fits and starts and even lapses of the program. As you know, Madam President, in 2010, it got worse than ever. Congress allowed the National Flood Insurance Program to lapse four times—for a total of 53 days—for no good reason. It was not a money issue; it was not a cost issue; it was not a deficit issue because continuation of the program along the current structure does not raise deficit and debt. But we had these deadlines that kept approaching, and we let, in many instances—in four instances—the deadline actually come and the program to lapse—four times in 2010, for a total of 53 days.

That had enormous negative consequences. Real estate closings that were scheduled to happen had to be canceled. Here we are in the middle of a horrendous recession—clearly the worst since World War II—led by problems in the real estate market, and we had good, solid real estate closings which had to be put off and canceled for no good reason. Really crazy.

We learned a little bit from that experience, and this year, in 2011, we have done better. We have continued the program without lapse. But I am afraid we are getting back into this habit of extremely short-term extensions, which brings with it the threat of lapses. We extended the program a few weeks ago, but we only extended it for the duration of the current CR, until this December 16. So, again, the program is set to completely expire nationwide this December 16.

The ultimate solution is a long-term, full reauthorization of the flood insurance program. I support that full 6-year bill, and we have voted out of the Senate Banking Committee a full, long-term, 6-year reauthorization bill. However, that is not going to pass into law between now and December 16, and it is pretty clear it is not going to pass into law for several months.

That is why I am urging all of us to come together in a bipartisan fashion in the meantime to pass a clean extension of the program for the remainder of this fiscal year, through September 30, 2012, or for some significantly long time within that year. I think that is needed right now to assure the real estate market there will not be disruptions, to take that threat and that uncertainty out of the market and out of the line of closings, that we want to encourage, we want to build, as we try to build up the real estate market and the economy in general.

Because I believe this is clearly the right path, I have done two things. First, I have filed that extension, that clean extension—a bill under my name—through September 30, 2012. This is very similar to the extension we passed in late 2010 to get us through that fiscal year to September 30, 2011. That was my bill. We passed it unanimously here in the Senate, again, to avoid these deadlines and disruptions, which hamper economic recovery. So I filed that bill. That would be a clean extension of the program through September 30, 2012.

The second thing I did today is write Senator REID, the majority leader, and ask him to focus on this important program and the need for this extension as soon as possible, and to hotline it through the Senate, to ask for unanimous consent from both sides, all Members, as we did about a year ago, pass this so we extend this important, vital program through September 30, 2012, or some similar, significant timeframe.

Again, I wrote Senator REID today to highlight this need. I will be following up with him. I have already followed up and talked to many other interested Members, starting with those leaders on the Banking Committee under whose jurisdiction this falls.

This should be a no-brainer. This should be a completely nonpartisan or bipartisan exercise. This is not some big ideological dispute. This is simply extending, continuing a vital, necessary program without in any way increasing deficit and debt, in a way that we take out uncertainty, take out the specter of this necessary program lapsing yet again, as it did four times in 2010, for a total of 53 days.

We cannot let this lapse. And, quite frankly, we should not even go near the deadline before we extend it because that in and of itself—even if we do not technically allow it to lapse—creates uncertainty and chaos in the real estate market and disrupts real estate closings.

We need every good real estate transaction we can get. We need every bit of additional economic activity we can get in this horrible economy, this recession that was led by a bad real estate market. We need to lead recovery with a recovering real estate market. So let's do this in a simple, straightforward, commonsense, bipartisan way in that effort. We did it around my bill in that nearly full-year extension about a year ago. Let's do it again.

In closing, I want to underscore I am fully committed to the full, detailed 6-year reauthorization bill. It has come out of the Senate Banking Committee. It needs to pass through the Senate. We need to resolve differences with the House. We need to pass that into law. But that is not going to happen between now and December 16, and it is not going to happen for several months. So, in the meantime, let's remove the threat of disruption, of lapses in the program, of uncertainty. All of that is extremely harmful in this very fragile economy.

Madam 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. THUNE. 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. THUNE. Madam President, I ask unanimous consent to speak as in morning business.

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

KEYSTONE XL PIPELINE

Mr. THUNE. Madam President, yesterday a number of us—I think the number now is somewhere in the 37-to-38 ballpark of Senators—introduced legislation to expedite consideration of the Keystone XL Pipeline. What is interesting to me about all of this is that this is a project that has been literally reviewed and analyzed and studied and scrutinized now for the better part of 3 years.

In fact, they have had two comprehensive environmental evaluations and 3 years of study and review. Then, just recently, the Obama administration deferred a decision on the permit until after the 2012 elections, essentially putting off the decision for about 18 months.

Well, what is ironic and sort of interesting about that is this is a project which—after having been carefully vetted for the past 3 years, carefully reviewed, carefully studied, all of the environmental impact analysis done—would lead to all kinds of economic development for this country and job creation in many of the States that are impacted.

Our State of South Dakota happens to be one of those. The pipeline traverses South Dakota as it heads down to refineries in other places in the country. But it would benefit my State by generating significant amounts of State and local tax revenue, revenue that is much needed by many of the

local jurisdictions: school districts, counties, municipalities in the State of South Dakota.

So there is a tremendous benefit to the construction of this pipeline to the various States that are impacted simply as a result of the additional tax revenue that would be raised by it. Add to that, in my State of South Dakota, the hundreds of jobs that would be created, the half billion dollars of economic activity that it would generate—and this is very clear, from the State of South Dakota's standpoint, which is why I believe our Governor has weighed in behind this project, that this is something that ought to at least be decided. There is no reason why, no rational reason why, no logical reason why this project would be delayed for 18 months simply to get past the next election.

All of the work has been done. It seems to me at least there ought to be a decision made. We are talking about a $7 billion investment in this country and partly in Canada to get from where the oil sands are to get the oil to the refineries in the United States. If we look at the overall, as I said, economic impact, number of jobs created, it is pretty impressive—20,000 jobs, I think, is the estimate that it would create in this country.

Those are jobs that, frankly, many of these States could certainly benefit from. Not to mention the fact that we are doing business with someone who is favorable and friendly to us. Canada is our biggest trading partner. I think we do about $640 billion annually in bilateral trade with Canada. Canada is a country with which we have a very good, strong trading relationship. It strikes me at least that if we are going to get oil from somewhere, it makes sense to get it from a country such as Canada as opposed to some of the other countries around the world that are much less friendly to the United States.

In fact, the Keystone XL Pipeline would transport daily about 700,000 barrels of oil that would come through that pipeline. That is the equivalent of the amount that we get on a daily basis from Venezuela.

So if you are thinking about getting 700,000 barrels of oil from somewhere in the world, would it not make more sense to get it from Canada as opposed to Venezuela? I think in terms of what it does for our energy independence, for our energy security, dealing with a friendly nation, and making it more possible for our country to become less dependent upon foreign countries for this energy we need, it strikes me that at least this particular project makes a lot of sense.

You have not only the economic impact, in terms of the activity it would create in the various States that would be impacted by it, the number of jobs created—as I said, 20,000 jobs is the estimate, with a $7 billion initial investment—and all the tax revenue generated for State and local government along the way, but wouldn't it be nice if the United States got into the situation where we were actually an energy exporter?

Believe it or not, this is the first year in the last 62 years—and this is according to a story that ran in the Wall Street Journal yesterday—according to data released by the U.S. Energy Information Administration on Tuesday, the United States has sent abroad 753.4 million barrels of everything from gasoline to jet fuel in the first 9 months of this year, while it imported 689.4 million barrels. That means that, for the first time in 62 years, in 2011—if this trend continues—and it looks as though it will—we will have exported more energy than we imported. We are still a net importer of petroleum, or oil. Hopefully, we can change that in the future by developing these resources we have in this country, one of which is the Bakken Reserve in North Dakota, which is generating enormous amounts of oil for this country. So we are still a net oil importer.

In terms of refined gasoline and other products—refined energy—for the first time in 62 years, in 2011, we may be a net exporter of energy. I think that is an amazing data point, and it suggests this is something that could benefit enormously the American economy. Well, in order for that to happen, we have to have those resources we can get from the oil sands in Canada and bring them into the United States, where they are refined here and then either used here or sent abroad. But it is a way we can generate additional economic activity and jobs for our economy.

This is a quote from the Global Director of Oil, which tracks energy markets. He said this trend we are going to see this year, 2011—again, first time in 62 years we will be a net exporter of energy—he says it looks like a trend that could stay in place for the rest of the decade. That is a remarkable change in terms of the flow of energy from this country. The last time we were a net exporter of energy was during World War II and shortly thereafter. It has been over 60 years.

That is what a project such as this could do for our country—not just the immediate impact on those States through which this pipeline would traverse, in terms of the tax revenue that would be generated for State and local governments, but you also have the economic activity it creates in those States, the jobs it creates in those States, and what it does in order to move us increasingly away from dependence upon other countries in the world with whom we have, at best, shaky relationships to start with.

Doing business with our largest trading partner—a country with which we do enormous amounts of trade every single year—seems to me at least to be a much better solution to this country's energy needs than is getting that same amount of energy from other countries around the world.

Madam President, 700,000 barrels a day is what the pipeline would transport into this country. That is the equivalent that we get on a daily basis from Venezuela. This is a project that ought to be decided. Whether it is decided affirmatively—obviously, as you can tell, I believe it should be. There are people in South Dakota who are opposed to this. There have been ample opportunities for public forums and hearings for people to comment on it. There have been lots of opportunities for those opposed to it to weigh in.

Notwithstanding that, again, all the analyses have been done, the review done, and the studies are now completed, and they have indicated there is no reason for this not to move forward—particularly given the fact that the State of Nebraska has negotiated with TransCanada, the builder of the pipeline, an agreement that would take it in a different direction through that State. All those hoops have been gone through, and the hurdles have been cleared. There isn't a reason why this should be delayed another 18 months until after the next Presidential election—other than, purely and simply, for political reasons.

I hope we will be able to get good, strong support in the Senate for this legislation that would allow this to be decided in a more immediate timeframe. As I said, right now, the administration has punted until after the next election, 18 months down the road. This legislation would enable this to be decided in the next couple of months—the next 60 days or so—subject, obviously, to some requirements that are in there—obviously, the strongest environmental requirements. But all that having been reviewed and having been accomplished, it is time for a decision on this important project.

I hope we can get strong support in the Senate for this legislation. It has been introduced by a number of my colleagues, including the Senator from North Dakota, Senator HOEVEN, Senator JOHANNS from Nebraska, Senator MURKOWSKI from Alaska, and a number of others. I am a cosponsor. At last count, I think it has somewhere along the lines of 37 or 38 cosponsors. Incidentally, it passed in the House of Representatives already. So there is a vehicle out there that has passed one body of Congress. It is my hope we will be able to get action here in the Senate, and that it might be something we can do that would have an immediate impact on jobs.

We always talk about shovel-ready projects. This is a shovel-ready project. This is ready to go. They are ready to start construction of this project. It has been through in the last 3 years all of the process this government can require it to go through in order to make sure this project should move forward.

I think it is important for this body to act on this legislation and allow us to get to where we can get a decision on this project that will lead to more

economic activity, more economic impact, more jobs for Americans, more energy security for this country, and hopefully, at the end of the day, a lessening of the dangerous dependence we have on foreign sources of energy, which we want to get away from. I think it is a win-win. I congratulate the sponsors of the legislation for the thoughtful way they have considered this and put this legislation together. I hope it gets consideration in the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE ECONOMY

Mr. NELSON of Florida. Mr. President, here we are, stuck again, and I want to speak just a little bit about getting this country moving again and getting Americans earning again.

This great country of ours has endured a lot. We have endured despite the Civil War, the Great Depression, the two World Wars we have been in, the assassination of leaders, and the slaughter of innocents by terrorists. This great Nation of ours has confronted racism and civil unrest and political scandal at all levels, and always we have endured.

In the throes of the Great Depression, the words of President Roosevelt reassured most Americans when he said:

> This great Nation will endure as it has endured. It will revive and it will prosper.

Today, we are once again walking a rugged path, and the most recent example of the failure of the supercommittee has been the latest crash caused by super-rigid ideology and hyperpolitical partisanship. Truth be told, we are in a most difficult time in our Nation's economic life—still facing a decision of how to pay for an enormous debt. We owe this money mostly due to the misconduct of the money changers, the misuse of the Tax Code that favors special interests, and years of excessive spending. Yet there are Members of this Congress who propose we should first not address those underlying causes, and that those most responsible should not even have to pay their fair share toward reducing the debt.

Instead, they propose we first take away from Social Security savings and Medicare health coverage for the elderly, and that we pull back the hand this Nation compassionately extends to those among us who are less fortunate. That would seem somewhat to erase all the progress we have made since those words of President Roosevelt by declaring war not on poverty but on the poor, the middle class, and the elderly.

Because a host of our citizens face the grim problems of unemployment, the loss of their homes, and depletion of their savings, this Congress should fight any measure that unfairly inflicts pain on those least responsible for our present economic condition. The American people deserve a lot from their Congress. They deserve honesty. They expect us to work together, and they want action that is evenhanded.

So as we move forward, I hope all my colleagues in the Senate and in the House will be guided by the words of a young President Kennedy, who said:

> Let us not seek the Republican answer nor the Democratic answer—but the right answer.

In this spirit, can't we work to pull our Nation out of its financial doldrums? Can't we just ask: What is the right thing to do?

Is it right that household income for the average American is actually in decline? Is it right that a hedge fund manager pays a lower tax rate than the person who cleans his office? Is it right that an oil company gets to write off $11 billion on its tax return because it polluted the Gulf of Mexico? Is it right that the Congress cannot agree on a deficit reduction plan because of partisan politics?

The American people know what is right and they know what is not right. If we could just for 1 minute put all this partisanship aside and do what is right, then we might be able to balance our Nation's books to get this country moving again and to get Americans employed and earning again. While we are at it, we might just restore the American public's confidence in our government.

I yield the floor and 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 ask that I be allowed to speak as if in morning business.

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

FINANCIAL CRISIS

Mr. SESSIONS. Mr. President, our country is facing a very serious financial crisis.

We have seen what happened in Europe. We had some numbers on the stock market for a while. But if I understand what happened, there was a very real crisis facing the Europeans, and at the very last moment they took some action that was received positively.

But they are not out of the woods yet and neither are we. Our debt is surging. We have gone from 5 years ago a $161 billion deficit to a $450 billion deficit in President Bush's last year to $1.2 trillion in President Obama's first year, $1.3 trillion in President Obama's second year, $1.2 trillion this year, and over $1 trillion predicted in deficits next year.

We are going to have a proposal that comes before us to provide a payroll holiday, and it is sold as avoiding a tax increase. That is what the President says it is; we are avoiding a tax increase. So we ought to ask ourselves exactly how that is so and if it is so. Let me just say, I don't think that is accurate.

Two years ago, there was an employer payroll tax holiday that went only to the employer. It cost the Treasury $7.6 billion. Last year, as part of the final compromise, a bipartisan compromise, it was agreed that there would be a 2-percent tax holiday for working persons. So instead of paying 6-plus percent on your withholding tax, you would pay 4. That cost $111 billion for that year.

So the President said: If we don't extend that, we are going to have a tax increase. But is he accurate? No, not really. This year's proposal would be to reduce not the 4 percent but the 3.1 percent, cutting the 6.2 withholding to 3.1 for the employer and for the employee, and it would cost in 1 year $265 billion—$265 billion that would not be going into the Social Security trust fund so that those who retire would have the retirement funds they have been promised. It would not go there. It weakens Social Security, the integrity of the system, in my opinion.

But we are told not to worry, the U.S. Treasury will replace this $265 billion with Treasury money. But the problem is, the Treasury doesn't have any money. The Treasury is already in debt. The Treasury is going to add another $1 trillion to the deficit this year. So now it is going to be added to—$265 billion more in one fell swoop, in one bill, right here at the end of the session. If you don't vote for it, the President says, you are raising taxes on the American people. That is not an accurate statement.

In an economic sense, in my opinion, the real essence of this is the U.S. Treasury will borrow $265 billion. Then, it will direct the Social Security Administration to send that money out in the form of a reduced withholding amount to be paid by workers. It is a direct borrow and it is a direct delivery of money and it uses Social Security trust fund moneys as a vehicle to transfer the money. In an economic sense, it borrows $265 billion to spend.

How much is $265 billion? The supercommittee, the committee of 12, was trying to find $1,200 billion in savings over 10 years—not 1 year, 10 years. This one bill, this one proposal of $265 billion would be spent this 1 year.

To achieve the committee of 12's goal, they would simply have needed to have cut $120 billion a year for 10 years out of the entire Federal Government. They failed. Immediately now, the President and our majority leader are demanding this Congress pass an expenditure—unexpected, not before

done; nothing like such a large expenditure ever has come out of Social Security—to spend another $265 billion. How will we ever get our house in order? I wish I could figure out a way to be supportive. I don't see how I can be.

I am pleased the Republicans are trying to work up a bill that would not cost as much as $265 billion and some way to pay for it. But, in truth, if we are going to be able to cut spending to pay for any kind of new expenditure, wouldn't we be better to do what the committee of 12 tried to do: cut spending to reduce the debt? Shouldn't we be seeking ways, if we are going to raise taxes, to use those taxes to pay down the debt, instead of taking 10 years under the President's plan in a new tax that takes 10 years of that tax to pay for this 1 year's expenditure? That is what the proposal is.

I would say to my colleagues, this goes beyond partisan politics. This gets to the point: Are we in control of the Treasury and the spending of the United States of America? Can we defend what we are doing?

Don't think that is the only thing that is going to come up. I am the ranking Republican on the Budget Committee. We look at these numbers. This also will be taken care of in December, count on it: We are going to deal with the alternative minimum tax. That is going to cost $50 billion. We are going to deal with unemployment insurance, an additional $70 billion to extend those payments beyond 90-some-odd weeks. We are going to fix the doctors payment, because we have to. We can't cut the doctors that much, $21 billion. We are going to extend most, if not all, of the tax extenders we call them, $90 billion. The total is $500 billion.

Some of this we have been expecting to take care of. But we weren't expecting or planning in any way to have a continuation of the payroll holiday that is going to cost $265 billion. I just would say to my colleagues, when are we going to think more rationally about it?

I just heard: How are we going to pay for the AMT, unemployment insurance, doctors payments, and the tax extenders? Somebody said: We are going to count the savings from the war. The Congressional Budget Office will show a decline in expenses for the Iraq and Afghanistan war will be a savings. We can spend that. That is fraudulent, that is a gimmick, and it should not be acceptable.

Everybody knows the war costs are going to be coming down and we have been planning for that. We can't assume that money is available to spend willy-nilly. We were bringing the war costs down to bring the debt down, not to fund new spending. We need to bring the war costs down to try to reduce our debt and our deficit, not to fund new spending. But that is how they are going to do this, I have been told. I am not surprised because there is no other way they are going to do it.

I just would share that. We will be voting in a little bit on this issue. I don't know what the answer is. I don't know how to fix our problems, but I know one thing. We remain in denial. Our country is in greater debt crisis than we realize. Mr. Erskine Bowles and Alan Simpson of President Obama's debt commission say we are facing the most predictable financial crisis in our Nation's history as a result of our debt, and we need to get serious about how to fix it.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I ask unanimous consent to speak as if in morning business.

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

FREEING ALAN GROSS

Mr. CARDIN. Mr. President, I rise to address the human rights issue of deep concern.

For 2 years, since December 3, 2009, an American citizen and a Marylander, Alan Gross, has been imprisoned by the Cuban Government. For 2 years, he has been held by the Cuban authorities.

Alan was in Cuba to help the country's small Jewish community establish an Internet and improve its access to the Internet, which would allow the community to go online without fear of censorship or monitoring.

After being held for 14 months without charge and then a cursory 2-day trial, he was convicted and sentenced to 15 years in prison. His appeal to the Cuban supreme court was denied in August of this year.

Alan Gross is a caring husband and a father, a devoted man who has dutifully promoted U.S. foreign policy interests while serving the needs of thousands of foreign citizens, from Afghanistan to Haiti, over a career that has spanned more than 25 years of public service.

Unfortunately, Alan has been caught in the middle of a conflict between two nations with a long and difficult relationship. But it is entirely unacceptable that his personal freedoms have been violated every day he continues to be incarcerated.

Alan's health has deteriorated during his imprisonment. He has lost 100 pounds and suffers from a multitude of medical conditions, including gout, ulcers, and arthritis, that have worsened without adequate treatment.

Last night, I had a chance to talk to his wife Judy, who had a chance to visit with her husband in Cuba earlier last month. Judy informs me that Alan Gross's health conditions are deteriorating and that he is in need of adequate health care. In addition, his mother and daughter are both struggling with serious health care issues, and his wife is struggling to make ends meet.

The Gross family should not have to suffer through such a trying period of time without Alan for support. Sentencing Alan Gross to 15 years behind bars also sentences his family to 15 years without a husband, father, and son. There is no reason for the Gross family to continue to suffer the consequences of political gamesmanship any longer. I urge the Cuban Government to remember that this is a real man and a family who are suffering.

I have already written the Cuban Government urging them, in the strongest possible manner, to immediately and unconditionally release Alan Gross. His continued imprisonment is a major setback in our bilateral relations, and it is unlikely any positive steps to improve that relationship can or will happen while he remains in prison.

As a Senator and as a Marylander and as a fellow human being, I urge the Cuban Government to see Alan Gross, who has dedicated his life to serving others, for who he is—a man who believed he was helping others by stepping in when he saw a need. Enough is enough. I call on the Cuban Government to release Alan Gross immediately and to allow him to return to his family.

Ms. MIKULSKI. Mr. President, Mr. Gross has worked with Cuban communities for many years. In 2009, he was working with USAID to assist Cuba's Jewish community by improving their access to the Internet. As a former social worker who has worked for 25 years in international development, he has a long record of helping people around the world to improve their lives.

He was arrested and held without charge for 14 months and later sentenced to 15 years for crimes against the state.

Mr. Gross is in failing health. He has lost 100 pounds and suffers from arthritis. He is being held in harsh conditions on trumped-up charges.

His family in Maryland has had very limited contact with him. They, too, have faced health challenges and are facing significant financial hardships.

I was hopeful that America and Cuba could move closer together—in trade, in community connections, and for individual families who have been separated. I thought these links would help open up Cuba, improve human rights, and enable their country to move toward democracy. Yet the case of Mr. Gross shows that Cuba is not serious about moving forward—for its own people or for its relations with the United States.

If Cuba wants to improve relations with the United States, they need to release Mr. Gross now. I will not support easing restrictions or sanctions on Cuba until Mr. Gross is allowed to come home to Maryland. I thank my colleagues for joining me in standing up for Alan Gross and urge the Government of Cuba to release him immediately.

I yield the floor and 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. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that upon the conclusion of the postcloture time, the pending germane Feinstein amendment, No. 1126, be the pending business; that the Senate proceed to vote in relation to the following Feinstein amendments in the order listed: Feinstein amendment No. 1126, Feinstein amendment No. 1456; that there be 2 minutes equally divided in the usual form prior to the second vote—there will be more time than that prior to the first vote; that no amendment be in order to either amendment prior to the votes, and that all postcloture time be considered expired at 6 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, for the benefit of our colleagues, after spirited discussions for a long period of time we have reached a compromise with the Senator from California on language concerning detainees and there are certain Members on my side who wanted a vote on the original amendment as written. We modified it, so that there will be a vote on the original Feinstein amendment and then on the one which is modified by agreement among most of the people involved. There may be some who will still oppose it, but we have reached an agreement among the Senator from California, the chairman, myself, the Senator from Idaho, the Senator from South Carolina and others, that I think will be agreeable to the majority of the Members.

I suggest to my friend, the chairman, that when the vote starts at 6, perhaps we can line up the other remaining amendments, on some of which we hope to get voice votes, some of which will require recorded votes, as is the procedure under postcloture.

Mr. LEVIN. Mr. President, this has not yet been ruled on. I want to modify very slightly what I said in the unanimous consent request. I said that the Senate proceed to votes in relation to the following Feinstein amendments. I should have said the Senate proceed to votes on the Feinstein amendments in the order listed.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I have two other unanimous consent requests before we turn this over to the Senator from California. I ask unanimous consent that it be in order to make a point of order en bloc against the list of amendments in violation of rule XXII that is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the points of order are sustained and the amendments fall.

The nongermane amendments are as follows:

Amendments Nos. 1255, 1286, 1294, 1259, 1261, 1263, 1296, 1152, 1182, 1184, 1147, 1148, 1204, 1179, 1137, 1138, 1247, 1249, 1248, 1118, 1117, 1187, 1211, 1239, 1258, 1186, 1160, 1253, 1068, 1119, 1089, 1153, 1154, 1171, 1173, 1099, 1100, 1139, 1200, 1120, 1155, 1097, 1197; as being dilatory: No. 1174: as being drafted in improperly: No. 1291

Mr. MCCAIN. Mr. President, in the minutes remaining between now and 6 p.m. I hope we could roughly divide time on the amendment between the two sides.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I would hope and I ask the time between now and 6 o'clock be divided between the two sides. We will yield immediately to Senator FEINSTEIN.

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

Mr. LEVIN. Mr. President, I have one more unanimous consent.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 1290 AND 1256 WITHDRAWN

Mr. LEVIN. I ask unanimous consent that the following amendments be withdrawn: Rubio amendment No. 1290 and Merkley amendment No. 1256.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments are withdrawn.

AMENDMENT NO. 1126

Mr. LEVIN. I thank the Presiding Officer and all those who have been involved in working out this approach that allows us now to vote on two amendments, the original Feinstein amendment that is pending, plus an alternative which I think, hopefully, will command great support.

Mr. MCCAIN. I ask how much time is remaining?

The PRESIDING OFFICER. Eight minutes on each side.

Mr. MCCAIN. I wish to give 3 minutes to the Senator from South Carolina, preceded by 2 minutes from the Senator from Idaho, and 2 minutes for the Senator from New Hampshire if she arrives.

Mrs. FEINSTEIN. Shall I go first?

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wish to explain what has happened this long afternoon. Originally some of us, namely Senators LEAHY, DURBIN, UDALL of Colorado, KIRK, LEE, HARKIN, WEBB, WYDEN, MERKLEY, and myself, realized that there was a fundamental flaw in section 1031 of the bill. There is a difference of opinion as to whether there is this a fundamental flaw. We believe the current bill essentially updates and restates the authorization for use of military force that was passed on September 18, 2001. Despite my support for a general detention authority, the provision in the original bill, in our view, went too far. The bill before us would allow the government to detain U.S. citizens without charge until the end of hostilities. We have had long discussions on this.

The disagreement arises from different interpretations of what the current law is. The sponsors of the bill believe that current law authorizes the detention of U.S. citizens arrested within the United States, without trial, until ''the end of the hostilities'' which, in my view, is indefinitely.

Others of us believe that current law, including the Non-Detention Act that was enacted in 1971, does not authorize such indefinite detention of U.S. citizens arrested domestically. The sponsors believe that the Supreme Court's Hamdi case supports their position, while others of us believe that Hamdi, by the plurality opinion's express terms, was limited to the circumstance of U.S. citizens arrested on the battlefield in Afghanistan, and does not extend to U.S. citizens arrested domestically. And our concern was that section 1031 of the bill as originally drafted could be interpreted as endorsing the broader interpretation of Hamdi and other authorities.

So our purpose in the second amendment, number 1456, is essentially to declare a truce, to provide that section 1031 of this bill does not change existing law, whichever side's view is the correct one. So the sponsors can read Hamdi and other authorities broadly, and opponents can read it more narrowly, and this bill does not endorse either side's interpretation, but leaves it to the courts to decide.

Because the distinguished chairman, the distinguished ranking member, and the Senator from South Carolina assert that it is not their intent in section 1031 to change current law, these discussions went on and on and they resulted in two amendments: our original amendment, which covers only U.S. citizens, which says they cannot be held without charge or trial, and a compromise amendment to preserve current law, which I shall read:

On page 360, between lines 21 and 22, insert the following:

Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens or lawful resident aliens of the United States or any other persons who are captured or arrested in the United States.

I believe this meets the concerns of the leadership of the committee and this is presented as an alternative. There are those of us who would like to vote for the original amendment, which I intend to do, as well as for this modifying amendment. They will appear before you as a side-by-side, so everyone will have the chance to vote yea or nay on the original or yea or nay on the compromise. As I said, I would urge that we vote yes on both.

This is not going to be the world as we see it postvote, but I will tell you this, the chairman and the ranking member have agreed that the modified language presented in the second vote will be contained in the conference; that they will do everything they can to contain this language in the conference.

In the original amendment—my original amendment—which affects only U.S. citizens, that is not the case. They are likely to drop that amendment. So I wish to make the point by voting for both, and I would hope others would do the same. I think a lot has been gained. I think a clear understanding has been gained of the problems inherent in the original bill. I think Members came to the conclusion that they did not want to change present law and they wanted to extend this preservation of current law not only to citizens but to legal resident aliens as well as any other persons arrested in the United States. That would mean they could not be held without charge and without trial. So the law would remain the same as it is today and has been practiced for the last 10 years.

I actually believe it is easy to say either my way or the highway. I want to get something done. I want to be able to assure people in the United States that their rights under American law are protected. The compromise amendment, which is the second amendment we will be voting on, does that. It provides the assurance that the law will remain the same and will not affect the right of charge and the right of trial of any U.S. citizen, any lawful legal alien or any other person in the United States. We have the commitment by both the chairman and the ranking member that they will defend that in conference.

There are those who say I wish to just vote for the original amendment. That is fine. I am not sure it will pass. I don't know whether it will pass, but in my judgment, the modification is eminently suitable to accomplish the task at hand and has the added guarantee of the support of the chairman, the ranking member in a conference committee with the House, which I think is worth a great deal. They have given their word, and I believe they will keep it. This RECORD will reflect that word.

AMENDMENT NO. 1456

I call up my amendment No. 1456, which is the modification.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 1456.

Mrs. FEINSTEIN. I ask unanimous consent that the reading of the amendment be dispensed with.

There are others who wish to speak.

The amendment is as follows:

On p 360, between lines 21 and 22, insert the following:

(e) Nothing in this section shall be construed to affect existing law or authorities, relating to the detention of United States citizens, lawful resident aliens of the United States or any other persons who are captured or arrested in the United States.

I will yield the floor.

Mr. LEVIN. How much time is there on our side?

The PRESIDING OFFICER. One minute.

Mr. LEVIN. I wanted to have a couple minutes. I wonder if Senator MCCAIN is here, if there is an objection to extending this by 10 minutes. Is there objection? I am not going to do that without him here.

Madam President, if the other side is ready to go, they can start using the time on their side.

Mr. GRAHAM. How much time do we have?

The PRESIDING OFFICER. Eight minutes. You were allotted 3 minutes.

Mr. GRAHAM. Will the Chair warn me when I use 2 minutes.

The PRESIDING OFFICER. Yes.

Mr. GRAHAM. To Senator FEINSTEIN, I do believe the second provision is where we want to be, at least from my point of view. To my colleagues, I never intended by 1031 to change the law imposing a greater burden on American citizens or more exposure to military detention, nor did I wish to have additional rights beyond what exist today. The problem I have with Senator FEINSTEIN's amendment is it says the authority 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.

Here is my concern. When you tell a judge, as a defense attorney: I want my client's rights preserved regarding a civilian trial guaranteed in this section—and the end of hostilities could be 30 years from now—Your Honor, if these rights mean anything, they need to attach now—if the civilian rights attach immediately upon detention, what I think would be a problem is that the military interrogation is lost. American citizens are not subject to a military commission trial. A lot of people on my side didn't like that.

I do want to make sure American citizens go into article III courts, but the law has been since World War II, if a person joins the enemy, even as an American citizen, they are subject to being detained for interrogation purposes. That is my goal and that has always been my goal. We can detain an American who has sided with al-Qaida, if they are involved with hostile acts, to gather intelligence, and that is a proper thing to have been doing. It was done in World War II when American citizens helped the Nazis. If an American citizen wants to help al-Qaida involved in a hostile act, then they become an enemy of this Nation. They can be humanely detained, and that is my concern about the Senator's amendment; that it would take that away.

We have common ground on the second amendment, and at the end of the day, the Senate has talked a lot about different things. This has been a discussion about something important and I, quite frankly, enjoyed it.

I yield my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. First of all, let me say I think there has been an adequate compromise that has been reached, and we are to have a side-by-side to vote on which will give everybody the opportunity to express themselves. Let me say that every single one of us on this floor has a goal to protect the rights of U.S. citizens.

This country was founded by people who had just gone through some very difficult times with a government that was very oppressive on them, and they wrote the Constitution specifically to protect themselves and to protect individuals from the government. Those constitutional provisions today are as good as they were then. Every single one of us wants to see that American citizens are protected; that is, protections that take place in the case of criminal cases.

In the case of a war, in the case where a U.S. citizen joins enemy combatants and fights against the United States, there is a different standard—although a delicate division—that exists. If we look at the provisions of section 1031, where covered persons are defined, it is very clear it applies only to people who participated in the September 11, 2001, attack on the United States, and it applies to people who are part of it or who have substantially supported al-Qaida and the Taliban or its associated forces and have actually committed a belligerent act or have directly participated in the hostilities.

This is drawn very carefully and very narrowly so a U.S. citizen can—as my good friend from Kentucky always says—be able to file a writ of habeas corpus in the U.S. district court and have the U.S. district judge determine whether a person is actually an enemy combatant. If that U.S. district judge turns it down, that person does not necessarily go free. The U.S. Government can then charge them with treason or any one of a number of crimes, but they will be tried in the U.S. district court.

On the other hand, if they are found to be an enemy combatant by a U.S. district judge whose decision is reviewable by the circuit court and if the Supreme Court chooses—by the Supreme Court, if they are found to be the enemy combatant, then they will, indeed, be subject to this.

So this has been very narrow. People who are watching this and who are concerned about the civil liberties of U.S. citizens, as I am, as people in Idaho are, as people in every State in America are, under those circumstances, those people will be well protected. We will have the amendment here that everybody will have the opportunity to express themselves on.

I will yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I would ask that there be 5 additional minutes, evenly divided, so we could have 3 minutes left on our side. I would split that with the Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. RISCH. We have no objection.

Mr. LEVIN. Mr. President, we are soon going to be voting on two amendments. The first amendment that is proposed, the first Feinstein amendment restricts the authority that was available and is available currently to the President of the United States under the laws of war. That authority is if an American citizen joins a hostile Army against us, takes up arms against us, that person can be determined to be an enemy combatant. That is not me saying that; that is the Constitution. That is the Supreme Court of the United States in the Hamdi case: ''There is no bar to this Nation's holding one of its own citizens as an enemy combatant.''

The problem with the Feinstein amendment is that current authority of the President to find and designate an American citizen who attacks us, who comes to our land and attacks us as an enemy combatant would be restricted. We should not restrict the availability of that power in the President. Now we have an alternative. In the second Feinstein amendment, which I ask unanimous consent to be a cosponsor of—

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

Mr. LEVIN. In the second amendment, we have an alternative because now it would provide the assurance that we are not adversely affecting the rights of the U.S. citizens in this language. Senator MCCAIN, Senator GRAHAM, and I have argued on this floor that there is nothing in our bill—nothing which changes the rights of the U.S. citizens. There was no intent to do it, and we did not do it.

What the second Feinstein amendment provides is that nothing in this section of our bill shall be construed to affect existing law or authorities relating to the detention of the U.S. citizens or lawful resident aliens of the United States or any other persons who are captured or arrested in the United States. It makes clear what we have been saying this language already does, which is that it does not affect existing law relative to the right of the executive branch to capture and detain a citizen. If that law is there allowing it, it remains. If, as some argue, the law does not allow that, then it continues that way. We think the law is clear in Hamdi that there is no bar to this Nation holding one of its own citizens as an enemy combatant, and we make clear whatever the law is. It is unaffected by this language in our bill.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank my colleagues, Senators GRAHAM and LEVIN, and particularly Senator FEINSTEIN for working so hard to come to an agreement on section 1031. I was concerned that the United States would, for the first time in the history of this country, with the original language, authorize indefinite detention in the United States. But we have agreed to include language in this bill with the latter amendment that makes it clear that this bill does not change existing detention authority in any way.

It means the Supreme Court will ultimately decide who can and cannot be detained indefinitely without a trial. To this day, the Supreme Court has never ruled on the question of whether it is constitutional to indefinitely detain a U.S. citizen captured in the United States. Some of my colleagues see this differently, but the language we have agreed on makes it clear that section 1031 will not change that law in any way. The Supreme Court will decide who will be detained; the Senate will not.

I ask unanimous consent to be added as a cosponsor to the second pending amendment by Senator FEINSTEIN.

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

All time has expired on the majority side.

Mr. GRAHAM. How much time do we have remaining?

The PRESIDING OFFICER. There is 4½ minutes remaining.

Mr. GRAHAM. Mr. President, I would like to take the opportunity to end what I think has been a very good debate. Senator FEINSTEIN—and I know she is busy—said something on the floor that I wish to reiterate: that the second amendment which Senator DURBIN just suggested we have reached a compromise on, I am fully committed to making sure it stays in the conference report. Some folks in the House may have a problem, but I think it is good, sound law.

The goal for me has never been to change the law, to put an American citizen more at risk than they are today. It is just to keep the status quo and acknowledge from the point of view of the Congress that the Obama administration's decision to detain people as enemy combatants lies within the President's power to do so. The Court has said in In re Quirin and in the Hamdi case that at a time of war the executive branch can detain an American citizen who decides to collaborate with the Nazis, as well as al-Qaida, as an enemy combatant. They can hold them for interrogation purposes to collect intelligence. We don't have to take anybody into court and put them on trial because the goal is to protect the Nation from another attack.

The law also says no one, including an American citizen, can be held indefinitely without going to an article III court. Every person determined to be an enemy combatant by the executive branch has to have their case presented to an independent judiciary, and the government has to prove to a Federal judge by a preponderance of the evidence that they fall within this narrow exception. The government has lost about half the cases and won about half the cases.

My concern with Feinstein 1 is that it would change the law; that the law would be changed for the first time ever, saying we cannot hold an American citizen who has collaborated with the enemy for intelligence gathering purposes. I think homegrown terrorism is growing. If an American citizen left this country and went to Pakistan, got radicalized in a madrasah, came back and started trying to kill Americans, I think we should have the authority to detain them as with any belligerent, just like in World War II, and gather intelligence as to whether somebody else may be coming.

So that is what I want to preserve. With all due respect to Senator FEINSTEIN, I think her first amendment very much puts that in jeopardy. It is going to be confusing, litigation friendly, so let's just stay with what we believe the law is.

As to Senator DURBIN, he has one view, I have another, but we have a common view; that is, not to do anything to 1031 that would change the law. The ultimate authority on the law is not LINDSEY GRAHAM or DICK DURBIN, it is the Supreme Court of the United States. That is the way it should be, and that is exactly what we say here. We are doing nothing to change the law when it comes to American citizen detention to enhance it or to restrict whatever rights the government has or the citizen has. I think that is what we need to say as a nation.

One last word of warning to my colleagues, the threats we face as a nation are growing. Homegrown terrorism is going to become a greater reality, and we need to have tools. Law enforcement is one tool, but in some cases holding people who have decided to help al-Qaida and turn on the rest of us and try to kill us so we can hold them long enough to interrogate them to find out what they are up to makes sense. When we hold somebody under the criminal justice system, we have to read them their rights right off the bat under the law or we don't because the purpose is to gather intelligence. We need that tool now as much as at any other time, including World War II.

Thank you all for a great debate. I hope we can vote no on Feinstein 1 and have a strong bipartisan vote on Feinstein 2.

With that, I yield the floor.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GRAHAM. If anybody wishes to speak, speak now.

All time is yielded back.

The PRESIDING OFFICER. Under the previous order, the question is on amendment No. 1126 offered by the Senator from California.

Mr. LEVIN. Could I just interrupt with a unanimous consent request that prior to each vote there be 2 minutes of debate equally divided in the usual form and that it start with the vote after this one.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 1126.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—45

Akaka	Franken	Moran
Baucus	Gillibrand	Murray
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Paul
Boxer	Johnson (SD)	Reid
Brown (OH)	Kerry	Rockefeller
Cantwell	Kirk	Sanders
Cardin	Kohl	Schumer
Carper	Lautenberg	Shaheen
Casey	Leahy	Tester
Collins	Lee	Udall (CO)
Conrad	McCaskill	Udall (NM)
Coons	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Wyden

NAYS—55

Alexander	Grassley	Murkowski
Ayotte	Hatch	Nelson (NE)
Barrasso	Heller	Portman
Begich	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Risch
Boozman	Inouye	Roberts
Brown (MA)	Isakson	Rubio
Burr	Johanns	Sessions
Chambliss	Johnson (WI)	Shelby
Coats	Klobuchar	Snowe
Coburn	Kyl	Stabenow
Cochran	Landrieu	Thune
Corker	Levin	Toomey
Cornyn	Lieberman	Vitter
Crapo	Lugar	Whitehouse
DeMint	Manchin	Wicker
Enzi	McCain	
Graham	McConnell	

The amendment (No. 1126) was rejected.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 1456

The PRESIDING OFFICER (Mr. UDALL of Mexico). Under the previous order, there will be now be 2 minutes of debate equally divided prior to a vote on amendment No. 1456 offered by the Senator from California, Mrs. FEINSTEIN.

The majority leader is recognized.

Mr. REID. I ask unanimous consent that all votes relating to the Defense authorization bill be 10 minutes in duration, including final passage.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, a number of my colleagues have asked where we are. We are going to have probably three or four more rollcall votes, hopefully including final passage. There is also a package—and everyone should listen to this because at least 70 of us are affected. There is a package of about 70 amendments which have been cleared. However, as of the moment, there is an objection to that package being adopted.

When I say the package has been cleared, what I am saying is there has been no objection to the substance of any of those 70 amendments. If there was an objection to the substance, they would not be cleared. So there is no objection to the substance of those approximately 70 amendments, but you should be aware, because most of us have amendments in that cleared managers' package, that unless that objection is removed, we cannot get that package adopted tonight.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wonder if I might be able to make a few comments.

This amendment is a compromise amendment. I think it is actually a very good amendment. I want to thank the chairman of the committee, the ranking member, and Senator GRAHAM, who participated in a rather lengthy discussion, and this is the result.

The amendment—I will read it. It says:

Nothing in this section shall be construed to affect existing law or authority relating to the detention of United States citizens or lawful resident aliens of the United States or any other persons who are captured or arrested in the United States.

There is a commitment from both the chairman and the ranking member and Senator GRAHAM that they will defend this amendment in conference. So I hope everyone will vote for it because essentially it just supports present law, whether one supports the broad interpretation of present law, or one supports a more narrow interpretation of present law. There is no change in law.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I very much support this amendment, I am a cosponsor, and I hope we can all vote for it. This does what we said—those of us who wrote this bill—the bill does and does not do all along. It does not change current law. This amendment reinforces the point that this bill does not change current law relative to this section of this bill. The section of this bill does not change current law relative to the detention of people in the United States.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not repeat what the chairman said except that I would like to thank Senator FEINSTEIN for her willingness to sit down and negotiate with us, and Senator DURBIN, who has been a passionate advocate. I would also like to thank all of the people who came to the floor so often. I think the Senate is a better institution as a result of the debate, and I am sure the Senate and the American people are much better informed on this very important national security aspect of this bill.

I thank my colleagues. I urge an aye vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—99

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

NAYS—1

Kyl

The amendment (No. 1456) was agreed to.

AMENDMENT NO. 1414

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote on amendment No. 1414, offered by the Senator from New Jersey, Mr. MENENDEZ, and the Senator from Illinois, Mr. KIRK.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, the Menendez-Kirk bipartisan amendment is sponsored by over half of the Members of the Senate. It makes it very clear that the Treasury Department's own determination under the PATRIOT Act that the Iranian Central Bank is the central source for money for Iran's nuclear march toward a nuclear weapon needs to be addressed. That is exactly what we do in this amendment. It creates the maximum effort against the Iranians, and it ensures that we do not have any oil disruption as a result of those sanctions by giving the President the opportunity to make a determination that there are sufficient oil supplies so as not to create a disruption, and it gives him in addition a national security waiver.

This is the maximum opportunity to have a peaceful diplomacy tool to stop Iran's march to nuclear weapons.

I urge my colleagues to give it a strong bipartisan vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I support the amendment. I think this amendment is vital at this time to send a strong signal to Iran, which recently tried to pull off the assassination of the Saudi Ambassador here in Washington, DC. It is long overdue, and it is too bad that the United States has to do it by ourselves rather than having the U.N. Security Council act. This is a strong amendment. I think it is very important and, again, I strongly support it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, this Menendez-Kirk amendment is a strong, bipartisan amendment. Over half of the Senate has formally cosponsored it. I urge its adoption, especially after the bomb plot in Washington, DC, the IAEA report on nuclear development in Iran, and the overrunning of our British ally's embassy site by Iran 2 days ago.

I yield the floor.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MCCAIN. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MENENDEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—100

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

The amendment (No. 1414) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, if we have this consent agreement that I am going to ask in just a second, we will have four votes remaining for the evening, and that would be all. We will be in session tomorrow. We have some things we need to do procedurally, but there shouldn't be any votes tomorrow.

Mr. President, I ask unanimous consent that upon disposition of S. 1867, the Defense authorization bill, the Senate proceed to vote on the Reid of Nevada motion to proceed to Calendar No. 238, S. 1917; that there be 2 minutes equally divided between the two leaders or their designees prior to the vote; that upon disposition of the Reid motion to proceed, it be in order for the Republican leader or his designee to move to proceed to Calendar No. 244, S. 1931; that there be 2 minutes of debate equally divided between the two leaders or their designees prior to the vote; that both motions to proceed be subject to a 60 affirmative-vote threshold; finally, that the cloture motion relative to the motion to proceed to S. 1917 be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1209

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 1209 offered by the Senator from Florida, Mr. NELSON.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, it is my understanding that both leaders have decided to accept this. So I don't see any need for a rollcall vote.

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEVIN. Our time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1209) 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.

AMENDMENT NO. 1080 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 1080, offered by the Senator from Vermont, Mr. LEAHY.

The Senator from Michigan.

Mr. LEVIN. Mr. President, Senator LEAHY authorized me and told me he was withdrawing this amendment relative to military custody because of all of the actions which have been previously taken. I am very confident that is what he told me, so I am going to withdraw that amendment on his behalf.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 1274

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 1274, offered by the Senator from Alabama, Mr. SESSIONS.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, this amendment is crafted to simply clarify and affirm what appears to be the law, and logic tells us should be the law today.

If an individual is apprehended as a prisoner of war, they are detained under the laws of war until the conflict ends. But if, after being detained or when they are detained, it is determined they have committed crimes against the laws of war, they can be tried for those crimes.

There is a slight ambiguity. I think it is pretty clear the military would have a right to continue to detain them as a prisoner of war if they were not convicted of the much higher burden crime against the laws of war.

So the essence of this is simply to say what the judge said in the case involving the African Embassy bombing, the Ghailani case. The guy was acquitted of 284 out of 285 counts, and the judge said: You probably would be detained under the laws of war. So this would clarify that.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I think this can be accepted on a voice vote. I have great problems with it, but I think there is probably a majority here that will favor it and a distinct minority perhaps that would not. But it is something which basically doesn't add to the existing law, which says this is theoretically possible, and all this does is say it is possible one could be acquitted of a criminal case and still be held as an enemy combatant.

Mr. PAUL. I object. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 41, nays 59, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—41

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Portman
Blunt	Hoeven	Pryor
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Thune
Cornyn	Lieberman	Toomey
Crapo	Lugar	Vitter
DeMint	Manchin	Wicker
Enzi	McConnell	

NAYS—59

Akaka	Blumenthal	Cardin
Baucus	Boxer	Carper
Begich	Brown (MA)	Casey
Bennet	Brown (OH)	Collins
Bingaman	Cantwell	Conrad

Coons	Landrieu	Reid
Corker	Lautenberg	Rockefeller
Durbin	Leahy	Sanders
Feinstein	Lee	Schumer
Franken	Levin	Shaheen
Gillibrand	McCain	Snowe
Hagan	McCaskill	Stabenow
Harkin	Menendez	Tester
Heller	Merkley	Udall (CO)
Inouye	Mikulski	Udall (NM)
Johnson (SD)	Murray	Warner
Kerry	Nelson (NE)	Webb
Kirk	Nelson (FL)	Whitehouse
Klobuchar	Paul	Wyden
Kohl	Reed	

The amendment (No. 1274) was rejected.

The PRESIDING OFFICER. The majority leader is recognized.

THE 9,000TH VOTE OF SENATOR FRANK LAUTENBERG

Mr. REID. Mr. President, the next rollcall vote will be the 9,000th vote cast by Senator FRANK LAUTENBERG. Senator LAUTENBERG, the senior Senator from New Jersey, has always been a fighter for his State, for progressive causes.

Before coming to the Senate, Senator LAUTENBERG served his country admirably in World War II, graduated from Colombia Business School, and became—and this is an understatement—a successful businessman.

The determination that made him successful in the private sector served him well in the Senate, where he worked tirelessly on behalf of the State of New Jersey. Frank tried to retire once—in 2000—but he just couldn't stay away from serving the State and the Nation and returned to the Senate a little over a year after he had retired.

As the top Democrat on the Senate Budget Committee, Senator LAUTENBERG negotiated the balanced budget amendment of 1997, which restored fiscal discipline while cutting taxes for students and families with children.

He has been at the cutting edge of environmental issues in this country since he came to the Senate. He has worked as a member of the Environment and Public Works Committee, doing a good job with highways, railways, and runways in New Jersey, and has done that in conjunction with being a member of the Environment and Public Works Committee but also the Appropriations Committee.

During his time in the Senate, he has done things that will be a lasting mark on his career, his legacy, forever. Our Nation's roads are safer because he was responsible for our passing the 21-year-old drinking age. He established a national drunk driving standard, a standard throughout the country. He banned triple-trailer trucks—so-called killer trucks—from the roads of New Jersey and many other States. He dedicated his time in the Senate to holding terrorists accountable and protecting New Jersey's ports, which are important to all of us, not only to New Jersey.

Senator LAUTENBERG has done many things. He authored the domestic violence gun ban—the only significant gun legislation to become law since the Brady bill—which prevents convicted abusers from buying guns.

The thing I recognize as very important—one of my boys couldn't stand the cigarette smoke in airplanes. Even though the airlines tried to set up a standard for smoking, you know that if there was smoking in the airplane, the fact that you were someplace else in the airplane didn't matter; everybody got the secondhand smoke. He fought this and banned smoking on airplanes, which I will always remember, and certainly my boy Key will always remember that.

For three decades, FRANK LAUTENBERG has left a mark that is very impressive, and his 9,000 votes will be something people will look back on and determine that FRANK LAUTENBERG is one of the most productive Senators in the history of our country.

Congratulations, Frank.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I would like to associate myself with the remarks of the majority leader and congratulate the Senator from New Jersey on this milestone in his long and very distinguished career here in the Senate.

(Applause.)

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I know we want to hear from our colleague shortly. I wish to join in recognizing over a quarter of a century of distinguished service from the senior Senator from New Jersey on this 9,000th vote, which is only emblematic of the type of work he has done, which is with a view toward not the next election but the next generation, whether it is saving lives by raising the drinking age; whether it is allowing workers to understand and have the right to know the toxic chemicals they were working with and the community in which those toxic chemicals were located; whether it is making sure all of us don't have to breathe secondhand smoke on an airplane; whether it is making sure that those who pilfer the land and contaminated it were held responsible to clean it up in the Superfund or to have cleaner air to breathe, FRANK LAUTENBERG's legislation has touched millions of lives not only in New Jersey but across the Nation, and we salute him for his tremendous service.

The PRESIDING OFFICER. The senior Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the leader for his kind words and the help he has given me to make some of the decisions we labored with. I thank my colleague, the Senator from New Jersey, BOB MENENDEZ, who has worked very hard to do his share in moving legislation and doing the right thing by the people in our State and our country.

One of the things that is, to me, pretty important is when I said to my mother in 1982: Mom, I am going to run for the U.S. Senate; I think there is an opportunity there. I was running ADP and in quite good company at the time. So she said: Frank, what do you need it for? I said: Mom, I don't need it. On the night of the election, we were gathered at my house in New Jersey—and my mother was then committed to a wheelchair—and she had tears running down her face. I said: Mom, you asked me why I needed it. I said: Why are you crying? She said: Because I always wanted you to win.

The people in New Jersey were very kind over these years, electing me five times to the Senate and giving me the honor and the opportunity to give something back to this country of ours.

I came from a family that was a poor family, immigrant family. My parents were young when they were brought by their parents to America. They were hoping that maybe good things could happen as a result of their becoming Americans. So I stand here and I am glad we are not taking a vote on whether I should be commended for this. I might not get all the votes you gave me because you didn't ask for unanimous consent, but nevertheless, it passed, and so I thank all of you, even those with whom I might occasionally disagree. It is shocking, but it does happen here. But I have respect for everybody who is sent here by their constituents from every State in the country and for their point of view. It doesn't mean I agree, but I have respect for the fact that we can say what we want in this free country of ours, say things that sometimes maybe we wish we had not said, but we have a chance to speak out on the things we believe in.

I thank all of my colleagues for their service and for the accolades given to me this night.

With that, I yield the floor.

AMENDMENT NO. 1087

The PRESIDING OFFICER. There will now be 2 minutes of debate on the Leahy amendment No. 1087.

Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the germane Leahy amendment No. 1087 be modified with the changes at the desk; further, that the amendment, as modified, be agreed to.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Reserving the right to object, could the manager clarify exactly what that is?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. There was a provision in the bill relative to the Freedom of Information Act which, by agreement, was modified.

Mr. THUNE. This doesn't have anything to do with the managers' package.

Mr. MCCAIN. It is agreeable on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment, as modified, is agreed to.

The amendment (No. 1087), as modified, is as follows:

Strike section 1044 and insert the following:

SEC. 1044. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN SENSITIVE NATIONAL SECURITY INFORMATION.

(a) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may exempt certain Department of Defense information from disclosure under section 552 of title 5, United States Code, upon a written determination that—

(A) the information is Department of Defense critical infrastructure security information; and

(B) the public interest in the disclosure of such information does not outweigh the Government's interest in withholding such information from the public.

(2) INFORMATION PROVIDED TO STATE OR LOCAL FIRST RESPONDERS.—Critical infrastructure security information covered by a written determination under this subsection that is provided to a State or local government to assist first responders in the event that emergency assistance should be required shall be deemed to remain under the control of the Department of Defense.

(b) MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEM.—The Secretary of Defense may exempt information contained in any data file of the Military Flight Operations Quality Assurance system of a military department from disclosure under section 552 of title 5, United States Code, upon a written determination that the disclosure of such information in the aggregate (and when combined with other information already in the public domain) would reveal sensitive information regarding the tactics, techniques, procedures, processes, or operational and maintenance capabilities of military combat aircraft, units, or aircrews. Information covered by a written determination under this subsection shall be exempt from disclosure under such section 552 even when such information is contained in a data file that is not exempt in its entirety from such disclosure.

(c) DELEGATION.—The Secretary of Defense may delegate the authority to make a determination under subsection (a) or (b) to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate.

(d) TRANSPARENCY.—Each determination of the Secretary, or the Secretary's designee, under subsection (a) or (b) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the office of the Assistant Secretary of Defense for Public Affairs.

(e) DEFINITIONS.—In this section:

(1) The term ''Department of Defense critical infrastructure security information'' means sensitive but unclassified information that, if disclosed, would reveal vulnerabilities in Department of Defense critical infrastructure that, if exploited, would likely result in the significant disruption, destruction, or damage of or to Department of Defense operations, property, or facilities, including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

(2) The term ''data file'' means a file of the Military Flight Operations Quality Assurance system that contains information acquired or generated by the Military Flight Operations Quality Assurance system, including the following:

(A) Any data base containing raw Military Flight Operations Quality Assurance data.

(B) Any analysis or report generated by the Military Flight Operations Quality Assurance system or which is derived from Military Flight Operations Quality Assurance data.

Mr. LEAHY. Mr. President, I am pleased that the Senate has unanimously adopted my Freedom of Information Act, FOIA, amendment to the National Defense Authorization Act. This measure appropriately narrows the overbroad exemptions to FOIA contained in the bill and will help ensure that the American public has access to important information about potential threats to their health and safety at or near Department of Defense facilities.

I thank Senator LEVIN and Senator MCCAIN for working with me on this issue and including this language, with our agreed-to modifications, in the managers' package for this bill. I also thank the many open government groups from across the political spectrum that support this amendment, including OpentheGovernment.org, the Liberty Coalition, the Sunlight Foundation and the American Library Association.

For more than 45 years, the Freedom of Information Act has been a cornerstone of open government and a hallmark of our democracy, ensuring that the American people have access to their Government's records. The addition of this measure to the National Defense Authorization Act will help ensure that FOIA remains a viable tool for access to Department of Defense information that impacts the health and safety of the American public.

I am particularly pleased that the language adopted by the Senate includes a public interest balancing test that requires the Secretary of Defense to consider whether the Government's interests in withholding critical infrastructure information are outweighed by other public interests. This improvement to the bill will help ensure that truly sensitive information is protected, while allowing the public to obtain important information about potential health and safety concerns.

This language adopted by the Senate strikes an appropriate balance between safeguarding the ability of the Department of Defense to perform its vital mission and the public's right to know. I am pleased that this measure has been included in this important legislation with the unanimous support of the Senate.

Mr. LEVIN. Mr. President, I move to reconsider the vote on the Leahy amendment.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1202, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate on the Udall amendment.

Mr. LEVIN. Mr. President, there is a pending amendment which apparently the clerk will need to report at this point.

The PRESIDING OFFICER. The Udall amendment is pending.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending germane Udall of New Mexico amendment No. 1202 be modified with the changes at the desk; further, that the amendment, as modified, be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment, as modified, is agreed to.

The amendment (No. 1202), as modified, is as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. APPLICABILITY OF BUY AMERICAN ACT TO PROCUREMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k) PROCUREMENT OF PHOTOVOLTAIC DEVICES.—

''(1) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract described in paragraph (2) awarded by the Department of Defense includes a provision requiring any photovoltaic devices installed pursuant to the contract, or pursuant to a subcontract under the contract, to comply with the provisions of chapter 83 of title 41 (commonly known as the 'Buy American Act'), without regard to whether the contract results in ownership of the photovoltaic devices by the Department.

''(2) CONTRACTS DESCRIBED.—The contracts described in this paragraph include energy savings performance contracts, utility service contracts, power purchase agreements, land leases, and private housing contracts pursuant to which any photovoltaic devices are

(A) installed on property or in a facility—owned by the Department of Defense;

''(B) generate power consumed by the Dept of Defense and counted toward Federal renewable energy purchase requirements

''(3) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—Paragraph (1) shall be applied in a manner consistent with the obligations of the United States under international agreements.

''(4) DEFINITION OF PHOTOVOLTAIC DEVICES.—In this subsection, the term 'photovoltaic devices' means devices that convert light directly into electricity.

''(5) EFFECTIVE DATE.—This subsection applies to photovoltaic devices procured or installed on or after the date that is 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 pursuant to contracts entered into after such date of enactment.''.

(b) CONFORMING REPEAL.—Section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note) is repealed.

Mr. UDALL of New Mexico. Mr. President, I thank the chairman for working with me on this amendment. I think he gave us a modification that is a good one. This amendment I offer

with Senator SCHUMER and Senator SANDERS closes the Buy American loopholes, and applies Buy American requirements to solar projects that are funded by the Department of Defense to meet energy goals in this bill. If American taxpayer funds are used to improve our military bases' energy security, then American solar firms should have the ability to compete.

I ask unanimous consent that my full statement be printed in the RECORD.

Mr. UDALL of New Mexico. Mr. President, solar power increases energy security for American military installations and our troops in the field. With solar power, our military is less dependent on the surrounding electricity grid or fuel supplies for generators. As a result, the Department of Defense is a leader on utilizing solar power—not for environmental reasons, but for energy security reasons.

However, if we are going to use taxpayer funds to support military solar power—which also qualifies for federal solar tax incentives—we must provide a level playing field for U.S. solar manufacturers in the contracting process. Last year's Defense Authorization bill took an important step, by clarifying that DOD's Buy American Act requirements apply to solar.

Previously, when solar was installed on DOD property, Buy American would not apply because DOD purchases the power, not the panels. DOD uses that arrangement for two reasons—first, it spreads the cost out through long term power purchase agreements instead of up-front costs; second, it allows the project to use tax credits DOD cannot use.

While last year's bill attempted to fix this situation, it left two loopholes. First, the Buy American requirements from last year's bill are limited ''to the extent that such contracts result in ownership of [solar] devices by DOD.'' The nature of power purchase agreements means that often this requirement is not fulfilled, thus allowing Chinese solar makers to undercut bids for DOD funded solar projects.

Second, last year's provision also only applied when ''reserved for the exclusive use'' of DOD for the ''full economic life'' of the device. Solar power projects may sometimes sell back to the grid, and DOD may use them for 20 years, when they are warranted for 25. The combined effect of these loopholes is that Buy American does not currently apply to DOD-funded solar.

The amendment I am offering with Senator SCHUMER and SANDERS closes these loopholes and applies Buy American requirements to solar projects that are funded by DOD to meet the energy goals in this bill.

If American taxpayer funds are used to improve our military bases' energy security, American solar firms should have an ability to compete. We know that other nations like China are spending vast resources to become leaders in the solar power market. They do not play by our trade rules, and they are taking advantage of our taxpayer funds.

Think about it this way: China does not spend its tax dollars on U.S. solar panels at Chinese military bases. Why should Congress provide market access that is not extended to U.S. manufacturers?

This amendment halts that practice, while maintaining all existing provisions of the Buy American Act: Nations who are in the WTO are not discriminated against—''Buy American'' does not bar nations that allow reciprocal access to U.S. firms to their government procurement. Existing exemptions such as availability and cost still apply, so we do not expect this to harm DOD's procurement in any way.

Our amendment is supported by a strong coalition of U.S. solar manufacturers and U.S. workers.

I thank Senator SCHUMER and his staff for working with us, along with Chairman LEVIN and his staff, and I urge the Senate's support.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. UDALL of New Mexico. I thank Senator MCCAIN, I thank Senator LEVIN, and I appreciate their help on this amendment.

FOREIGN SUBSIDIARIES OF U.S. PARENT COMPANIES ACTIVE IN IRAN

Mr. LAUTENBERG. Mr. President, I wish to engage in a colloquy with my friend, the distinguished chairman of the Senate Banking Committee, regarding U.S. companies that continue to do business with Iran. I know the chairman shares my concern about Iran's continued violations of international norms. As the International Atomic Energy Agency's recent report starkly highlights, Iran continues to work to build a nuclear weapon despite the current sanctions in place. While we have made great strides in strengthening sanctions on Iran, more work clearly needs to be done to place pressure on Iran to change its behavior. For the past 7 years, I have been working to close a loophole in current law that allows foreign subsidiaries of U.S. companies to continue doing business with Iran without facing the same penalties that would be placed on the parent company. I have now filed an amendment to the National Defense Authorization Act for Fiscal Year 2012 currently under consideration to try and close this loophole once again. Although I am not going to call for a vote on this amendment at this time, it is time we work to close this loophole once and for all.

Mr. JOHNSON. I thank Senator LAUTENBERG for his longstanding leadership on this issue. It is timely for him to raise it again now in the wake of the IAEA's recent report on Iran's illicit nuclear activities and in the midst of our efforts in the Banking Committee to ratchet up the pressure on Iran's leaders through additional sanctions. As President Obama noted last week when he imposed a new round of sanctions using the tools Congress gave him, Iran's government has persistently refused to abide by its international obligations, and it is time to turn up the heat in an effort to persuade its leaders to come clean on their nuclear program. While U.S. sanctions enacted last year, multilateral sanctions, and other efforts have slowed Iran's nuclear program and damaged its key revenue-generating energy sector, it remains my urgent priority to strengthen sanctions further to ensure that Iran effectively has no choice but to change its current path. That is why we are acting to sanction Iran's Central Bank today as well. On the issue you have raised, I think it is long past time for U.S. subsidiaries to withdraw from doing business in Iran. That is already happening due to U.S. and other international pressure on the business and financial sectors. Firms realize the huge risks this activity poses, reputationally and otherwise, to their companies. I note that it is already a violation for American subsidiaries to engage in sanctionable activity in Iran's energy sector and certain other activities under U.S. sanctions laws. It is also a violation of U.S. trade law for a U.S. firm to do business of any kind in Iran via a subsidiary. What that means is that if a U.S. parent is acting through its subsidiary, directing its activity, that violates U.S. law. The balance that has been struck so far is that we have directed our law, including our trade embargo, to U.S. companies and what U.S. companies do. Foreign subsidiaries are not, by definition, U.S. persons. But I agree with you that we can and should do more to stop the foreign subsidiaries of American companies from doing business with Iran, and I intend to address this problem in our upcoming legislation to expand Iran sanctions.

Mr. LAUTENBERG. My amendment would have applied the same penalties that can be imposed on U.S. companies that violate the U.S. trade ban with Iran to foreign subsidiaries of U.S. companies. Does the chairman agree that this loophole remains an issue that must be addressed?

Mr. JOHNSON. I agree that we must address the problem of foreign subsidiaries of U.S. companies doing business in Iran not being penalized for it under U.S. law. I know that, as in the past, there will be opposition from some in the business community, and elsewhere including European and other foreign governments who have long objected to the extraterritorial application of U.S. laws to reach companies organized under their jurisdiction. They will argue that the activities of U.S. subsidiaries are not legally U.S. persons, but are rather foreign persons organized under other countries' laws, and so should not be reached by U.S. law. But I am committed to working with my friend and with my committee members to address this issue.

Mr. LAUTENBERG. I thank the chairman. As we know, Iran funds Hamas, Hezbollah, and other terrorist

organizations. We should not allow American-controlled companies to provide cash to Iran so that they can convert these funds into bullets and bombs to be used against us and our allies. It is inexcusable for American companies to engage in any business practice that provides revenues to terrorists, and we have to stop it. I look forward to working with Chairman JOHNSON to close this loophole.

Mrs. FEINSTEIN. Mr. President, I rise to respond to a colloquy yesterday that occurred between Senators AYOTTE, LIEBERMAN, and GRAHAM regarding amendment No. 1068 offered by Senator AYOTTE to the Defense authorization bill.

Senator AYOTTE's amendment would eliminate measures that provide our interrogators with the guidance and clarity they need to effectively solicit actionable intelligence while upholding American values. In doing so, the amendment would override the better judgment of our military and intelligence professionals in a manner that will harm, not improve, our short- and long-term security.

Yesterday, Senator LIEBERMAN said on the Senate floor that he wants prisoners taken captive by the United States to be ''terrified about what is going to happen to them while in American custody.'' He also said he wants ''the terror they inflict on others to be felt by them.'' I believe that such statements are antithetical to fundamental American values. I firmly believe that America will not and cannot lower itself to the level of terrorists. To do so would be to abandon our most cherished principles and what our country stands for.

There was also discussion of abuses at Abu Ghraib, which diminished America's standing and outraged the American public.

As chairman of the Select Committee on Intelligence, I can say that we are nearing the completion a comprehensive review of the CIA's former interrogation and detention program, and I can assure the Senate and the Nation that coercive and abusive treatment of detainees in U.S. custody went beyond a few isolated incidents at Abu Ghraib.

Moreover, the abuse stemmed not from the isolated acts of a few bad apples but from fact that the line was blurred between what is permissible and impermissible conduct, putting U.S. personnel in an untenable position with their superiors and the law.

That is why Congress and the executive branch subsequently acted to provide our intelligence and military professionals with the clarity and guidance they need to effectively carry out their missions. And that is where the September, 2006 Army Field Manual comes in.

However, Senator AYOTTE's amendment would require the executive branch to adopt a classified interrogation annex to the Army Field Manual, a concept that even the Bush administration rejected outright in 2006.

Senator AYOTTE argued that the United States needs secret and undisclosed interrogation measures to successfully interrogate terrorists and gain actionable intelligence. However, our intelligence, military, and law enforcement professionals, who actually interrogate terrorists as part of their jobs, universally disagree. They believe that with the Army Field Manual as it currently is written, they have the tools needed to obtain actionable intelligence from U.S. detainees.

Further, in 2009, after an extensive review, the intelligence community unanimously asserted that it had all the guidance and tools it needed to conduct effective interrogations. The Special Task Force on Interrogations—which included representatives from the CIA, Defense Department, the Office of the Director of Intelligence, and others—concluded that ''no additional or different guidance was necessary.''

Since 2009, the interagency High Value Detainee Interrogation Group Interrogation Group has assured the Senate Intelligence Committee that it has all the authority it needs to effectively gain actionable intelligence.

Unfortunately, amendment No. 1068 would overrule the judgments of these professionals—who have served under both the Bush and Obama administrations—and impede their important work.

If our intelligence community is telling us that the current guidelines and interrogation techniques are effective, why would we add secret interrogation methods?

Senator AYOTTE's amendment would muddy the waters on what is and isn't permissible in interrogating U.S. detainees. Her amendment would overturn not only the Executive order on lawful interrogations but also roll back the McCain amendment passed in 2005—which the Senate approved in a 90-to-9 vote—by allowing some interrogators, including some military interrogators, to evade established interrogation protocols.

In creating unnecessary exceptions to existing interrogation guidance, Senator AYOTTE's amendment would deprive our military and intelligence professionals of the clarity they deserve and threaten to reopen the door to secret techniques and other abuses of U.S. detainees.

While Senator AYOTTE has insisted that her amendment would continue to prohibit cruelty, the colloquy on the floor suggests otherwise. When Senator GRAHAM asked her if the amendment was needed to bring back enhanced interrogation techniques—techniques we now know included induced hypothermia, slapping, sleep deprivation, and forced stressed positions she responded in the affirmative.

We cannot have it both ways. Either we make clear to the world that the United States will honor our values and treat prisoners humanely or we let the world believe that we have secret interrogation methods to terrorize and torture our prisoners.

The Ayotte proposal also ignores the dangerous practical implications for our intelligence and military partners overseas.

The colloquy between the Senators yesterday suggests they believe the United States will have some advantage by having a secret list of interrogation techniques and that this will have no negative implications, aside from giving interrogators more options.

Last year, GEN David Petraeus said it best when he unequivocally asserted that we should not return to so-called ''enhanced'' techniques because they ''undermine your cause'' and ''bite you in the backside in the long run.''

Current U.S. law and policy makes clear that America is committed to fundamental humane treatment standards. By overturning the status quo, the Ayotte amendment would create dangerous pockets of uncertainty to the detriment of our international standing, our intelligence collectors, and our national security.

Should this amendment ever come to the floor of the Senate, I urge my fellow Senators to oppose it.

Mr. AKAKA. Mr. President, I rise to express my deep concerns with the payroll tax alternative that our colleagues have proposed. Their alternative would be paid for by extending the current pay freeze for Federal employees through 2015 and requiring each agency to cut its workforce by 10 percent.

I strongly oppose putting the entire cost on the backs of two million middle class Federal employees, who already have contributed to deficit reduction through a 2-year pay freeze. These men and women are working harder than ever with tighter budgets and, in many agencies, continued staffing shortages. If adopted, these provisions would hamper investments in national defense, homeland security, veterans' services, food safety inspection, and other critical areas for a short-sighted approach that does little to address our current fiscal challenges and does nothing to create jobs. In the end, these policies would cost the government more, by harming the Federal Government's ability to recruit and retain highly-skilled workers and increasing our reliance on high-cost contractors.

Arbitrary caps on Federal employees often lead to waste, fraud, and abuse as contracting expands without investment in oversight. Already, over the past decade, Federal contracts have nearly doubled in size, but the acquisition workforce charged with overseeing our Federal contracts has remained constant. We should not be adding to this trend, but working to reverse it.

While I agree it is important that all Americans share the sacrifice in these

challenging economic times, I believe Federal workers have already done so. The 2-year Federal pay freeze enacted as part of the Budget Control Act of 2011 will save approximately $60 billion over the next 10 years. It is important to remember that a pay freeze affects employees much longer than just the years it is in place; future salaries will build from a lower base throughout employees' careers. The pay freeze will also reduce future retirement benefits, because they are calculated using the high three years' of earnings.

Nearly two thirds of our 2 million Federal employees are employed by the Departments of Defense, Veterans Affairs, or Homeland Security—and according to the Office of Personnel Management, 4 out of 5 jobs filled since President Obama took office have been to these same agencies. These employees do critical work to keep our Nation safe and care for our veterans.

Approximately 85 percent of Federal employees work outside of the Washington, DC area, and they are our neighbors and constituents in each of our States. Like the rest of our constituents, they are struggling with the deepest recession since the Great Depression. Although fortunate to have more job security than most workers, many have unemployed spouses and adult children, their home values and retirement savings have fallen dramatically, and like everyone else they face high health care, college, and other costs. Contrary to what you might hear from our colleagues, Federal employees are not overpaid. Those guarding our airports and borders, and working at our naval shipyards, may start at less than $30,000 per year. Many make less than what they could in the private sector, but they work for the American people because they love their country and they are committed to service. Further cuts to Federal pay and benefits will not only hurt these individual families, but will hinder the larger economic recovery.

At a time when close to half our Federal workforce will soon be eligible to retire, I worry that extending the pay freeze could further harm our ability to recruit the best and brightest to government service. As chairman of the Federal workforce subcommittee, I have been working with my colleagues to adopt policies to ensure that the Federal Government is viewed as the employer of choice in this country. Guaranteeing fair and competitive pay for its civilian workforce should be part of our commitment to the American people that the Federal Government has the right people, with the right skills to run their government in an effective and efficient manner.

Our Federal civil service is made up of hard working, talented people who have dedicated their lives to serving this country. These honorable men and women provide many essential services to the American people, including keeping our Nation safe, caring for our wounded warriors, ensuring our food and drugs are safe, and responding to natural disasters. America's public servants deserve our gratitude and respect. I thank them for their dedication, and I urge my colleagues to support them by opposing these efforts to freeze Federal pay and hiring.

Mr. COONS. Mr. President, earlier this week, the Senate adopted an amendment to the bill we now consider that would, among other things, give the Chief of the National Guard Bureau a seat on the Joint Chiefs of Staff. I was a strong supporter of this amendment, as I was its two legislative predecessors, the Guardians of Freedom Act and the National Guard Empowerment and State-National Defense Integration Act.

Since then, I have actively lobbied my colleagues to support the measures, and I am glad that this week, so many of them came together to support it. With more than 70 cosponsors from across the political spectrum and ultimately, the unanimous consent of this body, the deep bipartisan support shown for the National Guard this week is not only indicative of the immense respect the brave citizen soldiers of this Nation have earned, but of the extraordinary potential they have for enhancing our national security.

A National Guard in one form or another has served our Nation bravely and honorably for 375 years. Their courage is no less respected, their families no less concerned for their well-being. They have done extraordinary work these last 10 years in in Operation Enduring Freedom, Operation Iraqi Freedom, and in Operation New Dawn. But that is not what this amendment was about. This amendment was not about rewarding what has been done in the past.

Rather, it was about recognizing what we need to do for our future in order to keep our country safe. That is the key here: bringing to bear every resource we have for the defense of this Nation.

The Joint Chiefs of Staff are the top military advisers to the President and to the Secretary of Defense. They are responsible for making sure our military is prepared for every threat to our national security, but as those threats tilt toward the asymmetric, so must our military planning.

The wars in Afghanistan and Iraq have begun a fundamental transformation of our military, shifting away from a posture designed to counter Soviet aggression in Europe toward a posture that confronts asymmetric threats to American lives and interests.

Writing in a report for the Center for New American Security last year, retired General Gordon Sullivan described the National Guard as at a crossroads: ''Down one path lies continued transformation into a 21st-century operational force and progress on the planning, budgetary and management reforms still required to make that aspiration a reality. Down the other path lies regression to a Cold War-style strategic force meant only to be used as a last resort in the event of major war.''

There was a clear choice, and this week the Senate made it, taking what I believe is a significant step toward strengthening our national security.

When national defense solely meant fighting our enemies abroad, the current organizational strategy made sense. But now that we are more likely to have to defend against threats to America's national security here on American shores at the same time, we need the National Guard to have a seat at the table. We need the National Guard's resources and capabilities to be a first-line consideration that matches their first-line mandate.

In my home State of Delaware, the 31st Civil Support Team is the tip of the spear of the military response to a chemical, biological, radiological, or nuclear attack by terrorists. Following closely behind police, fire, and EMS services, our CST would diagnose the threat, inform and update the chain of command, and prepare the affected area to receive a response by larger units, coordinating as far up the chain as U.S. Northern Command.

When the Joint Chiefs sit down to plan for a biological attack on this country, they need someone at the table who fully understands the mission of units like the 31st Civil Support Team, whose members are full-time Guard, but not Active Duty military.

One area that needs more thought by the Joint Chiefs, and that I hope General McKinley and his successors will help them focus on, is the important role the Guard can play in cyber security, an area where most threats are decidedly asymmetric.

The Delaware Air National Guard's 166th Network Warfare Squadron is already playing a key role in our nation's defensive and offensive cyber capability working with U.S. Cyber Command, but its potential as a bridge between the Departments of Defense and Homeland Security, between Federal and State governments, and between the public and private sectors has barely been considered outside of a few circles. Determining what unique role the Guard can play in cyber security to create a more robust, more flexible defense-in-depth is just one of the new ideas I believe the Chief of the National Guard Bureau can bring to the planning process.

The men and women of the National Guard bring extraordinary capabilities to our Armed Forces, and because of the action we have taken here this week, I know that our military will be better prepared for new and emerging threats to our Nation.

Mrs. MURRAY. Mr. President, I rise today to reiterate my support for section 526 of the Energy Independence and Security Act of 2007. Section 526 prohibits Federal agencies including the Department of Defense—from contracting for fuels that have higher

emissions than conventional petroleum.

This is not only an issue of clean energy and a better environment but, more importantly, our Nation's security and ability to fight. The Department of Defense is the world's biggest energy consumer, using 300,000 barrels of oil every day. Given our reliance on foreign sources of oil, this is a formidable security challenge for our country.

The efforts underway at the Department to increase efficiency and expand the use of renewable energy and alternative fuel sources are critical to both the bottom line of Pentagon and to increase the safety of our warfighters. As you know, a record number of casualties in Iraq and Afghanistan have occurred while units transport fuel and supplies in military convoys. Increasing our energy and fuel efficiency not only reduces the overhead costs of the military, but it will also decrease the need to move as much fuel and supplies, lessening the risks posed by these convoys to our troops.

This is an important and timely issue because while the National Defense Authorization Act we are considering on the Senate floor does nothing to affect section 526, the House version of NDAA repeals this important law.

The Department of Defense supports this existing law and has said that it does not prevent them from purchasing the fuel it needs to meet its current mission needs. Hundreds of veterans who served in the Armed Forces from World War II through the Iraq and Afghanistan wars have asked the Senate to oppose repeal of section 526.

I urge my colleagues to join with the Department and our veterans to support this law.

I also applaud the work the DOD has done to date to move toward homegrown, renewable fuel sources, including the Navy's commitment to reduce petroleum use in its fleet by 50 percent through programs such as the Green Fleet.

To help the DOD realize its goals and to increase the security of our troops, we must dramatically scale up advanced biofuels production in the United States. Companies here in the United States have already developed technologies to produce ''drop-in'' ready fuels, so no new infrastructure or engine modifications are needed. These fuels are based on plants like camelina, jatropha, and algae—plants that can be grown all over the country in a variety of climates.

I believe section 526 has laid the foundation for this needed scale up of advanced biofuels, and it is time to take the next step toward ensuring that the DOD has access to a greater range of energy options than foreign sources of fossil fuels. That is why I have been working with my colleagues, Senator CANTWELL, Congressman INSLEE, and others, to put in place multiyear contracting authority for the purchase of biofuels.

We have introduced legislation in both the Senate and the House to do just that, and while that legislation in not included in this bill, I am pleased that we were able to include language that will require the Department to clarify its existing authorities for multiyear contracts for the purchase of advance biofuels and what additional authorities are needed for the Department to enter into such contracts going forward.

Mr. President, I look forward to working with my colleagues to ensure the final NDAA bill keeps the Department moving forward on securing and supporting renewable energy and fuel alternatives.

Mr. BAUCUS. Mr. President, I rise in support of Senator MERKLEY's calling for the withdrawal of American troops from Afghanistan. I support bringing our troops home for two reasons: First, we can't afford what we are spending today in Afghanistan. Second, we need to focus on nation building here at home.

We are spending $10 billion per month in Afghanistan. Every dime of it is deficit spending. We should listen to the former Chairman of the Joint Chiefs of Staff, Admiral Mullen. He said our debt is the top security threat facing the United States. We can't continue down this path.

Our troops continue to serve heroically on some of the toughest missions imaginable. They have done everything we have asked of them—and we have asked a lot through weekends and holidays, over frigid mountains and hot deserts. The service of the men and women of the military has been nothing short of remarkable.

It is now time to hand over the responsibility of this war to the Afghans. Afghan President Hamid Karzai recently held a Loya Jirga, or grand assembly, among leaders and elders from across Afghanistan.

The assembly approved a resolution calling for the Afghans to take the lead role of the war effort. Let's take them up on their offer. Let's not have American men and women doing the work that Afghans want to do for themselves.

For years we have been putting war spending on our national credit card. In 2003, I joined Senators BIDEN and CONRAD in offering an amendment to the Iraq supplemental appropriations bill that would have offset the war spending.

Instead of adopting the amendment, Congress elected to pay for the war with deficit spending. Over the past decade, we have grown our debt by $1.3 trillion due to war spending alone. The President's budget projects $500 billion dollars in war spending in the coming decade. This spending is in addition to the trillions we will spend on the defense base budget. This endless deficit spending is simply not sustainable.

During our work on the Joint Select Committee on Deficit Reduction, every member of the panel came to a better appreciation of the difficult financial decisions we face as a nation. There is no choice: we have to balance our books.

But how we balance our books will reflect who we are as a nation, what our values are, what our goals are. Most important, these choices will determine whether the 21st century will be the American century or whether we will cede our leadership to countries such as China.

In the year ahead, Congress will make a number of hard choices, and we must be strategic about these choices. We will choose among essential investments in education, infrastructure, health care for our veterans and seniors, and maintaining the best military in the world.

And every month we spend $10 billion dollars in Afghanistan will limit what we can do at home. Every dollar we send to Afghanistan is one less dollar we have for health care for our seniors or education benefits for our veterans.

The tough choices must be made at a time when the world is changing rapidly. During his final press conference as the U.S. Ambassador to Japan on November 14, 1988, Mike Mansfield said:

> [Japan and the United States] will work together in the next century which will be the Century of the Pacific.
>
> Our two nations working together will be able to compliment and guide the rest of the world as it moves into this area, into the [Pacific] basin, because we both realize that it is in that Basin where it all is, where it is all about, and where our joint future lies.

Looking back 23 years later, his remarks seem prescient. According to the World Bank, China's average annual GDP growth rate since 2001 has been 10.4 percent. Asian developing nations collectively had an average growth rate of 9.1 percent. The United States has seen an average growth of just 1.7 percent.

The 21st century will not be the American century if we don't change course. During the first decade of this century, we spent $5.9 trillion dollars on defense spending, much of it in Iraq and Afghanistan. During that same decade, China spent $1.1 trillion. Now, which nation's power increased more during that period?

China is flexing muscles abroad not with shiny new weapon systems but with their growing financial power. China is now the second-largest economy in the world, and it continues to grow.

We are seeing our influence wane around the world not because we are short an aircraft carrier but because some have begun to question American resolve, the ability of American political process to solve basic problems and to govern.

Meanwhile, millions of Americans are out of work and struggling to make ends meet. Last year, I asked the Congressional Budget Office to prepare a report on income inequality in this country. The statistics are sobering. The top 1 percent of earners in the United States more than doubled their

share of income in the past 30 years. The wealthiest fifth of the country earned more than the other four-fifths combined.

These are only but a few of the great challenges we face at home, and to overcome these challenges we have to work together. To compete and win in today's world, we need to balance our budget, grow our economy, and invest in education and infrastructure. We can't afford another year of spending tens of billions of dollars on nation building overseas.

For the 21st century to be the American century, we are going to have to make some changes. We need to bring our troops home from Afghanistan and focus on nation building here at home. I urge my colleagues to support Senator MERKLEY's amendment.

Mr. COONS. Mr. President, another amendment that I filed to S. 1867, the Senate's Fiscal Year 2012 National Defense Authorization bill, would have advanced new clean energy opportunities and enjoyed bipartisan support. The amendment's cosponsors included Senators SHAHEEN, PORTMAN, GILLIBRAND, MERKLEY, and KERRY. Unfortunately, we were not able to offer it this week because of a disagreement over scoring. It was an important opportunity missed so I wanted to take a moment to note what this amendment entailed.

Amendment No. 1265 would have confronted a critical long-term challenge facing our Nation's military: the spiraling cost of its reliance on petroleum. As we look for ways to save taxpayer dollars and reduce our Nation's dependence on foreign oil, utilizing more electric vehicles should become a priority for the Defense Department and the entire Federal Government.

Investment in clean energy technology is an investment in America's energy security. Liquid petroleum accounts for three-quarters of our Armed Forces' energy consumption, and approximately 60 percent of that comes from abroad. The Defense Department has explicitly cited the operational risk inherent to our dependence on foreign oil and has committed itself to aggressively reducing energy consumption.

Senate Amendment No. 1265 would allow the Defense Department and other Federal agencies to purchase electric vehicles and charging infrastructure under Energy Savings Performance Contracts, ESPC. ESPCs themselves aren't new: the government has used ESPCs for years to pay for energy efficiency upgrades. It has been enormously successful and costs the government nothing up front. That's right, ESPCs are paid for, financed, performed and guaranteed by the private sector with the government paying back the private sector through guaranteed energy savings over time. Our amendment would have made electric vehicles and charging infrastructure eligible for the program.

Energy efficiency is about more than turning the lights off when you leave a building. It is about the appliances you buy, the tools you use, and the vehicles you drive.

The Federal Government is America's largest energy consumer and within the government, the Defense Department is the biggest energy consumer. One out of every three vehicles owned by the Federal Government is owned by the Pentagon, which is why we raised this amendment this week.

Amendment No. 1265 would have helped increase the share of the government-owned fleet that is cost-efficient, energy-efficient electric vehicles. On top of that, it would not add a dime to the Federal deficit. By buying these vehicles in through ESPCs, the government does not put up any money up front. Rather, it enters an agreement with a private-sector contractor—a job-creating private-sector contractor—where the agency pays the contractor over an agreed-upon period of time—as many as 25 years.

What they are paying each month, though, is the net savings achieved by using the electric vehicle instead of a conventional vehicle. This is an unconventional, but creative and cost-efficient way to save money, reduce our dependence on foreign oil, and even to help support a growing private industry.

This amendment would have simply provided the Defense Department with a new tool for acquiring cost-efficient electric vehicles, which is what they are asking us to do. They want to add electric vehicles to their fleets. The Defense Department has already done extraordinary work in leveraging energy efficiency to reduce its costs and reduce its dependence on foreign oil. We want to help them do more.

This is a challenging economic time for our country, and our military needs every advantage it can get as it confronts dangerous threats to our national and energy security. By empowering the Pentagon to buy more of these energy-efficient, cost-efficient electric vehicles, we are saving taxpayer dollars and reducing our dependence on foreign oil. Investment in clean energy technology is an investment in America's energy security, and energy security is, without a doubt, an increasingly important, and increasingly fragile, aspect of America's national security.

This is a common-sense policy that unfortunately cannot be considered at this point because of a technicality in how the Congressional Budget Office scores ESPCs. It has been going on for 10 years and, as I understand, it has provided endless frustration to my colleagues on the Senate Energy and Natural Resources Committee and several other congressional committees, and this problem reaches beyond the electric vehicle option alone.

A key point to make here is that whenever Congress tells the Federal Government to become more efficient but does not provide appropriated funding for the purpose, a score is triggered because the government might use ESPCs to meet the mandate. Effectively, Congress cannot tell the Federal Government to save money through efficiency. Further, while ESPCs are scored by the CBO rules, OMB does not score them because the government does not incur any costs through their use. This specious score has essentially limited our ability to reduce appropriated dollars and achieve energy efficient simultaneously using private sector expertise and funding.

This amendment is something that is important to me. I am hopeful it is something that we will be able to pass down the road. In the meantime, it is an opportunity lost, to help our military prepare for the threats facing our nation.

Mrs. SHAHEEN. Mr. President, I rise today to express my disappointment that the Senate was not able to reach agreement to consider an important amendment on the Defense authorization bill that would allow women in the military access to the same health care coverage as civilian women.

There are almost 214,000 women currently serving in our Armed Forces. Many of these brave women are risking their lives for our national security. Despite the sacrifices these women make to protect our freedom, they are not given the same rights as civilian women when it comes to their reproductive health care.

If a service woman becomes pregnant as a result of rape or incest, her insurance will not cover an abortion if she decides to seek one; the law as currently written expressly prohibits it. This is unconscionable. To correct this injustice, I offered an amendment to the bill that we are currently debating that would allow a service woman the ability to receive insurance coverage for an abortion if her pregnancy is the result of rape or incest. Unfortunately, because there are some in this body who do not want this unfair law changed, we were not able to bring this amendment to the floor for a vote.

Women currently serving in the armed services are victims of discrimination. They do not have access to the same critical—and legal—reproductive health care as the civilians they protect.

Bans on abortion coverage exist for millions of women who receive their health care through government programs, but in most cases these bans allow for coverage of such care if the pregnancy is the result of rape or incest. Women receiving their health care through Medicaid, Medicare, the Federal Employees Health Benefits Program, and the Indian Health Services all have access to the care they need if the pregnancy is a result of rape or incest. Even women serving time in our Federal prisons can get abortions covered in the case of rape. Sadly, this is not the case for our Nation's women in uniform.

I believe that every woman should have the reproductive health care coverage she needs wherever she is and whenever she needs it. I do not think that any ban on abortion is appropriate. However if Federal bans do exist, they should at least be consistent.

My amendment is simple. It would permit a service woman to have an abortion covered by her military health insurance if the pregnancy is the result of rape or incest. Repealing the current ban on such coverage will simply bring the Department of Defense in line with most other federal policies.

I recently met a woman who was a victim of rape during her military service. She was stationed in Korea and was unable to receive the health care she needed and deserved. Her story was heartbreaking. Because of her unwanted pregnancy, she had to leave the service and return home.

The reality is that women in the military, especially those posted overseas, have few safe or legal reproductive health care options when they cannot rely on the military. Without access to these services, some women will be forced to resort to unsafe care or delay the health services they need. Women who give their lives for our country deserve better.

While the bill we are considering today will move forward without this important change, I pledge to all the women in our military who are victims of this law that I will continue my fight to bring the Department of Defense in line with other Federal agencies to allow coverage for critical reproductive health care.

Mr. LUGAR. Mr. President, I commend Chairman LEVIN and Ranking Member MCCAIN, our distinguished Armed Services Committee leaders, for their amendment regarding the problem of counterfeit parts, Senate amendment 1092, which was agreed to, as modified, last Tuesday. The amendment establishes a prudent framework for countering the dangerous infiltration of counterfeit parts into our defense supply chain. I also want to commend Senator WHITEHOUSE for his work on this important issue.

The amendment would create criminal penalties for those trafficking in counterfeit parts so as to ensure that our Armed Forces have the best equipment from trusted suppliers in order to carry out their critical roles and missions. It would also significantly strengthen our supply-chain management to detect and prevent surreptitious attempts to supply our Armed Forces with counterfeit parts and components.

I have followed the hearings in the Senate Armed Services Committee regarding these matters. I wanted to take time today to raise in relation to the amendment a problem that I believe could complicate its enforcement. If we truly intend to grow our economy through exports, then we ought to pay attention to any risks that may stem from liberalizing our present export controls so as to ensure that our industrial base benefits—and not those who deal in counterfeit parts and components in other nations.

A person who commits an offense under this amendment may be punished if that person ''had knowledge that the good or service is falsely identified as meeting military standards or is intended for use in a military or national security application.''

I am concerned that the amendment may be undermined by the export control initiatives of the administration. The administration is engaged in an effort to remove most, if not all, of the military-grade parts and components controlled on the U.S. Munitions List. Many of these will be decontrolled altogether for export and import purposes. Others will be placed under the Commerce Department's Export Administration Regulations. Hundreds of thousands of military-grade parts, components and systems are involved.

The reasons why this agenda presents significant challenges to dealing with counterfeit parts center on the relatively liberal legal and policy considerations that govern our commercial trade with China. Senators Levin and Whitehouse pointed to the many problems emanating from counterfeit Chinese parts in their remarks on the floor. As we know from the hearings and studies to date, Chinese suppliers play the major role in the unauthorized supply of counterfeit parts.

We also know from the Commerce Department's January 2010 report on counterfeit electronics, which was commissioned by the Navy Department, that the counterfeit electronics infiltrating the Defense Department supply chain and affecting weapon system reliability are predominantly commercial and industrial grade parts—so-called commercial off-the-shelf, COTS, technology.

The drawings and specifications needed to produce those parts can be—and are—freely exported to China under the Commerce Department's Export Administration Regulations, EAR. There is no legal bar to exports of such drawings and parts to China and, in all but rare cases, they may be sent to China without an export license. The same holds true for the import of such parts into the United States after they are produced in China.

In contrast, there has been a much lower incidence to date of counterfeit parts specifically designed for military use. Such parts are currently controlled on the U.S. Munitions List. Maintenance of the U.S. Munitions List is authorized by the Arms Export Control Act, AECA, and it is administered by the State Department in consultation with the Defense Department. The Foreign Relations Committee has unique jurisdiction over these matters in the Senate.

The reasons for the lower incidence of counterfeit military-grade parts are threefold: One, it is illegal to export any drawings or specifications to China that are controlled on the U.S. Munitions List, due to the statutory arms embargo imposed on China following the Tiananmen Square massacre; two, it is illegal under the International Traffic in Arms Regulations, ITAR—the State Department's regulations which contain the U.S. Munitions List—to import any defense article into the United States from China; and three, willful violations of the ITAR and the AECA are vigorously enforced by U.S. courts, with the majority of convictions resulting in prison sentences, while the majority of willful violations involving illegal exports of industrial or commercial products result in probation. The latter are currently enforced under the International Emergency Economic Powers Act because the Export Administration Act has lapsed.

Unfortunately, all of the deterrents inherent in control on the U.S. Munitions List could go away if and when the administration's export control reform initiatives are implemented.

I congratulate and welcome the efforts of Senator LEVIN, Senator MCCAIN and other Senators to close down the infiltration of counterfeit parts into our defense supply chain, but I remain concerned that the administration's agenda for export control reform will increase these problems in the future and frustrate enforcement of this amendment.

In addition, it is my understanding that the administration not only plans to remove nearly all the military-grade parts and components from the U.S. Munitions List, but also to redefine those few categories of high-end parts and components remaining on the Munitions List in a way that would seriously complicate enforcement of the amendment.

We will continue to consult with the administration on its reform agenda in the Foreign Relations Committee.

Mr. WARNER. Mr. President, I would like to ask for the attention of my colleagues on two amendments that I have filed to S. 1867, the National Defense Authorization Act of 2012.

Each of these amendments relates to the Navy's proposal to build a new nuclear pier facility to support East Coast aircraft carriers. With annual recurring costs, this new project would likely cost just shy of a billion dollars.

At a time when our Nation is in a severe fiscal crisis the Navy cannot pay to maintain the infrastructure it currently owns. As Admiral Mullen has said, the greatest challenge to our national security is our mounting debt.

Together, these amendments would save nearly $30 million for an unnecessary Navy military construction project at Naval Station Mayport, Florida. We are awaiting completion of an independent GAO assessment of the strategic risks to our carrier fleet which include manmade and natural disasters. The study would also consider the cost and benefits of what

other measures we can take to mitigate risk.

This is not a small project. The Navy estimates its homeporting plan will cost nearly $600 million, but those costs could rise to up to $1 billion over the next eight years. Tack on to that more than $25 million in annual maintenance costs currently estimated for an additional homeport and we are signing the taxpayer up for a big bill, much of which is not funded. It's in the ''out years'' as they say.

The justification for a new homeport is the mitigation of the risk of a terrorist attack, accident, or natural disaster occurring at the nuclear handling facility at the existing carrier homeport at Norfolk, VA.

However, the current Navy plan fails to take into account the two additional East Coast carrier capabilities facilities at Newport News, VA, and the Naval Shipyard. Each of these facilities maintains separate nuclear handling sites located many miles apart. If there were damage to the existing Naval base, the Navy could simply disperse the carriers to other piers. That is a lot cheaper and more efficient than building a new, duplicative facility.

Additionally, recent Navy briefings indicate there is a 50 percent greater chance of a major hurricane hitting Mayport than Norfolk. Why would we want to build a new facility at a higher risk location?

The Navy has also identified unfunded priorities totaling $11.8 billion dollars. These priorities are in critical areas including shipbuilding, military construction, maintenance, and acquisition programs—programs which are critical to both our current and future readiness.

We must maintain our existing infrastructure properly before pursuing a duplicative homeporting project. It is more fiscally responsible for the Navy to reduce its current unfunded requirements, which total tens of billions of dollars.

We have had some recent developments that I want to highlight that cast more doubt on the wisdom of embarking on this enormous expenditure. Responding to a letter I wrote, along with other colleagues in the Virginia delegation, the Navy's new CNO, Admiral Greenert has said that it is time to take a fresh look at the costs of this project, given the current fiscal constraints. Admiral Greenert wrote the Navy will be making a ''comprehensive strategic review, examining every program element, including the funding required to homeport a CVN in Mayport.'' I agree with Admiral Greenert. With the serious fiscal issues facing our Nation, the prudent course of action is to focus on taking care of the infrastructure we already have instead of buying new infrastructure which we do not need and cannot afford.

Mr. JOHNSON of South Dakota. Mr. President, I want to discuss the amendment to the pending Defense authorization bill negotiated between my two Banking Committee colleagues, Senators MENENDEZ and KIRK, designed to address the deceptive and fraudulent practices, sanctions evasion, facilitation of proliferation, and other illicit behavior of Iran's Central Bank.

Ten days ago, President Obama issued an Executive order designed to further isolate and penalize Iran for its refusal to live up to its international obligations regarding its nuclear program. As he noted, for years the Iranian Government has failed to abide by its obligations under the Nuclear Non-Proliferation Treaty, violated repeated U.N. Security Council resolutions, and ignored its legal commitments to the International Atomic Energy Agency. In the face of this intransigence, the world has spoken with one voice—at the IAEA, at the U.N., and in capitals around the world—making it clear that Iranian actions are a threat to international peace and stability and will only further isolate the Iranian regime.

The President targeted, for the first time, Iran's petrochemical sector, prohibiting the provision of goods, services, and technology to this sector and authorizing penalties against any person or entity that engages in such activity. He also designated for sanction a group of individuals and entities for assisting Iran's prohibited nuclear programs, including its enrichment and heavy water programs. And he escalated the financial and economic pressure by using provisions of the USA PATRIOT Act to identify the entire Iranian banking sector—including Iran's Central Bank—as a threat to governments and financial institutions that do business with Iran.

I strongly support enhanced sanctions on Iran, including its Central Bank, and have been working with my ranking member, Senator SHELBY, on another sanctions measure to expand and reinforce the Comprehensive Iran Sanctions and Accountability Act, CISADA, enacted last year. That legislation will be marked up soon in our committee. But as in all areas of complex sanctions law, it is important to craft these provisions with an eye to ensuring that they do not have negative unintended consequences for the United States and American consumers in terms of substantially increased oil and gas prices; for our allies, whose cooperation is crucial in further isolating Iran; for central banks around the world. We also want to avoid the result—if this measure is not further refined and then implemented by the White House in close consultation with our allies—that Iran itself could benefit from an oil price premium we in the West would pay if notoriously volatile world oil markets respond negatively and if non-Iranian oil supplies are not sufficient to fill the gap caused by countries that seek their oil elsewhere than from Iran.

The amendment seeks to address that concern by providing for a lag time of 6 months for oil markets to prepare and providing for a Presidential certification on oil price and supply availability before the petroleum sanctions would become effective. But that may not be sufficient, given the complexity of oil markets, which I am told by the Energy Department tend to pull such dates forward, anticipating oil price supply shortfalls—and oil price increases—and building them into oil traders' assumptions well before sanctions actually take effect.

I have heard a number of concerns about this amendment in its current form from senior officials at the Treasury Department charged with implementing it. First, Treasury officials have indicated that they have concerns about how this amendment could affect our close allies, including foreign central banks of those governments that have worked with us in recent years to sanction Iran and that hold large reserves in the United States but who have thus far decided they cannot, because of their current dependence on Iranian oil, completely and relatively quickly withdraw from purchasing its oil. We must avoid having these central banks begin to pull their reserves from the United States out of fear that enforcement of this amendment might limit their access to the U.S. financial system. That is why the signals sent by the Treasury Secretary and the President about implementing this provision are so important.

The administration also has concerns regarding effective implementation of this amendment, especially its requirement that the President prohibit accounts outright instead of, as elsewhere in U.S. law, allowing discretion to impose strict conditions on accounts—on trade finance limits, on the nature or size of transactions, on preapproval of transactions and about the timelines it presents, the confusing and seemingly conflicting interaction of some of its provisions, its lack of an exception for countries that are closely cooperating with the United States on sanctions enforcement, and others. I ask consent to print in the RECORD following my statement a copy of a letter from Secretary Geithner indicating his strong opposition to the amendment.

The PRESIDING OFFICER. Without objection, so ordered (see Exhibit 1).

Mr. JOHNSON. We all agree that interactions by the international financial community with Iran's financial system should be severely reduced, not least because such interactions pose serious risks for the international banking system. But we do not want to do it in a way that could have negative consequences for some of our closest allies or for ourselves. We want to be careful that we don't end up shooting ourselves in the head and Iran in the foot.

I know my colleagues have worked in the last week, including over the Thanksgiving holidays, to make the provision more effective and to provide for additional targeting by the President, building in a national security

waiver, a lag period for implementation of the crude oil sanctions, and other measures. But I think the provision could use further refinement. That is why I had hoped to be able to address this issue through the more deliberative committee process.

Even though I have concerns about some of the effects of this amendment in its current form, I will support it as a signal of my support for tightening the financial and economic noose around Tehran and for further isolating its government as a means of prompting it to turn aside from its current path and come clean on its nuclear program. Even so, these implementation issues should be addressed in conference prior to the legislation being finalized.

Finally, I want to remind my colleagues that the Banking Committee is working expeditiously to adopt new comprehensive sanctions legislation and I hope will be ready to bring that legislation to the full Senate soon. It will complement and reinforce the Comprehensive Iran Sanctions and Accountability Act, CISADA, enacted a little over a year ago, and international diplomatic efforts led by the President to further isolate Iran and ratchet up the pressure on its leaders. I think all of us would agree that the most effective sanctions are those that are imposed and enforced by a coalition of nations, and the administration's success in building and sustaining a coalition to do precisely that is to be commended. I look forward to working with my colleagues on that effort.

EXHIBIT 1

DEPARTMENT OF THE TREASURY,
Washington, DC, December 1, 2011.

Hon. CARL LEVIN
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN: I am writing to address amendment 1414 to S. 1867, the National Defense Authorization Act for Fiscal Year 2012, regarding the imposition of sanctions on foreign financial institutions that conduct business with the Central Bank of Iran (CBI).

The Obama Administration's determination to prevent Iran from acquiring nuclear weapons is unwavering. We are resolved to build and sustain as much pressure as necessary to bring Iran to meet its international obligations and address the international community's grave concerns with its nuclear program. I know that you and your colleagues in the Senate share this commitment.

We understand that this amendment was offered in this spirit. However, I am writing to express the Administration's strong opposition to this amendment because, in its current form, it threatens to undermine the effective, carefully phased, and sustainable approach we have undertaken to build strong international pressure against Iran. In addition, the amendment would potentially yield a net economic benefit to the Iranian regime.

We have steadily increased the pressure on Iran by tightening sanctions, closing loopholes, and encouraging other countries to do the same. Congress has been absolutely critical in providing some of the tools that we have used to accomplish that goal, and we are seeing genuine results. The collaborative approach the U.S. has taken with our international partners has led many to impose sanctions on Iran that were not even contemplated three years ago, including on Iran's energy sector.

Iran's greatest economic resource is its oil exports. Sales of crude oil line the regime's pockets, sustain its human rights abuses, and feed its nuclear ambitions like no other sector of the Iranian economy. We are committed to doing as much as possible to reduce Iran's oil revenue while concurrently working to stabilize global oil markets. Today, the United States does not permit the import of Iranian crude. Other countries have already begun to reduce their consumption of Iranian crude and the Administration is working hard to discourage anyone from taking advantage of the responsible policies of these countries. Our closest allies are seriously considering curtailing their own crude purchases altogether in the near future and we are doing everything possible to encourage them to make the right decision.

However, as currently conceived, this amendment threatens severe sanctions against any commercial bank or central bank if they engage in certain transactions with the CBI. This could negatively affect many of our closest allies and largest trading partners. Rather than motivating these countries to join us in increasing pressure on Iran, they are more likely to resent our actions and resist following our lead—a consequence that would serve the Iranians more than it harms them. Further, there is a substantial likelihood that this amendment, particularly if passed into law at this time and in its current form, could have the opposite effect from what is intended and increase the Iranian regime's revenue, literally fueling their suspect nuclear ambitions. The Administration is prepared at your convenience to share the details of our analysis on this point, in a classified briefing.

The Obama Administration strongly supports increasing the pressure on Iran significantly, including through properly designed and well-targeted sanctions against the CBI. The Administration has several legislative proposals to both enhance and expand the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) and to strike at the CBI that we would like to discuss with you and your colleagues. We intend to work with our partners to achieve the objectives of this amendment, but in a fashion that we believe will have a greater and more sustainable impact on Iran. We ask that you continue to work with us on ways to improve this amendment and to consider other, more immediate and more effective steps that we can take to accomplish our shared goals while we work with our partners to bring about the effects this amendment is intended to achieve.

Sincerely,

TIMOTHY F. GEITHNER.

Mr. BROWN of Massachusetts. Mr. President, I rise today to protect the families of our men and women in uniform. While these brave members of our community put their lives on the line to protect our freedoms abroad, courts here are using their service against them when making child custody determinations.

Although I did not submit my amendment due to concern expressed by the Senate Veterans Affairs Committee, it is important that the committee take up this issue to ensure that servicemembers have a uniform standard of protection when determining the best interests of their children.

Servicemembers risk their lives in support of the contingency operations that keep our Nation safe. The amendment prohibits courts from permanently altering custody orders during a parent's deployment, and requires predeployment custody to be reinstated unless that is not in the best interest of the child.

This language of my amendment has enjoyed widespread support in the House for the past five years and was recently endorsed by the Department of Defense. Earlier this year Secretary Gates stated that he wanted to work with Congress to pursue the creation of a Federal uniform standard. In his letter of support dated February 15th, 2011, Secretary dates stated: ''I have been giving this matter a lot of thought and believe we should change our position to one where we are willing to consider whether appropriate legislation can be crafted that provides servicemembers with a federal uniform standard of protection.''

Our men and women in uniform sacrifice a great deal to serve our country. We owe it to them to provide uniform legal standards regarding child custody. Servicemembers should never be in the position of having to choose between their country and their family.

Mr. REID. Mr. President, tonight the Senate will vote overwhelmingly to support our men and women in uniform, including the more than 1,100 Nevadans serving overseas, as they continue to put their lives on the line. I congratulate Senators LEVIN and MCCAIN for their stewardship of this bill and for working through several difficult issues.

There is still work to be done in conference to perfect parts of this bill, including the provisions dealing with military detainees and efforts to improve key elements of TRICARE.

I am pleased that today an overwhelming, bipartisan majority agreed that protecting our national security is more important than partisan politics. Today we came together to support our troops, and ensured that this Nation does everything in its power to keep America safe from those who would do us harm.

Mr. MCCAIN. I yield back the 1 minute of time remaining.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the bill, as amended.

The Senator from Michigan.

Mr. LEVIN. Mr. President, we are going to be making a unanimous consent request. I am not even going to use my 1 minute on this other than to say thanks to everybody who has been so heavily involved, which is just about everybody in this Senate.

I want to particularly thank Senator MCCAIN. His staff and my staff have been utterly incredible. We have had hundreds of amendments we had to get through. We have done the best we can, and I want to tell my friends this so we can prepare a path for a unanimous consent agreement. It is not prepared yet, so I cannot read it, but it is going to be something like this. For those amendments which were germane, not because of modification, but were germane—

Mr. UDALL of New Mexico. Will the Senator from Michigan yield? I don't think we disposed of the Udall amendment.

Mr. LEVIN. I believe we did.

The PRESIDING OFFICER. The Udall amendment was agreed to.

Mr. MCCAIN. Reluctantly.

Mr. LEVIN. Let me describe what this is about so we can be thinking about it before it is offered. There were 71 amendments, approximately, which were cleared. We spoke about those before. If anyone had an objection, they were not cleared. So by definition there is no objection on the substance of these amendments. However, there is objection for other reasons, one of them being that if an amendment was modified to make it germane, there would be an objection on that basis.

So what Senator MCCAIN and I are talking about—and we will put it in a unanimous consent proposal and then you all can decide if you want to agree to this—is that we would work—we pass a bill tonight and do all the other things we need to do because that has to be done. We have to get to conference.

In the next couple of days Senator MCCAIN and I, working with the Parliamentarian, would go through the 71 amendments, or whatever the number is. The Parliamentarian would then advise us as to which of those amendments is germane and were germane—and these are all cleared amendments. And for that group, whatever the number is, that we are informed by the Parliamentarian is germane and were germane, we would then put in a bill which would be introduced next week. If we can get that done, then the unanimous consent request would have that bill introduced, read a third time, and passed. That would be the most we could ask for.

It would seem to me if we could pass this tonight, we could do the same thing with a bill—providing Senator MCCAIN and I agree after talking to the Parliamentarian—that the only amendments that would be in that bill would be amendments which were germane.

How do we get that bill into the conference report? We have not figured that out yet, but we are working on that piece as well. At least we can get the bill passed so we can go to conference and show the Senate passed these X number of amendments. This is the best we could do. It is the cleanest we could do. The Parliamentarian did not like the different idea that we proposed, and I don't blame him and her, but that is what we are going to be offering in a few minutes.

Mr. MCCAIN. I have nothing more to add. I wish to vote.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. If I may be permitted to thank the distinguished chairman for that offer. It is unclear to me how it will actually be executed—and all of this could have been avoided, from my perspective, if a simple unanimous consent request had been allowed to modify an amendment that I had that was not germane to make it germane so we could have a simple up-or-down vote, something that was in the nature of a technical correction, which I would think as a matter of custom and courtesy would be allowed. But apparently that is not the way things are operating.

All of these convulsions are being engaged in simply to avoid an objection to a unanimous consent request to modify an amendment to make it germane. It could all be avoided and we could have taken care of this in 10 or 15 minutes. I don't understand if the distinguished chairman is actually making that unanimous consent request at this time or is merely explaining what his intentions are. I will try to work with him, but I am not yet sure this is going to work as he hopes it will. My objection will remain that any amendment that was not germane when filed but could be made germane by modification, as mine could, would not be permitted to be in this managers' package or passed by unanimous consent.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. It sounds simplistic, and the hour is late and we need to vote, but the fact is there were 382 amendments that were submitted. There were hundreds of amendments that were waiting, and the fact is that initially the Cornyn amendment was not agreed to, so it is a little more complicated than that. There were literally 400 or 500 amendments that were filed, and we had to at some point cut off the process. For next year's bill we will try to get a situation where it is far more inclusive and far more informative. When you are dealing with 500 amendments, I know that each is important, but there is no way you are going to be able to get through the authorization bill with that many amendments that are filed, and that is just a fact. We are doing the best we can to accommodate the Senator from Texas and the Senator from Oklahoma and every other Senator who didn't get their amendment voted on.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that upon passage of S. 1867, the Armed Services Committee be discharged from further consideration of H.R. 1540 and the Senate proceed to its consideration; that all after the enacting clause be stricken and the text of S. 1867, as amended, and passed by the Senate, be inserted in lieu thereof; that H.R. 1540, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses; and the Chair be authorized to appoint conferees on the part of the Senate, with the Armed Services Committee appointed as conferees; that no points of order be considered waived by virtue of this agreement; and all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. I thank everybody and I thank the Chair.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 93, nays 7, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—93

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

NAYS—7

Coburn	Merkley	Wyden
Harkin	Paul	
Lee	Sanders	

The bill (S. 1867), as amended, was passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. HARKIN. Mr. President, as a Senator, I have no greater responsibility than to work to ensure the security of the United States, and I believe the military should have all the tools they need to keep our Nation safe. I

support the vast majority of the Defense authorization bill. However, because I believe we can protect our national security without infringing on critical constitutional values, I could not support this bill. The bill fails to clarify that under no circumstance can an American citizen be detained indefinitely without trial. And it mandates for the first time that suspects arrested in the United States will be detained by the military rather than domestic and civilian law enforcement, who since 9/11 have successfully convicted in civilian courts over 400 terrorists. Finally, the bill would make it more difficult to close the detention center at Guantanamo Bay, for which I have long fought because the detention facility is a stain on our honor and a recruiting tool for terrorists around the world.

Not only do these provisions violate the core values upon which our freedom rests, but they won't make us safer. The Pentagon, CIA Director Petraeus, Intelligence Director Clapper, and FBI Director Mueller all said these provisions will needlessly hurt, rather than help, our national security.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Michigan.

Mr. LEVIN. Mr. President, I will be very brief for obvious reasons. But this is a golden moment for us. The proud tradition of the Senate Armed Services Committee has been maintained every year since 1961 and continues with the Senate's passage of the 50th consecutive national defense authorization bill. It always takes a huge amount of work to get a bill of this magnitude done. It could not happen without the support of all the Senators on the committee. I will not thank each and every one—the subcommittee chairs, the ranking members, our staff, the floor staff here, who do extraordinary work. But the bipartisanship of this committee dominates again, and we hope that flavor will continue to dominate forever in the committee and hope it will permeate this Senate.

We always have to work long and hard to pass this bill and no two of these bills are alike. But it's worth every bit of effort we put into it because it is for our security, for our troops, and for their families. I thank all Senators for their roles in keeping our tradition going.

Our committee's bipartisanship also makes this moment possible. I am proud to serve with Senator MCCAIN and grateful for his partnership and friendship. I also want to thank our very dedicated and capable Senate floor staff on both sides of the aisle—Gary Myrick, Trish Engle, Tim Mitchell, and Meredith Mellody on the Democratic side and David Schiappa, Laura Dove, Ashley Messick, and Patrick Kilcur on the Republican side. They have all helped us get this bill across the finish line and we are very grateful to them and all others here on the floor and in both cloakrooms.

Finally, I thank all our committee staff members for their extraordinary drive and many personal sacrifices to get this bill done. Led by Rick DeBobes, our committee's staff director; Peter Levine, our general counsel; and Dave Morriss, our minority staff director, our staff really has given their all to get this bill passed. So to all of you and to all your families, thank you for your hard work. Take a few minutes to celebrate this moment and then put all your talents to work in conference with the House so we can bring a conference report back to the Senate before the holidays.

Mr. President, they all deserve recognition and, as a tribute to their professionalism and as a further expression of our gratitude, I ask unanimous consent that all staff members' names be printed in the RECORD.

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

Richard D. DeBobes, Staff Director; David M. Morriss, Minority Staff Director; Adam J. Barker, Professional Staff Member; June M. Borawski, Printing and Documents Clerk; Leah C. Brewer, Nominations and Hearings Clerk; Christian D. Brose, Professional Staff Member; Joseph M. Bryan, Professional Staff Member; Pablo E. Carrillo, Minority Investigative Counsel; Jonathan D. Clark, Counsel; Ilona R. Cohen, Counsel; Christine E. Cowart, Chief Clerk; Jonathan S. Epstein, Counsel; Gabriella E. Fahrer, Counsel; Richard W. Fieldhouse, Professional Staff Member; Creighton Greene, Professional Staff Member.

Ozge Guzelsu, Counsel; John W. Heath, Jr., Minority Investigative Counsel; Gary J. Howard, Systems Administrator; Paul C. Hutton IV, Professional Staff Member; Jessica L. Kingston, Research Assistant; Jennifer R. Knowles, Staff Assistant; Michael J. Kuiken, Professional Staff Member; Kathleen A. Kulenkampff, Staff Assistant; Mary J. Kyle, Legislative Clerk; Gerald J. Leeling, Counsel; Daniel A. Lerner, Professional Staff Member; Peter K. Levine, General Counsel; Gregory R. Lilly, Executive Assistant for the Minority; Hannah I. Lloyd, Staff Assistant; Mariah K. McNamara, Staff Assistant.

Jason W. Maroney, Counsel; Thomas K. McConnell, Professional Staff Member; William G. P. Monahan, Counsel; Lucian L. Niemeyer, Professional Staff Member; Michael J. Noblet, Professional Staff Member; Bryan D. Parker, Minority Investigative Counsel; Christopher J. Paul, Professional Staff Member; Cindy Pearson, Assistant Chief Clerk and Security Manager; Roy F. Phillips, Professional Staff Member; John H. Quirk V, Professional Staff Member; Robie I. Samanta Roy, Professional Staff Member; Brian F. Sebold, Staff Assistant; Russell L. Shaffer, Counsel; Michael J. Sistak, Research Assistant; Travis E. Smith, Special Assistant; William K. Sutey, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Mary Louise Wagner, Professional Staff Member; Barry C. Walker, Security Officer; Richard F. Walsh, Minority Counsel; Bradley S. Watson, Staff Assistant; Breon N. Wells, Staff Assistant.

Mr. LEVIN. To end my thanks—I do not see Senator MCCAIN here. I think he had to leave for a few minutes.

He is here. Let me personally thank him. I thought Senator MCCAIN had to leave.

I put in some thank-yous here on behalf of the committee, and I just want to tell the Senator how tremendous it is to work with him and how this tradition of bipartisanship in our committee has been maintained. The Senator is a very major part of the reason for that happening, and I thank him.

Mr. MCCAIN. I thank the chairman. One of the things I look back on with great nostalgia and appreciation is the relationship we have developed over many years. I must say that we have had spirited discussions from time to time, but they have been educational, enlightening, and entertaining. I thank the Senator for his leadership.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the next two votes be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. As the order that is now before the Senate indicates, I have the ability to designate who will be the speakers. We have 1 minute on one and 1 minute on the other. Those 2 minutes will be used by the senior Senator from Pennsylvania, Mr. CASEY.

The PRESIDING OFFICER. Under the previous order, the Armed Services Committee is discharged from further consideration of H.R. 1540 and the Senate will proceed to its consideration; all after the enacting clause is stricken and the text of S. 1867, as amended, is inserted in lieu thereof; the bill, as amended, is considered read a third time and passed, and the motion to reconsider is made and laid upon the table.

The Senate insists on its amendment, and requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. LEVIN, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON of Nebraska, Mr. WEBB, Mrs. MCCASKILL, Mr. UDALL of Colorado, Mrs. HAGAN, Mr. BEGICH, Mr. MANCHIN, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. CHAMBLISS, Mr. WICKER, Mr. BROWN of Massachusetts, Mr. PORTMAN, Ms. AYOTTE, Ms. COLLINS, Mr. GRAHAM, Mr. CORNYN, and Mr. VITTER conferees on the part of the Senate.

MIDDLE CLASS TAX CUT ACT OF 2011—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided prior to a vote on the motion to proceed to S. 1917.

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, this Middle Class Tax Cut Act is very simple. It does two things for employers and also helps employees.

Last year, the Senate came together in a bipartisan bill. We passed a tax bill that, among other things, reduced payroll taxes for employees. This legislation expands that. Instead of just saying we are going to have a reduction of 2 percent of the payroll tax, this legislation cuts it in half. So you are cutting the payroll tax in half. That is

take-home pay, $1,500 in the pockets of the average working family in America.

Secondly, it allows us to provide a cut as well for businesses, cutting in half the payroll tax for businesses. It is good public policy. It will create lots of jobs at a time when the American people are telling us, with one voice, they want us to do one thing here: create jobs or create the conditions for job creation so small businesses can hire. At the same time, they want us to come together in a bipartisan way.

I urge a ''yes'' vote.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

The Senator from South Dakota.

Mr. THUNE. Mr. President, there are a lot of Republicans here who agree with one of the basic principles in the Democratic bill; that is, there is no reason why people ought to suffer even more than they already are from the President's failure to turn this job crisis around.

What the Republicans have proposed is an alternative to this bill that ensures that no one sees a tax hike this year. The biggest difference is that the Republican proposal ensures that no one's taxes get raised in a down economy.

There is simply no reason that preventing a tax hike in this bad economy needs to be paid for by raising taxes on the very employers whom we are counting on to help jolt this economy back to life, which is exactly what the Democrats have put forward. So the Republican proposal would ensure that no one sees a tax increase next year. It avoids the gratuitous hit on job creators, and, even better, our plan reduces the Federal deficit by more than $111 billion.

This is a dramatic expansion of this particular provision, which we cannot afford when we already have a $15 trillion debt. There is a right way and wrong way to do this. This is the wrong way in the Democratic proposal. The Republican proposal is the right way.

I urge our colleagues to vote against this bill.

The PRESIDING OFFICER. The time has expired.

Mr. BROWN of Massachusetts. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. Under the previous order, 60 votes are required for adoption.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—51

Akaka	Blumenthal	Carper
Baucus	Boxer	Casey
Begich	Brown (OH)	Collins
Bennet	Cantwell	Conrad
Bingaman	Cardin	Coons
Durbin	Lautenberg	Reed
Feinstein	Leahy	Reid
Franken	Levin	Rockefeller
Gillibrand	Lieberman	Schumer
Hagan	McCaskill	Shaheen
Harkin	Menendez	Stabenow
Inouye	Merkley	Udall (CO)
Johnson (SD)	Mikulski	Udall (NM)
Kerry	Murray	Warner
Klobuchar	Nelson (NE)	Webb
Kohl	Nelson (FL)	Whitehouse
Landrieu	Pryor	Wyden

NAYS—49

Alexander	Grassley	Murkowski
Ayotte	Hatch	Paul
Barrasso	Heller	Portman
Blunt	Hoeven	Risch
Boozman	Hutchison	Roberts
Brown (MA)	Inhofe	Rubio
Burr	Isakson	Sanders
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kirk	Snowe
Cochran	Kyl	Tester
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	Manchin	Vitter
DeMint	McCain	Wicker
Enzi	McConnell	
Graham	Moran	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this motion to proceed, the motion is rejected.

TEMPORARY TAX HOLIDAY AND GOVERNMENT REDUCTION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided on the motion to proceed to S. 1931.

The Senator from Nevada.

Mr. HELLER. Mr. President, the Senate today has an opportunity to put aside some of the partisan differences and come together and do something that will benefit all Americans. The legislation I propose is a solution, and I support solutions which Republicans, Democrats, and Independents can all support.

By supporting my legislation and imposing tax increases on employers, Congress can also preserve opportunity for job growth in the future. Increasing taxes on small businesses will not help my State overcome the highest unemployment rate in the Nation. By asking millionaires and billionaires to pay higher premiums for government health care, my proposal asks the richest Americans to do more, just like my colleagues on the other side of the aisle ask that they should.

Lastly, this proposal is the only one that has a chance of passing the House of Representatives and be signed into law. I urge all of my colleagues to support this piece of legislation and this effort to help Americans already struggling to make ends meet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, the problem with this proposal—and I hope we are reaching the point where we are actually coming together in a bipartisan way—is that it does not help small business. What we should be doing is cutting the payroll tax in half for employees and cutting it in half for employers so we can help small businesses.

This bill does not do that. All it does is take the existing cut in the payroll tax and keep that in place.

We like that part of it. We should expand the tax cut for workers and also have a separate cut in the payroll tax for employers, so 160 million workers and lots of businesses can get the benefit of this payroll tax cut to put money in people's pockets, grow the economy, and move the economy forward. I urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. HELLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Under the previous order, 60 votes are required to adopt the motion to proceed.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 20, nays 78, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—20

Ayotte	Heller	Portman
Barrasso	Hoeven	Risch
Brown (MA)	Hutchison	Rubio
Collins	Lugar	Snowe
Crapo	McConnell	Vitter
Enzi	Murkowski	Wicker
Grassley	Paul	

NAYS—78

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Baucus	Gillibrand	Moran
Begich	Graham	Murray
Bennet	Hagan	Nelson (NE)
Bingaman	Harkin	Nelson (FL)
Blumenthal	Hatch	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Roberts
Brown (OH)	Johanns	Rockefeller
Burr	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kirk	Sessions
Carper	Klobuchar	Shaheen
Casey	Kohl	Shelby
Chambliss	Kyl	Stabenow
Coats	Landrieu	Tester
Coburn	Lautenberg	Thune
Cochran	Leahy	Toomey
Conrad	Lee	Udall (CO)
Coons	Levin	Udall (NM)
Corker	Lieberman	Warner
Cornyn	Manchin	Webb
DeMint	McCaskill	Whitehouse
Durbin	Menendez	Wyden

NOT VOTING—2

Kerry	McCain

The PRESIDING OFFICER (Mr. COONS). Under the previous order requiring 60 votes for the adoption of this motion, the motion is rejected.

VOTE EXPLANATION

● Mr. KERRY. Mr. President, I was necessarily absent for the cloture vote on the motion to proceed to legislation to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes, S. 1931. If I were able to attend today's session, I would have opposed cloture on this bill.●

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we move to a period of morning business, with Senators allowed to speak up to 10 minutes each.

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

EXECUTIVE SESSION

NOMINATION OF CAITLIN JOAN HALLIGAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 43, and I send a cloture motion to the desk. In fact, it is at the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Charles E. Schumer, Christopher A. Coons, Amy Klobuchar, Al Franken, Richard Blumenthal, Sheldon Whitehouse, Richard J. Durbin, Dianne Feinstein, Herb Kohl, Kirsten E. Gillibrand, Tom Udall, Ron Wyden, Robert P. Casey, Jr., Sherrod Brown, Jeanne Shaheen.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, December 6, 2011, at 11 a.m., the Senate proceed to executive session to consider Calendar No. 43; that there be 1 hour for debate, equally divided in the usual form prior to the cloture vote; further, that the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

Mr. REID. Mr. President, I now ask unanimous consent to resume legislative session.

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

The Senator from Kansas.

PAYROLL TAX HOLIDAY

Mr. MORAN. Mr. President, just a few moments ago we cast several votes in regard to the so-called payroll tax holiday. I opposed both the Republican amendment and the Democratic amendment.

There were significant differences between these two versions of this legislation; in part, the differences at least included the way that the provisions were paid for. While I may support the pay-fors, I objected to what the pay-fors are paying for.

I support freezing the pay of Members of Congress, the elimination of certain benefits to millionaires, and reducing the Federal workforce. But wouldn't we be better using the proceeds of these reductions in spending to reduce the debt and deficit rather than a short-term change that reduces the revenues going to the Social Security and Medicare trust funds? When are we going to admit we are broke?

I am reminded of a plan approved by Congress just several years ago where we borrowed money to give citizens a $600 rebate, all in the name of a stimulus. We wanted to stimulate the economy and, in my view, what we did was we stimulated little and increased the debt a lot.

Many of us have expressed support for the concepts contained in the Bowles-Simpson deficit reduction plan. Their recommendations are very important and we have paid a lot of attention to them and expressed our desire to proceed in that way. Many times we have said that. But the legislation we just voted on uses many of their suggested reductions in spending, not for deficit reduction but for another stimulus plan. The Bowles-Simpson plan has been hijacked once again in the name of stimulating the economy.

These proposals also undermine the foundation of Social Security. We are reducing the payments into the trust fund. We should leave the trust fund alone and cut spending and use those savings to pay down our annual deficits and live within our means. Once again, we are putting off difficult decisions and leaving it up to our children and grandchildren to pay for our irresponsibility.

Finally, let me, once again, on this floor make the case for certainty in our Tax Code. Congress is tinkering tonight with the Tax Code, creating greater uncertainty. In almost every conversation I have with a business owner, they ask for certainty in the Tax Code and certainty in the regulatory environment. But instead, tonight we are changing or attempting to change the Tax Code one more time, for a short period of time, claiming some benefit for doing so. Instead, we should focus on long-term tax policy and a Tax Code that is simpler and certain. Certainty is something that will create jobs.

I expect there to be some criticism of the votes I just cast, and I can hear the campaign sound bites. But we have to get beyond the next election and get to the next generation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

DEFENSE AUTHORIZATION

Mr. MERKLEY. Mr. President, tonight, I voted against final passage of the Defense authorization bill, and I rise now to explain why I voted against it and the considerable concerns I have about the vast expansion of the powers of detention of American citizens that were contained in that bill.

These provisions related to the detention of American citizens—without the standard rights of the fifth and sixth amendment—have been an object of intense debate on the floor of the Senate over the last several days.

As a Senator who has now been here 3 years, I can say unequivocally that this debate was extremely valuable. Folks came from both parties on both sides of this issue and shared their insights, both from their life experiences, from their scholarly knowledge of the law, and certainly from their philosophy, and I commend all who participated in that debate. I listened to a great deal of that debate on both sides. I thought this was extraordinarily important; issues surrounding our Bill of Rights and the rights of American citizens, protection from the abuse of power.

Some came to this floor and said that essentially the detention provisions in this bill simply clarify existing law and will enhance our national security, and they did so with sincere hearts and sharp minds. Others came, equally sincere, equally learned, and argued the opposite side; that the detention provisions in this bill constitute a devastating circumvention of the fifth amendment right to due process and the sixth amendment right to a speedy trial by impartial jury, as well as a sixth amendment right to confront the witnesses against him or her. Maybe it is useful to take a look at what the fifth and sixth amendments actually say.

One of the last clauses of the fifth amendment notes that:

No person shall be deprived of life, liberty, or property without due process of law.

I think we all grow up in this country absolutely believing in this fundamental value that the government cannot take from you your life, your liberty or your property without the process of law.

The sixth amendment notes that, in prosecutions, the accused shall enjoy the right to a speedy and public trial—and I emphasize public trial—by an impartial jury of the state. It goes on to note that the accused shall be able to confront the witnesses against him and to have the assistance of counsel. So these basic issues of speedy and public trial, an impartial jury, the assistance of counsel, and the ability to confront

the witnesses against you, all of these are contained in the sixth amendment and all relevant to this debate over detention.

Most of this conversation is about a section of the bill called section 1031, subtitle D, and it is referenced subtitle D, ''Detainee Matters.'' I will just read the title of the section to give a sense of what this is all about.

Section 1031. Affirmation of authority of the Armed Forces of the United States to detain covered persons pursuant to the authorization of the use of military force.

It uses this fancy word ''covered persons,'' and it is what is referred to in everyday speech as enemy combatants. So section 1031 is about the ability of the Armed Forces to detain enemy combatants.

The reason this is framed this way is that there is a historical exception under constitutional findings of the Supreme Court to amendment five and amendment six of the Constitution. That exception is that if an individual is fighting on the side of the enemy against the United States, they do not have the same rights because they are now an enemy combatant in time of war, and they can be detained for the duration of that conflict. This was adjudicated in World War II over individuals who assisted with sabotage in New York, and it was found that the standard rights of speedy public trial, trial by jury, right to counsel do not apply if you are an enemy combatant. Instead, you are put into the framework of a war setting to be treated as a member of the opposing army.

So this exception has historically been extremely narrow. You are on the battlefield or you are directly working as a member of the enemy force against the United States. It should be extremely narrow, and it should be substantial hurdles for the State to be able to simply claim that you are an enemy combatant and thereby strip you of your fifth and sixth amendment rights.

But what we have in this bill, in section 1031, is not this narrow set of provisions based on the historical understanding of an enemy combatant. Instead, we have a definition that says ''a person who was a part or substantially supported al-Qaida, the Taliban, or associated forces, engaged in hostilities against the U.S. or coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of enemy forces.''

On first reading, it may sound as if that individual is directly involved in combat, but listen to the words embedded in this. First of all, it says ''a part of,'' with no conception of what ''a part of'' means. Did you write one sympathetic e-mail in your lifetime? Does that make you ''a part of''? We have no standard here.

''Substantially supported'' is understood to mean material support, but no contingency for intent. If you donated money to a charity and that charity used it to support Taliban activities somewhere in the world or some other group that had an association with the Taliban, you have substantially supported, under this conversation.

Then it says ''the U.S. or its coalition partners.'' Who are these coalition partners? What is the definition of that? A few weeks ago, you might have noticed in the news that there were a lot of protests going on in Bahrain. We have a military facility in Bahrain. Is Bahrain a coalition partner since we utilize a partnership with them to supply our forces in the Middle East? Yes, probably so, because there is no definition of ''coalition partner.'' With individuals who were standing up for human rights and got into a battle with police in a public square, they are engaging in a belligerent act against a coalition partner.

I hope you can start to see that the standard understanding that has been constitutionally established over time is completely taken apart in this simple paragraph. That should be of grave concern to all Americans who care about our constitutional rights to a fair hearing.

What happens when the government suspects you have done something? I want to take you to a case in Oregon. We had a case regarding an individual named Brandon Mayfield. Brandon Mayfield was born in Kansas. Brandon Mayfield got his law degree in Topeka, KS. Brandon Mayfield is an Army veteran. Brandon Mayfield is married with three children and lives with family in a Topeka suburb.

Brandon Mayfield is a Muslim convert, and in 2004 FBI agents raided his law office, his home, and his family farm to collect evidence, believing he was a terror mastermind behind the Madrid bombings. The reason why is an FBI agent concluded that a partial fingerprint matched Brandon Mayfield's fingerprint. Under this framework, the government now labels him an enemy combatant, and what right does Brandon Mayfield have to contest this? Basically, no rights. The law provides only that there will be a hearing; that the rules of the hearing will be set by the executive branch—by the President, if you will; that the attorney will be assigned by the executive branch; that the rules of evidence will be determined by the executive branch; that this hearing will occur sometime—but when? We don't know. There is no right to a speedy trial, there is no commitment that it will be public; in other words, no protections from the force of the State whatsoever—completely the opposite.

This gateway around the fifth and sixth amendments is very loosely defined rather than tightly defined. The entire process by which an individual might try to say ''You are wrong, that was not me, I was not there'' is extraordinarily without powers for the defendant.

I find that outrageous because once that hearing occurs, possibly in secret without an attorney that the individual would like to employ, without rights to evidence, without an ability to confront the witnesses against him or her—without any of these rights, that person can now be locked away forever under this law. There is no right to appeal, no right to contest, and therefore this completely works against the principles we hold dear. Those principles were set up—the fifth amendment and sixth amendments were set up to defend us against the overreach of an executive branch. Yet tonight we have stripped away those protections.

A lot of the conversation over the last few days has noted that there was a historical gate through which you did not have the fifth and sixth amendment but also recognized how narrow that was. What we have done today changes that.

I hope this continues to receive substantial attention. I would have hoped there would be hearings about this phenomenal change in U.S. law adopted tonight because this sort of thing should not be done lightly. It should not be placed at the last second into a Defense authorization bill without extensive consideration, extensive testimony by experts on all sides of this issue.

There is another feature of this bill that I think deserves attention, and that is that it creates a presumption for certain types of crimes to be tried in military tribunals rather than in civilian courts. Many of my colleagues are much more familiar with this than I am, but they have come to the floor and noted that 300 individuals who have been accused of terrorist-related crimes have been tried in civilian courts and found guilty, versus 6 in military courts. They have noted that because the FBI is immersed in the process of getting evidence out of individuals, they are masters at it, which helps to explain these 300 convictions versus the 6 in military courts. But the law tonight creates a presumption that they can be tried in a military court under an argument that several of my colleagues have made that simply the military is better at it. But there is not one shred of evidence brought that the military is better and lots of evidence about the sophisticated, experienced, systematic, and successful efforts of the FBI.

Mr. President, I would like to conclude by summarizing that all that we hold dear as Americans in this Constitution about our fair rights as citizens has been trampled on tonight. This has happened twice before in this Chamber, and the Supreme Court has thrown it out twice before. I hope they will find a case that this will put before the Court again because it is the responsibility of the Court to keep taking us back to this document, this Constitution, when we waver from the course it lays out. There should not be a situation that the government can simply assert that the President, no matter what President it is—this

President or any future President, whether it be President Bush, whether it be President Obama, whether it be the next President of the United States or one of five Presidencies into the future—they should not be able to say: You, Joe American, I am calling you an enemy combatant. I am locking you up. I am assigning your defender—your court attorney if you will. I am deciding the rules of evidence. I am deciding if it is going to be secret. And after I conclude that there is enough evidence because of a partial fingerprint, I am locking you up forever, and there is not a damned thing you can do about it.

Brandon Mayfield was locked up, and he might have been locked up forever if this law had been in place. But the FBI made a mistake. The FBI completely botched the fingerprint comparison. It was Spain that brought it to our attention. Spain kept saying: America, you have the wrong guy. America, you have the wrong fingerprint. And it was Spain that found the right match, and it was finally our own system that said: Yes, we made a mistake, and we are setting Brandon Mayfield free. But under what was done tonight, he may never have seen the light of day outside of his prison. That is not right. It is not, absolutely not a contributor to the security of this country to strip away fair rights of due process, to summon the evidence, to confront your accusers and make sure that a just decision occurs.

Mr. President, I yield the floor.

RECOGNIZING WORLD AIDS DAY

Mr. DURBIN. Mr. President, today is World AIDS Day, a time for us to reflect on one of the worst plagues the world has experienced. This year also marks the 30th anniversary of the first appearance of the disease in the United States.

For three decades this preventable disease has devastated families and communities around the world. It has killed over 25 million people. But there has been a strong global response from the research community, governments, health workers, and patient advocates to fight this disease and save lives. This battle has yielded notable victories, and I am proud of the leadership the United States has demonstrated in the fight against AIDS.

The number of newly infected people in the world is steadily declining. Successful antiretroviral treatments have saved 2.5 million lives in developing countries. Advancements have been made in HIV testing and prevention, and biomedical innovations have created powerful drugs that can transform AIDS from a death sentence into a more manageable chronic disease. Most recently, promising tests in gene therapies and vaccines are giving researchers renewed hope for a way to prevent the spread of HIV. Some scientists are becoming optimistic about the possibility of a cure.

Despite this considerable progress, however, an estimated 34 million people in the world are still suffering from AIDS—5 million more than in 2002. Only about half of them have access to ongoing medical treatment that is essential to making HIV/AIDS a manageable disease.

Today President Obama announced two new initiatives that will enable us to build on our successful efforts to combat HIV/AIDS here in America. First, the United States will commit $15 million to the Ryan White program, which supports HIV clinics around the country. In addition, we will commit $35 million to State AIDS drug assistance programs.

I commend the President and his administration on these critical new commitments. They represent the next step in America's first-ever National HIV/AIDS Strategy, which the President introduced in 2010. They remind us that AIDS doesn't just affect people in developing countries—1.2 million people are currently living with HIV/AIDS in the United States, and over 600,000 people here have died from this deadly virus.

Thirty years into this epidemic, the burden of the disease in America continues to be disproportionately borne by gay and bisexual men and people of color. While African Americans represent 12 percent of the U.S. population, they account for almost half of all people living with HIV and half of new infections each year.

In the State of Illinois, over 37,000 people have HIV or AIDS. Eighty-three percent of those people make their homes in Chicago. All of these lives depend upon continued Federal commitment to investment in research and treatments.

There is hope. Organizations such as AIDS Foundation Chicago—the umbrella group for HIV/AIDS groups working in Chicago—are dedicated to eliminating the disease in the United States. The ONE Campaign is a grassroots organization that works closely with African leaders and activists to stop the spread of preventable diseases such as HIV/AIDS. These two groups are examples of the many groups of people of conscience who are working to make HIV/AIDS history. The promising new biomedical research in gene therapies and vaccines gives me hope that we can someday eliminate AIDS and in the meantime improve the lives of those who are affected by it both here and abroad. But these important programs depend upon the Federal Government's will and ability to fund them. Unfortunately, these programs are at risk.

The U.N. recently released a progress report on the global response to AIDS. It said:

> Financial pressures on both domestic and foreign assistance budgets are threatening the impressive progress to date. Recent data indicating that HIV funding is declining is a deeply troubling trend that must be reversed for the international community to meet its commitments on HIV.

The Global Fund to Fight AIDS, Tuberculosis, and Malaria—the international financing institution that invests the world's money into fighting these deadly diseases—has recently announced that the decline in funds is putting the fund in a tough spot. It can't award any new grants until 2014.

As Congress debates the deficit, we should remember that the fight against AIDS has always been a bipartisan effort. It was under the administration of President George W. Bush that PEPFAR—now the Tom Lantos and Henry J. Hyde U.S. Global Leadership against HIV/AIDS, Tuberculosis and Malaria Act—was created. PEPFAR and other notable programs continue to be strengthened under the Obama administration. Today our President reminded us of this historical bipartisan support. He said:

> At a time when so much in Washington divides us, the fight against this disease has united us across parties and across presidents. And it shows that we can do big things when Republicans and Democrats put their common humanity before politics.

We need to cut the deficit, but let's be smart about it. The fact is that every dollar we cut from HIV/AIDS research and treatment this year means additional funding will be required the next year and the next. But this is not just about saving taxpayer dollars, as important as that is. Most of all, this is about saving lives. Every dollar not funded this year will exact a horrible toll. Men, women, and children will die who otherwise could have been saved. People who would have lived longer, healthier lives will have to rely on overly burdened programs such as Medicare and Medicaid just to survive. We must not allow that to happen.

Several years ago, I visited a program in Uganda for women who were dying of AIDS. We sat on the porch, and the women showed me scrapbooks they were making. They were gathering together photos, notes, and other bits of memorabilia about their lives so that their children would have some way to remember them after they died. Their children, playing in the yard, had already lost one parent and were now about to be orphaned. As I sat with those mothers, all of Uganda began to feel like a terminal ward of a hospital—an entire nation waiting to die. That is not true anymore. Today, because of discoveries by scientists and the determination of people of conscience, there is hope in Uganda and other desperately poor nations that have been hit hard by the HIV/AIDS pandemic.

There is also hope here at home. The United States continues to demonstrate its leadership in eliminating HIV/AIDS, but we cannot allow our efforts to fail for lack of funding and support. The elimination of HIV/AIDS is one of our most important commitments to the people of this country and the world, and we ought to keep that promise.

REMEMBERING BISHOP ODIS FLOYD

Mr. LEVIN. Mr. President, just as a building needs a foundation, every community needs pillars—people who provide strength, inspiration, guidance, and leadership, people to rally around in tough times. Today, the city of Flint, MI, is missing one of its pillars.

Bishop Odis Floyd of New Jerusalem Full Gospel Baptist Church died this week at the age of 71 after a long illness. For more than four decades, he was the spiritual leader of the church he helped his grandfather found. At an imposing 6-foot-6, with a powerful preaching and singing voice, he became known around the country for his stirring sermons and appeared on a number of gospel music albums. Whether in quiet conversation with a church member or in powerful preaching from the pulpit, he was a spiritual giant.

His faith taught him to reach out beyond his church, not just with spiritual guidance but to lend a hand to those in need. The church's charitable and outreach efforts under his leadership have had an enormous impact. They include programs to provide a safe and welcoming place for children; educational efforts; assistance to those who need medical care, food, and clothing; counseling and social work services, and much more.

Bishop Floyd also was a valued adviser to business and community leaders in Flint, in Michigan, and beyond. I was fortunate to visit with him on many occasions, and I valued those visits for his knowledge of the community and the quality of his counsel. His love and concern for Flint ran deep, and no matter the challenge, he was always at the forefront of those looking for solutions. His commitment to his community was profound and provided a shining example to others.

Whether it was in preaching the gospel he felt so deeply or in reaching out to help others, one word sums up the gift Bishop Floyd brought to those around him: hope. ''People need hope,'' he once told an interviewer, ''and that's always what I want to give them.''

His loss has deprived the community he loved of a strong and steady pillar. It now falls to all those who care about Flint to take up where he left off and to continue his work to improve the city and lives of its citizens.

Many will miss him, but none more than the family he loved: his wife and partner, Brenda; son Anthony; daughters, Nikki and Toyia, who served admirably as an intern in my office; and five grandchildren. Barbara and I send our condolences to them, to the members of New Jerusalem Full Gospel Baptist Church, and to the thousands who have, in ways great and small, been touched by Bishop Floyd's strength, generosity, and faith.

TRIBUTE TO ANDY SWAPP

Mr. HATCH. Mr. President, this past August I had the opportunity to visit Beaver County, Utah, where I met an educator who is working tirelessly to prepare our Nation's youth for success in our transformative economy. This rural area of southwest Utah is home to my State's major energy initiatives, including the largest wind farm in Utah.

In 2001 a local shop teacher, Andy Swapp, observed that Milford, UT could capitalize on the powerful winds in the area. Inspiring his students to learn about renewable energy, the class applied to Utah's anemometer loan program to erect a 20 meter meteorological tower. As the students collected and analyzed the wind data, they attracted the attention of a wind prospector named Curtis Whittaker. Mr. Whittaker was impressed with the preliminary data but more so with the dedication, enthusiasm and accomplishments of eighth grade students. He sent a 50 meter tower to Milford High School for Mr. Swapp and students to construct in the wind-swept desert. Mr. Swapp used the real world project to teach students about wind turbines and power outputs, inspiring students to apply their classroom lessons to developing solutions for affordable, abundant energy. As the commercial wind farm developed, Mr. Swapp's classes were continually relied upon for data collection while receiving training in wind farm maintenance operations. Over the last decade, Mr. Swapp's students participated in all phases of completing Utah's largest commercial wind farm.

Mr. Swapp's dedication to fostering student learning and success is not limited to wind power. His classes at Milford High School won a Rocky Mountain Power ''Bluesky'' grant to install a 10 kilowatt array of solar panels on a dual axis tracker on the front lawn of the school, and a roof top mounted solar array. The students were allowed to work with the contractor, helping install the $125,000 system. The students are now monitoring the energy production to compare the dual axis tracker with the standard technology. His classes also participate in national electric race car construction contests.

To broaden the education of his students, Mr. Swapp organized the Milford Renewable Energy Fair. With support from South West Applied Technology College, the fair has grown to include secondary schools from all over the State and major vendors in the industry. Milford High School is also home to the Southwest Renewable Energy Center, which Mr. Swapp helped devise to promote the energy-rich area of Beaver County and Southwest Utah. It is a collaboration of secondary schools, technical colleges, 4-year universities, State-wide economic advancement districts, research and development partnerships and technology commercialization firms. This center connects students to jobs, internships, and scholarships.

Mr. Swapp is an outstanding example of educators bringing learning to life and helping students envision a sustainable future. Mr. Swapp's students have enrolled in energy and engineering programs at Southern Utah University and Southwest Applied Technology College. They have secured high-skill, high paying jobs in their hometown. Their paths have been inspired by the curiosity, creativity and dedication of their teacher.

Prior to becoming an educator, Mr. Swapp served our country as a career infantry Sergeant in the U.S. Army. Following his service, he returned to Utah to offer rural students the very best in education, to expand their horizons, and to foster a positive attitude for their future. Mr. Swapp has been an example to his students by completing an Associate of Science, AS, from Dixie State College, a Bachelor of Science from Southern Utah University, and a Master of Science from Utah State University.

Mr. President, I was really impressed with what I experienced in meeting Andy. I wanted to highlight the important, innovative work of a successful educator engaged in leading our Nation into the future.

WORLD AIDS DAY

Mr. NELSON of Florida. Mr. President, musicians Bono and Alicia Keys are in Washington, DC, today to meet with Presidents Obama, Clinton, and Bush about what is next in the global battle against AIDS. They note that we are reaching a tipping point on combating HIV/AIDS worldwide, which is why they and many others, including myself, believe continued U.S. leadership is critical.

It is fitting that this gathering is taking place today—World AIDS Day. We all should remember that HIV/AIDS has claimed the lives of more than 550,000 Americans so far, while 1.1 million others are living with the disease.

Florida has been hit particularly hard: about 100,000 people are living with HIV/AIDS. Florida has the longest waiting list of low-income residents waiting for assistance with the high cost of lifesaving medications. More than 3,000 Floridians are on that list; and, alarmingly, the number could grow as the State considers cutting more than 1,600 who already are in the government-backed program.

Federal, State, and local governments must understandably tighten their belts. But focusing on such short-term savings is horribly shortsighted. For several reasons, these cuts will only lead to higher costs to taxpayers in the long run—cases will become more difficult to manage, transmission rates are likely to increase, and patients will more frequently need expensive care in emergency rooms and hospitals.

We must also remain committed to the goals of the President's Emergency Plan for AIDS Relief globally. Among the goals are to prevent more than 12 million new HIV infections and provide

care for more than 12 million people, including 5 million orphans and children around the world.

REMEMBERING DR. SUSAN M. DANIELS

Mr. HARKIN. Mr. President, I wish to pay tribute to a much respected and beloved leader in America's disability community, the late Dr. Susan Daniels.

Dr. Daniels acquired her disability at a very young age. Though she spent much of her early years in rehabilitation institutes and hospitals, her parents advocated for her full inclusion in school and in the life of her local community. As a consequence, Susan attended regular elementary and secondary schools. She went on to graduate summa cum laude from Marquette University, and to earn her master's degree at Mississippi State University and her Ph.D. from the University of North Carolina. And I would note that she achieved these things before the days of accessible campuses.

While still in her twenties, Dr. Daniels served as chair of the Department of Rehabilitation Counseling at Louisiana State University Medical Center. There, she developed an innovative program to train individuals to work directly in community-based settings with people with developmental disabilities. This program became a core element in Louisiana's efforts to deinstitutionalize people with disabilities.

Throughout her adult life, Dr. Daniels was a passionate advocate for people with disabilities. She served as Associate Commissioner of the Rehabilitation Services Administration in the U.S. Department of Education, and as Associate Commissioner of the Administration on Developmental Disabilities, ADD, in the U.S. Department of Health and Human Services. While at ADD, she developed the Home of Your Own Program to assist people with developmental disabilities in their quest to become homeowners in their communities. It is one of Dr. Daniels' living legacies that this Home of Your Own Program is now operating in 27 States.

Perhaps Dr. Daniels' greatest accomplishment was her leadership in passing the Ticket to Work and Work Incentive Improvement Act of 1999. Appointed by President Clinton to serve as Deputy Commissioner for Disability and Income Security Programs at the Social Security Administration, she worked tirelessly to lay the groundwork for this legislation. The Ticket to Work Act created employment incentives and healthcare provisions for workers with disabilities, and removed many of the systemic barriers that often required citizens with disabilities to make a stark choice between working or retaining their health coverage. Two of the most important provisions of this legislation are the authorization for a State Medicaid buy-in program to allow individuals to maintain health coverage after returning to work, and a continuation of Medicare coverage for individuals who are working.

Dr. Daniels was also very active in the fight for disability rights internationally. She addressed many conferences and research forums in Africa, Europe, and Asia. And she advised governments on the best ways to set up social insurance programs for individuals with disabilities. She served as president of the U.S. International Council on Rehabilitation, and was Rehabilitation International's deputy vice president. In 1998, she played a lead role in convening the International Women with Disabilities Leadership Forum.

Dr. Daniels was the recipient of many awards for her work, including the prestigious Henry B. Betts Award, which honors individuals who have made transformative differences in the lives of people with disabilities.

Dr. Daniels played leadership roles in a wide range of national and international organizations, but she also worked for change at the individual level, mentoring and sponsoring countless young men and women with disabilities both in the U.S. and abroad.

Susan's husband, John Watson, and many other family members, friends, and colleagues will gather for a memorial service in her honor at the National Press Club here in Washington on December 4. I will be with them in spirit as they celebrate a determined advocate and a truly bright light, a woman who was and is an inspiration to people with disabilities around the world.

ADDITIONAL STATEMENTS

TRIBUTE TO HALEY BARTON

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Haley Barton for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Haley is a native of Wyoming and graduated from Lander Valley High School. She attends the University of Wyoming, where she is majoring in political science and history. Throughout her internship, she has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Haley for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO AMY BLACK

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Amy Black for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Amy is a native of Wyoming and graduated from Kelly Walsh High School. She attends the University of Wyoming, where she is majoring in political science. Throughout her internship, she has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Amy for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO KAITLYNN GLOVER

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Kaitlynn Glover for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Kaitlynn is a native of Wyoming and graduated from Natrona County High School. She attends the University of Wyoming, where she is majoring in agriculture communications. Throughout her internship, she has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Kaitlynn for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO MANDI MOSHER

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Mandi Mosher for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Mandi is a native of Wyoming and graduated from Glenrock High School. She attends the University of Wyoming where she is majoring in social work. She has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the time she has been with us.

I want to thank Mandi for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO RIO SMITH

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Rio Smith for his hard work as an intern in the U.S. Senate Committee on Indian Affairs. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Rio is a native of Wyoming and graduated from Cheyenne Central High School. He attends Stonehill College in Massachusetts where he is majoring in business administration. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the time he has been with us.

I want to thank Rio for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.●

TRIBUTE TO KALEIGH WILLIAMS

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Kaleigh Williams for her hard work as an intern in my Cheyenne office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Kaleigh is a native of Wyoming and graduated from Cheyenne East High School. She attends the University of Wyoming where she is majoring in political science. She has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank Kaleigh for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.●

TRIBUTE TO PEASE GREETERS

● Ms. AYOTTE. Mr. President, today I wish to honor the memory of Charles Nichols II, a World War II veteran who helped start the Pease Greeters—a New Hampshire-based volunteer group that honors the brave U.S. service members who touch down at Portsmouth's Pease International Airport.

A decorated marine who represented the very best of America's ''greatest generation'', Mr. Nichols understood the critical importance of showing support for our troops. Thanks to the Pease Greeters, service men and women returning from, and traveling to, Iraq, Afghanistan, and other deployments have arrived at Pease and found smiling faces and a warm welcome—along with good food and a phone to call home.

As a cofounder of the Pease Greeters, Mr. Nichols helped launch a very special Seacoast tradition that sets the standard for how we ought to recognize our service members. I join citizens across New Hampshire and Maine in expressing my gratitude for Mr. Nichols' service to our country, his commitment to supporting America's troops, and his contributions to the life of the Seacoast Region.●

MARKING THE RETIREMENT OF BOB CONNERS

● Mr. BROWN. Mr. President. I rise today to honor Bob Conners, the retiring long-time voice on radio for thousands of Ohioans in Central Ohio, who broadcasted his final show on WTVN on November 30, 2011.

Bob and I have not always agreed on the issues, but he has always been the consummate professional. He is fair and dignified in discussions ever since he took to the airwaves back in 1964. And he is always armed with a quick wit. I spoke with Bob earlier this week. He told me that during his retirement he plans to learn a foreign language. When I asked which one, he said he wanted to master English first. That endearing sense of humor earned him the trust of listeners across Central Ohio. And as those who have listened to him over the years know, he has not only mastered English, he has mastered morning radio.

Growing up in St Marys, PA, Bob first wanted to become a radio actor, inspired by the Lone Ranger and encouraged by his father. He got his start on the airwaves when he was in high school, earning $45 per month as a radio deejay. After graduating from high school, Bob worked in Erie, Buffalo, San Diego, and Pittsburgh. He served our nation and volunteered for the Army in 1956.

By 1964, he joined WTVN in Central Ohio. Bob cemented his loyal following in the afternoons transitioning from music to a talk radio format. Some memorable stories of his time on air relate to his beloved Ohio State Buckeyes football team, led at the time by the famed Woody Hayes.

''The Morning Monarch,'' as he would be known while hosting the Bob Conners Show beginning in 1978, he brought in more listeners and would eventually range 33 years, six U.S. presidents, and five Ohio State football coaches. And as much as he enriched the lives of his listeners, he also served his community away from the microphone, volunteering with the Boys and Girls Clubs of Columbus and the Charity Newsies.

Bob Conners had the ear of his listeners because they could trust him, whether they agreed or disagreed with him. It is that admirable trait we will miss with his retirement. But it is that endearing quality that's earned him this retirement and no more 3 a.m. wake-up calls.

Bob, I wish you and Linda all the best in your retirement. Thank you for all that you have done for your listeners and for our great State.●

TRIBUTE TO ED STRICKFADEN

● Mr. RISCH. Mr. President, I rise today to recognize and pay tribute to an outstanding public servant, Ed Strickfaden. Today, the Idaho State Police will be naming a building after Ed, who served as the director of the Idaho State Police and was a 35-year veteran of the department. He is very deserving of this honor, and I congratulate him on this special day.

Ed Strickfaden graduated from Council High School, located in a small rural town in southwestern Idaho. He honorably served in the U.S. Air Force before beginning his career with the Idaho State Police. In 1967, he was hired as a port of entry officer, and from there he worked his way up the ranks, serving in almost every region of the State.

In 1980, he was promoted from a patrolman in the Lewiston area to a sergeant in Twin Falls. By 1984, he was district commander in Idaho Falls, then moving to the district commander position in Coeur d'Alene the following year.

He served in the headquarters office beginning in 1991, first as a major in charge of field operations, then as a deputy superintendent of the Idaho State Police. He was appointed ISP superintendent by Gov. Phil Batt and served 4 years in that position prior to his appointment as director of the Department of Law Enforcement by Gov. Dirk Kempthorne in January 1999.

Colonel Strickfaden undertook a major reorganization of the Idaho State Police, streamlining its functions and enhancing training throughout the department. He even initiated the name change to Idaho State Police, effective July 1, 2000.

With his years of service, rising through the ranks and serving in all parts of Idaho, Colonel Strickfaden understood more than most what was needed and how to do it. He was a man of uncompromising integrity and had the utmost respect of those he led and the respect of the state's elected officials.

Today, the Idaho State Police and the people of Idaho honor this humble man by putting his name on the building at ISP headquarters. It is a fitting tribute to a great leader and a wonderful human being. We are all very grateful for the many years of exemplary service Colonel Ed Strickfaden has provided to our great State.

I would be remiss if I did not also mention Colonel Strickfaden's wonderful family and especially his wife Barbara for her strong support throughout Ed's career. Together, they have served the people of Idaho with great distinction.●

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 and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:36 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3094. An act to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

ENROLLED BILL SIGNED

At 6:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 394. An act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES PLACED ON THE CALENDAR

The following bills and joint resolutions were read the second time, and placed on the calendar:

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.

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–4115. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenamidone; Pesticide Tolerances'' (FRL No. 9325–4) 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–4116. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prohexadione Calcium; Pesticide Tolerances'' (FRL No. 9326–4) 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–4117. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polyethylene glycol; Tolerance Exemption'' (FRL No. 8892–1) 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–4118. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Patrick M. Walsh, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC–4119. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting a legislative proposal relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC–4120. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Federal Housing Administration (FHA) Appraiser Roster: Appraiser Qualifications for Placement on the FHA Appraiser Roster'' (RIN2502–AI96) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4121. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on November 29, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4122. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4123. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Geothermal Resource Leasing and Geothermal Resources Unit Agreements'' (RIN1004–AD86) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Energy and Natural Resources.

EC–4124. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Public Sales'' (RIN1004–AD74) received during recess of the Senate in the Office of the President of the Senate on August 11, 2011; to the Committee on Energy and Natural Resources.

EC–4125. 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; West Virginia and Ohio; Determinations of Attainment of the 1997 Annual Fine Particle Standard for the Parkersburg-Marietta and Wheeling Nonattainment Areas'' (FRL No. 9498–7) received in the Office of the President of the Senate on November 29, 2011; to the Committee on Environment and Public Works.

EC–4126. 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; Louisiana; Revisions to Control Volatile Organic Compound Emissions for Surface Coatings and Graphic Arts'' (FRL No. 9496–8) received in the Office of the President of the Senate on November 29, 2011; to the Committee on Environment and Public Works.

EC–4127. 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 Designation of Areas for Air Quality Planning; Louisiana; Baton Rouge Area: Redesignation to Attainment for the 1997 8-Hour Ozone Standard'' (FRL No. 9498–2) received in the Office of the President of the Senate on November 29, 2011; to the Committee on Environment and Public Works.

EC–4128. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Placer County Air Pollution Control District'' (FRL No. 9493–2) received in the Office of the President of the Senate on November 29, 2011; to the Committee on Environment and Public Works.

EC–4129. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Greenhouse Gases'' (FRL No. 9493–9) 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–4130. 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 Designation of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of the Hickory-Morganton-Lenoir 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment'' (FRL No. 9493–5) 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–4131. 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 Designation of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of the Greensboro–Winston-Salem–High Point 1997 Annual Fine Particulate Matter Nonattainment Area to

Attainment'' (FRL No. 9493–6) 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–4132. 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; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); General Definitions; Definition of Modification of Existing Facility'' (FRL No. 9489–8) 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–4133. 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; West Virginia; Determination of Clean Data for the 2006 Fine Particulate Standard for the Charleston Area'' (FRL No. 9494–2) 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–4134. 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; Delaware; Amendments to the Control of Volatile Organic Compound Emissions from Offset Lithographic Printing and Letterpress Printing'' (FRL No. 9493–1) 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–4135. 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; Virginia; Update to Materials Incorporated by Reference'' (FRL No. 9490–3) 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–4136. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule—Compliance Date Amendment for Farms'' (FRL No. 9494–8) 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–4137. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: MAGNASTOR System, Revision 2'' (RIN3150–AI91) received in the Office of the President of the Senate on November 29, 2011; to the Committee on Environment and Public Works.

EC–4138. 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 ''Proposed Method of Accounting for OID on a Pool of Credit Card Receivables'' (Notice 2011–99) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Finance.

EC–4139. 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 ''Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability'' (Rev. Proc. 2011–58) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Finance.

EC–4140. 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 ''Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability'' (Rev. Proc. 2011–57) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Finance.

EC–4141. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Approval of Grape Variety Names for American Wines'' (RIN1513–AA42) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Finance.

EC–4142. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to support the Proton integration and launch of the Inmarsat 5 Series F1, F2, and F3 Commercial Communication Satellites from the Baikonur Cosmodrome in Kazakhstan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4143. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including, technical data, and defense services to the Secretaria de la Defensa Nacional, for a radar system for the Surveillance and Control of the Mexican Airspace program the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4144. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom and France for the delivery and support of fourteen Mk6 Chinook helicopters to the United Kingdom Ministry of Defense in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–4145. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom for the design, development and manufacture of upgrades to the Brimstone Weapon System for several United States allies in Europe in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4146. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom and India for the manufacturing and maintenance of AC and DC electrical power generating systems, motors, motor drive systems, and system control units utilized on military aircraft and ground vehicles for users in 63 countries in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4147. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture and sales of AN/APG–63(V)1 radar system retrofit kits for sale and delivery to the Japanese Air Self Defense Force in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–4148. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Animal Food Labeling; Declaration of Certifiable Color Additives'' (Docket No. FDA–2009–N–0025) received in the Office of the President of the Senate on November 30, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4149. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled ''Race to the Top Fund Phase 3'' (RIN1894–AA01) received in the Office of the President of the Senate on November 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–4150. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4151. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the Commission's fiscal year 2011 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4152. 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–4153. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General of the Department of Labor for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4154. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the 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–4155. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–228 ''Jubilee Housing Residential Rental Project Real Property Tax Exemption Clarification Temporary Act of

2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4156. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–234 ''Cooperative Housing Association Economic Interest Recordation Tax Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4157. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–235 ''Real Property Tax Appeals Commission Establishment Clarification Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4158. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–236 ''Criminal Penalty for Unregistered Motorist Repeal Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4159. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–237 ''The Washington Ballet Equitable Real Property Tax Relief Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4160. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–238 ''Vault Tax Clarification Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4161. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–239 ''Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–4162. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Service's 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–4163. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011 and the Management Response for the period ending September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4164. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Semiannual Report of the Inspector General for the period from April 1, 2011 to September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4165. A communication from the Administrator of the Agency for International Development (USAID), 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–4166. A communication from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General and the Corporation for National and Community Service's Report on Final Action for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4167. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's fiscal year 2011 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4168. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4169. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Expansions of the Russian River Valley and Northern Sonoma Viticultural Areas'' (RIN1513–AB57) received in the Office of the President of the Senate on November 30, 2011; to the Committee on the Judiciary.

EC–4170. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Pine Mountain-Cloverdale Peak Viticultural Area'' (RIN1513–AB4) received in the Office of the President of the Senate on November 30, 2011; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 227. A resolution calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River.

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 316. A resolution expressing the sense of the Senate regarding Tunisia's peaceful Jasmine Revolution.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 671. A bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

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

S. 1792. A bill to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit.

Gregg Jeffrey Costa, of Texas, to be United States District Judge for the Southern District of Texas.

David Campos Guaderrama, of Texas, to be United States District Judge for the Western District of Texas.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. SCHUMER (for himself, Mr. TOOMEY, Mr. WARNER, and Mr. CRAPO):

S. 1933. A bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELLER:

S. 1934. A bill to amend the Internal Revenue Code of 1986 to repeal certain communications taxes, and for other purposes; to the Committee on Finance.

By Mrs. HAGAN (for herself, Ms. COLLINS, Mr. SCHUMER, Mr. KIRK, and Mr. AKAKA):

S. 1935. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON of Wisconsin (for himself, Mrs. HUTCHISON, Mr. WICKER, Mr. RISCH, Mr. COBURN, Mr. SESSIONS, Mr. DEMINT, Mr. RUBIO, Mr. ENZI, Mr. CORNYN, Mr. LEE, Mr. PAUL, Mr. BARRASSO, Ms. AYOTTE, and Mr. MCCAIN):

S. 1936. A bill to adopt the seven immediate reforms recommended by the National Commission on Fiscal Responsibility and Reform to reduce spending and make the Federal government more efficient; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN of Ohio (for himself and Ms. SNOWE):

S. 1937. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to include the insulation component of insulated siding; to the Committee on Finance.

By Ms. SNOWE:

S. 1938. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. WARNER):

S. 1939. A bill to amend title 23, United States Code, to direct the Secretary of Transportation to require that broadband conduits be installed as part of certain highway construction projects, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. RUBIO:

S. Res. 342. A resolution honoring the life and legacy of Laura Pollan; to the Committee on Foreign Relations.

By Mr. BLUMENTHAL:

S. Con. Res. 33. A concurrent resolution reorganizing the need to improve physical access to many federally funded facilities for

all people of the United States, particularly people with disabilities; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 491

At the request of Mr. PRYOR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 506

At the request of Mr. CASEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 606

At the request of Mr. CASEY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) 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. 678

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 678, a bill to increase the penalties for economic espionage.

S. 797

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 834

At the request of Mr. CASEY, the names of the Senator from Colorado (Mr. UDALL), the Senator from Oregon (Mr. MERKLEY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors 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. 881

At the request of Ms. LANDRIEU, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 1122

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1122, a bill to amend title 23, United States Code, to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1358

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1358, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 1440

At the request of Mr. BENNET, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1538

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1538, a bill to provide for a timeout on certain regulations, and for other purposes.

S. 1544

At the request of Mr. TESTER, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1544, a bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1733

At the request of Mr. TESTER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1733, a bill to establish the Commission on the Review of the Overseas Military Facility Structure of the United States.

S. 1738

At the request of Mr. CORNYN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1738, a bill to rescind the 3.8 percent tax on the investment income of the American people and to promote job creation and small businesses.

S. 1747

At the request of Mrs. HAGAN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1747, a bill to amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

S. 1753

At the request of Mr. KIRK, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1753, a bill to require operators of Internet websites that provide access to international travel services and market overseas vacation destinations to provide on such websites information to consumers regarding the potential health and safety risks associated with traveling to such vacation destinations, and for other purposes.

S. 1792

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1792, a bill to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1792, supra.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1798, a bill 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, and for other purposes.

S. 1816

At the request of Mr. LAUTENBERG, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1816, a bill to amend title 23, United States Code, to modify a provision relating to minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.

S. 1866

At the request of Mr. RUBIO, the names of the Senator from Alaska (Mr.

BEGICH) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1866, a bill to provide incentives for economic growth, and for other purposes.

S. 1871

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 1871, 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. 1876

At the request of Mr. BROWN of Ohio, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1876, a bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act.

S. 1886

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1886, a bill to prevent trafficking in counterfeit drugs.

S. 1894

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1894, a bill to deter terrorism, provide justice for victims, and for other purposes.

S. 1900

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) 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 name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor 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. 1917

At the request of Mr. CASEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1917, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

S. 1929

At the request of Mr. BLUMENTHAL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 1930

At the request of Mr. TOOMEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

S. 1932

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1932, a bill to require the Secretary of State to act on a permit for the Keystone XL pipeline.

AMENDMENT NO. 980

At the request of Mr. WEBB, the names of the Senator from Ohio (Mr. PORTMAN), the Senator from South Dakota (Mr. THUNE), the Senator from Nebraska (Mr. JOHANNS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 980 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1024

At the request of Mr. TOOMEY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Indiana (Mr. COATS) were added as cosponsors of amendment No. 1024 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. 1114

At the request of Mr. BEGICH, the name of the Senator from New Mexico (Mr. UDALL) 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. 1120

At the request of Mrs. SHAHEEN, the name of the Senator from Vermont (Mr. SANDERS) 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 Oregon (Mr. MERKLEY) and the Senator from Oregon (Mr. WYDEN) 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 Utah (Mr. LEE), the Senator from Oregon (Mr. MERKLEY) and the Senator from Oregon (Mr. WYDEN) 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. 1145

At the request of Mr. TESTER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 1145 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. 1152

At the request of Mr. PRYOR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1152 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. 1182

At the request of Mr. SESSIONS, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 1182 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 names of the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Ms. STABENOW) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors 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.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1202 proposed to S. 1867, supra.

AMENDMENT NO. 1206

At the request of Mrs. BOXER, the name of the Senator from Michigan

(Ms. STABENOW) 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. 1225

At the request of Ms. KLOBUCHAR, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 1225 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. 1257

At the request of Mr. MERKLEY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Jersey (Mr. MENENDEZ) 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. 1294

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1294 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. 1401

At the request of Mr. CORKER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1401 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 Rhode Island (Mr. WHITEHOUSE), the Senator from Ohio (Mr. PORTMAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Minnesota (Mr. FRANKEN), the Senator from New Mexico (Mr. UDALL), the Senator from Virginia (Mr. WARNER), the Senator from Texas (Mr. CORNYN), the Senator from Colorado (Mr. BENNET), the Senator from Mississippi (Mr. WICKER), the Senator from Colorado (Mr. UDALL), the Senator from California (Mrs. BOXER) and the Senator from Missouri (Mrs. MCCASKILL) 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.

At the request of Mr. GRASSLEY, his name was added as a cosponsor of amendment No. 1414 proposed to S. 1867, supra.

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 1414 proposed to S. 1867, supra.

AMENDMENT NO. 1451

At the request of Mr. RUBIO, the names of the Senator from Arizona (Mr. KYL), the Senator from Illinois (Mr. KIRK) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1451 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 Mrs. HAGAN (for herself, Ms. COLLINS, Mr. SCHUMER, Mr. KIRK, and Mr. AKAKA):

S. 1935. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HAGAN. Mr. President, today I am proud to introduce the March of Dimes Commemorative Coin Act.

For almost 75 years, the March of Dimes has fought to combat and prevent diseases that strike our youngest children, while also supporting mothers-to-be and families with infants in intensive care. The March of Dimes was founded in 1938 by President Franklin Roosevelt as the National Foundation for Infantile Paralysis, at a time when polio was on the rise. The Foundation established a polio patient aid program and funded research for vaccines developed by Jonas Salk, MD, and Albert Sabin, MD. These vaccines effectively ended epidemic polio in the United States.

Today one in 33 babies born in the United States is affected by a birth defect, and tragically, more than 5,500 infants die every year because of a birth defect. Moreover, an additional 500,000 children are diagnosed with developmental disabilities each year.

Almost 13 percent of babies born in America are born prematurely—an increase of 36 percent since the early 1980s. In 2003, the March of Dimes took on the cause of reducing the number of infants who are born prematurely. And thanks to the great work of the March of Dimes and others, after three decades of increase, the pre-term birth rate has now dropped for the third year in a row.

You would be hard pressed to find someone today who doesn't have a friend, a family member, a neighbor or a coworker who's had a baby born prematurely or born with some kind of birth defect. A month ago, I had the pleasure of meeting the 2011 March of Dimes National Ambassador: Lauren Fleming, and her parents, Nikki and Densel from Marvin, NC. Lauren was born three and a half months early and weighed just 2 pounds, 1 ounce. She spent the first 5 months of her life in the intensive care unit, being treated for respiratory distress and undergoing multiple surgeries. In part, because of the research and support provided by the March of Dimes, Lauren is now an adorable, vivacious 7-year old, and a hero to young children and their families throughout the country.

Although some progress has been made over the past several decades on reducing and preventing birth defects and prematurity, we need organizations such as the March of Dimes to continue to push for more research, more innovation and more prevention efforts.

The March of Dimes makes a difference. By investing millions of dollars to study premature births, birth defects, and infant mortality, including $5.6 million in North Carolina over the past 5 years, the March of Dimes is helping to ensure that we can reduce these occurrences.

But we can do more. That is why today I am introducing the March of Dimes Commemorative Coin Act of 2011. This bill would mint coins in recognition and celebration of the March of Dimes' 75 anniversary in 2014. Proceeds from the commemorative coin will be used to support the March of Dimes' Prematurity Campaign, an intensive multi-year campaign to raise awareness among health professionals and the general public and find the causes of prematurity.

Not only will the Commemorative Coin raise awareness of the March of Dimes' efforts, but it will also help raise more funding for their efforts. I cannot think of a more appropriate way to honor the March of Dimes than to mint actual ''dimes'' celebrating their work.

I want to thank my Republican colleague, Senator SUSAN COLLINS, as well as Senators SCHUMER, KIRK, and AKAKA for joining me in cosponsoring this measure.

I urge my other colleagues to join us in supporting this important bill.

By Ms. SNOWE:

S. 1938. A bill to amend chapter 6 of title 5, United States Code (commonly

known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. SNOWE. Mr. President, I rise today to introduce the Regulatory Flexibility Improvements Act of 2011. Originally introduced in the House by Representative LAMAR SMITH of Texas, this targeted regulatory reform bill would amend the Regulatory Flexibility Act, RFA, the seminal legislation enacted in 1980 that requires Federal agencies to consider the cost and impact of proposed regulations on small businesses if such regulation would significantly affect a substantial number of small entities.

As a steadfast proponent for regulatory reform, I have been deeply troubled by this chamber's unwillingness to act on an issue so critical to our Nation's job creators. In stark contrast, our House counterparts are poised to pass this legislation, offering relief to our Nation's small business job creators. I encourage my colleagues in the Senate to seize this opportunity and support this legislation.

If anyone believes this is a solution in need of a problem, there is ample evidence to the contrary. In fact, an October 24 Gallup poll of American small business owners revealed that the number one problem they face is ''complying with government regulations.'' What I find increasingly frustrating is that although small businesses repeatedly express their concerns, the Senate continues to sit idly by, failing to take serious action!

At a time when unemployment stands at an unacceptable nine percent, and small businesses are struggling to create jobs, the imperative to focus our attention on regulatory reform couldn't be clearer. Unfortunately, small businesses, which historically create two-thirds of all new jobs, face an unequal federal regulatory burden. A September 2010, study commissioned by the Small Business Administration, SBA, Office of Advocacy found that small firms with fewer than 20 employees bear a disproportionate burden in complying with federal regulations. They pay an annual regulatory cost of $10,585 per employee, which is 36 percent higher than the regulatory cost facing larger firms.

This must change, and the Regulatory Flexibility Improvements Act of 2011 aims to do just that. This bill reforms the flawed rulemaking process to ensure that federal agencies consider small business impact before a rule is promulgated, not after. For example, one provision of this legislation would expand the small business review panel process to apply to all agencies. These panels currently only apply to the Environmental Protection Agency, EPA, Occupational Safety and Health Administration, OSHA, and, thanks to an amendment that I included in the Wall Street Reform legislation, the new Consumer Financial Protection Bureau, CFPB. These panels have worked well at EPA and OSHA since 1996. Why not apply this stipulation to every Federal agency, so small businesses are considered at the forefront of the rulemaking process?

Another provision would require agencies to consider foreseeable ''indirect'' economic effects when determining whether a rule will have a significant impact on a substantial number of small businesses. Currently, only ''direct'' economic impacts are considered in the analysis. The RFA has already saved billions for small businesses by forcing government regulators to address the direct impact of proposed rules on small firms. If billions of dollars can be saved by filtering out overly cumbersome or duplicative direct regulatory mandates upon small business while improving workplace safety and environmental conditions, even more can be saved by filtering out unnecessary or burdensome costs to those small businesses indirectly impacted by regulation.

This type of commonsense reform is why the Regulatory Flexibility Improvements Act enjoys the support of more than 150 small business advocacy organizations, including the U.S. Chamber of Commerce and the National Federation of Independent Business, NFIB.

President Obama himself has identified government regulations as harmful to job creation. In a January 18 Wall Street Journal op-ed, he wrote that, ''[s]ometimes, those rules have gotten out of balance, placing unreasonable burdens on business—burdens that have stifled innovation and have had a chilling effect on growth and jobs.'' More recently, my friend, former Democratic Senator Blanche Lincoln, partnered with NFIB President Dan Danner to write an open letter to President Obama calling for sensible regulatory reform.

Winston Churchill once said, ''If you have 10,000 regulations, you destroy all respect for the law!'' And certainly, looking at the expanding universe of rules waiting on the horizon, and the vast labyrinth of existing ones, we should ponder how business can dedicate any time and resources to their principal mission of creating products, offering services, innovating and growing.

Consider that, since President Obama took office, his administration has approved 613 Federal rules, 129 of which have an economic impact topping $100 million. In fact, the President's health reform legislation alone mandates 41 separate rulemakings, at least 100 additional regulatory guidance documents, and 129 reports, according to the U.S. Chamber of Commerce. How can our Nation's small businesses compete in a global economy when Washington, DC agencies continue to saddle them with overwhelming regulatory burdens year after year? How can entrepreneurs grow their companies when the regulatory environment dissuades them from investing in new equipment or hiring additional workers?

While members of both parties are now calling for small business regulatory reform, the United States Senate remains regrettably disengaged. I urge my colleagues to change course and put the interest of small business, our Nation's economic engines, ahead of petty politics at a time when more than 14 million Americans are unemployed and have been so for the longest time since World War II.

The days of working together to craft innovative solutions for the good of the American people do not have to be over. It is well beyond time for this body to pass small business regulatory reform and I urge my colleagues to support this critical legislation.

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

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

S. 1938

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Regulatory Flexibility Improvements Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Paragraph (2) of section 601 of title 5, United States Code, is amended to read as follows:

''(2) RULE.—The term 'rule' has the meaning given such term in section 551(4) of this title, except that such term does not include a rule of particular (and not general) applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances.''.

(b) INCLUSION OF RULES WITH INDIRECT EFFECTS.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(9) ECONOMIC IMPACT.—The term 'economic impact' means, with respect to a proposed or final rule—

''(A) any direct economic effect on small entities of such rule; and

''(B) any indirect economic effect on small entities that is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule).''.

(c) INCLUSION OF RULES WITH BENEFICIAL EFFECTS.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (c) of section 603 of title 5, United States Code, is amended by striking the first sentence and inserting ''Each initial regulatory flexibility analysis shall also contain a detailed description of alternatives to the proposed rule which minimize any adverse significant economic impact or maximize any beneficial significant economic impact on small entities.''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604(a) of title 5, United States Code, is amended, in the first paragraph designated as paragraph (6), by striking ''minimize the significant economic impact'' and inserting ''minimize the adverse significant economic impact or maximize the beneficial significant economic impact''.

(d) INCLUSION OF RULES AFFECTING TRIBAL ORGANIZATIONS.—Paragraph (5) of section 601 of title 5, United States Code, is amended by striking ''or special districts'' and inserting ''special districts, or tribal organizations (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)))''.

(e) INCLUSION OF LAND MANAGEMENT PLANS AND FORMAL RULE MAKING.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 603 of title 5, United States Code, is amended in the first sentence—

(A) by striking ''or'' after ''proposed rule,''; and

(B) by inserting ''or publishes a revision or amendment to a land management plan,'' after ''United States,''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 604 of title 5, United States Code, is amended, in the first sentence—

(A) by striking ''or'' after ''proposed rulemaking,''; and

(B) by inserting ''or adopts a revision or amendment to a land management plan,'' after ''section 603(a),''.

(3) LAND MANAGEMENT PLAN DEFINED.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(10) LAND MANAGEMENT PLAN.—

''(A) IN GENERAL.—The term 'land management plan' means—

''(i) any plan developed by the Secretary of Agriculture under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and

''(ii) any plan developed by the Secretary of Interior under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

''(B) REVISION.—The term 'revision', when used with respect to a land management plan, means any change to a land management plan which—

''(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(5) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)); or

''(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5–6 of title 43, Code of Federal Regulations (or any successor regulation).

''(C) AMENDMENT.—The term 'amendment', when used with respect to a land management plan, means any change to a land management plan which—

''(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) and with respect to which the Secretary of Agriculture prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); or

''(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5–5 of title 43, Code of Federal Regulations (or any successor regulation) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).''.

(f) INCLUSION OF CERTAIN INTERPRETIVE RULES INVOLVING THE INTERNAL REVENUE LAWS.—

(1) IN GENERAL.—Subsection (a) of section 603 of title 5, United States Code, is amended by striking the period at the end and inserting ''or a recordkeeping requirement, and without regard to whether such requirement is imposed by statute or regulation.''.

(2) COLLECTION OF INFORMATION.—Paragraph (7) of section 601 of title 5, United States Code, is amended to read as follows:

''(7) COLLECTION OF INFORMATION.—The term 'collection of information' has the meaning given such term in section 3502(3) of title 44.''.

(3) RECORDKEEPING REQUIREMENT.—Paragraph (8) of section 601 of title 5, United States Code, is amended to read as follows:

''(8) RECORDKEEPING REQUIREMENT.—The term 'recordkeeping requirement' has the meaning given such term in section 3502(13) of title 44.''.

(g) DEFINITION OF SMALL ORGANIZATION.—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows:

''(4) SMALL ORGANIZATION.—

''(A) IN GENERAL.—The term 'small organization' means any not-for-profit enterprise that, as of the issuance of the notice of proposed rulemaking—

''(i) in the case of an enterprise which is described by a classification code of the North American Industrial Classification System, does not exceed the size standard established by the Administrator of the Small Business Administration pursuant to section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code; and

''(ii) in the case of any other enterprise, has a net worth that does not exceed $7,000,000 and has not more than 500 employees.

''(B) LOCAL LABOR ORGANIZATIONS.—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.

''(C) AGENCY DEFINITIONS.—Subparagraphs (A) and (B) shall not apply to the extent that an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions for such term which are appropriate to the activities of the agency and publishes such definitions in the Federal Register.''.

SEC. 3. EXPANSION OF REPORT OF REGULATORY AGENDA.

Section 602 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking '', and'' at the end and inserting a semicolon;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) a brief description of the sector of the North American Industrial Classification System that is primarily affected by any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities; and''; and

(2) in subsection (c), to read as follows:

''(c) Not later than 3 days after the date on which an agency publishes a regulatory flexibility agenda in the Federal Register under subsection (a), the agency shall prominently display a plain language summary of the information contained in the regulatory flexibility agenda on the website of the agency. The Office of Advocacy of the Small Business Administration shall compile and prominently display plain language summaries of each regulatory flexibility agenda published under subsection (a) on the website of the Office of Advocacy, not later than 3 days after the date on which the agency publishes the regulatory flexibility agenda the Federal Register.''.

SEC. 4. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided;

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available; and

''(7) describing any disproportionate economic impact on small entities or a specific class of small entities.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking ''an explanation'' and inserting ''a detailed explanation'';

(B) in each of paragraphs (4), (5), and the first paragraph designated as paragraph (6), by inserting ''detailed'' before ''description''; and

(C) by adding at the end the following:

''(7) a description any disproportionate economic impact on small entities or a specific class of small entities.''.

(2) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Paragraph (2) of section 604(a) of title 5, United States Code, is amended by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis''.

(3) PUBLICATION OF ANALYSIS ON WEBSITE.—Subsection (b) of section 604 of title 5, United States Code, is amended to read as follows:

''(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including by making the entire analysis available on the website of the

agency, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof which includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Subsection (a) of section 605 of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis which is required by any other law and which satisfies such requirement.''.

(d) CERTIFICATIONS.—Subsection (b) of section 605 of title 5, United States Code, is amended, in the second sentence, by striking ''statement providing the factual'' and inserting ''detailed statement providing the factual and legal''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.''.

SEC. 5. REPEAL OF WAIVER AND DELAY AUTHORITY; ADDITIONAL POWERS OF THE CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Section 608 of title 5, United States Code, is amended to read as follows:

''§ 608. Additional powers of Chief Counsel for Advocacy

''(a)(1) Not later than 270 days after the date of the enactment of the Regulatory Flexibility Improvements Act of 2011, the Chief Counsel for Advocacy of the Small Business Administration shall, after opportunity for notice and comment under section 553, issue rules governing agency compliance with this chapter. The Chief Counsel may modify or amend such rules after notice and comment under section 553. This chapter (other than this subsection) shall not apply with respect to the issuance, modification, or amendment of rules under this paragraph.

''(2) An agency shall not issue rules which supplement the rules issued under subsection (a) unless such agency has first consulted with the Chief Counsel for Advocacy of the Small Business Administration to ensure that such supplemental rules comply with this chapter and the rules issued under paragraph (1).

''(b) Notwithstanding any other provision of law, the Chief Counsel for Advocacy of the Small Business Administration may intervene in any agency adjudication (unless such agency is authorized to impose a fine or penalty under such adjudication), and may inform the agency of the impact that any decision on the record may have on small entities. The Chief Counsel shall not initiate an appeal with respect to any adjudication in which the Chief Counsel intervenes under this subsection.

''(c) The Chief Counsel for Advocacy of the Small Business Administration may file comments in response to any agency notice requesting comment, regardless of whether the agency is required to file a general notice of proposed rulemaking under section 553.''.

(b) CONFORMING AMENDMENTS.—Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''608(b),'';

(2) in paragraph (2), by striking ''608(b),''; and

(3) in paragraph (3)—

(A) by striking subparagraph (B); and

(B) by striking ''(3)(A) A small entity'' and inserting the following:

''(3) A small entity''.

SEC. 6. PROCEDURES FOR GATHERING COMMENTS.

Section 609 of title 5, United States Code, is amended by striking subsection (b) and all that follows through the end of the section and inserting the following:

''(b)(1) Prior to publication of any proposed rule described in subsection (e), the agency making such rule shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel for Advocacy with—

''(A) all materials prepared or utilized by the agency in making the proposed rule, including the draft of the proposed rule, except as provided in paragraph (2); and

''(B) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities and the type of small entities that might be affected.

''(2) An agency may provide a summary of any draft if the rule—

''(A) relates to the internal revenue laws of the United States; or

''(B) is proposed by an independent regulatory agency (as defined in section 3502(5) of title 44).

''(c) Not later than 15 days after the receipt of materials and information under subsection (b), the Chief Counsel for Advocacy of the Small Business Administration shall—

''(1) identify small entities or representatives of small entities or a combination of both for the purpose of obtaining advice, input, and recommendations from those persons about the potential economic impacts of the proposed rule and the compliance of the agency with section 603; and

''(2) convene a review panel consisting of an employee from the Office of Advocacy of the Small Business Administration, an employee from the agency making the rule, and in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), an employee from the Office of Information and Regulatory Affairs of the Office of Management and Budget to review the materials and information provided to the Chief Counsel for Advocacy of the Small Business Administration under subsection (b).

''(d)(1) Not later than 60 days after the review panel described in subsection (c)(2) is convened, the Chief Counsel for Advocacy of the Small Business Administration shall, after consultation with the members of such panel, submit a report to the agency and, in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), the Office of Information and Regulatory Affairs of the Office of Management and Budget.

''(2) Such report shall include an assessment of the economic impact of the proposed rule on small entities, including an assessment of the proposed rule's impact on the cost that small entities pay for energy, and a discussion of any alternatives that will minimize adverse significant economic impacts or maximize beneficial significant economic impacts on small entities.

''(3) Such report shall become part of the rulemaking record. In the publication of the proposed rule, the agency shall explain what actions, if any, the agency took in response to such report.

''(e) A proposed rule is described by this subsection if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, the head of the agency (or the delegatee of the head of the agency), or an independent regulatory agency determines that the proposed rule is likely to result in—

''(1) an annual effect on the economy of $100,000,000 or more;

''(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, tribal organizations, or geographic regions;

''(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

''(4) a significant economic impact on a substantial number of small entities.

''(f) Upon application by the agency, the Chief Counsel for Advocacy of the Small Business Administration may waive the requirements of subsections (b) through (e) if the Chief Counsel for Advocacy of the Small Business Administration determines that compliance with the requirements of such subsections are impracticable, unnecessary, or contrary to the public interest.''.

SEC. 7. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a) Not later than 180 days after the enactment of the Regulatory Flexibility Improvements Act of 2011, each agency shall publish in the Federal Register and make available on the website of the agency a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any adverse significant economic impacts or maximize any beneficial significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently making the amended plan available on the website of the agency.

''(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the date of enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration and the Congress.

''(c) The plan shall include a section that details how an agency will conduct outreach to and meaningfully include small entities for the purposes of carrying out this section. The agency shall include in this section a plan for how the agency will contact small

entities and gather their input on existing agency rules.

''(d) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress, the Chief Counsel for Advocacy of the Small Business Administration, and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (e) and a detailed explanation of the reasons for such determination.

''(e) In reviewing a rule pursuant to subsections (a) through (d), the agency shall amend or rescind the rule to minimize any adverse significant economic impact on a substantial number of small entities or disproportionate economic impact on a specific class of small entities, or maximize any beneficial significant economic impact of the rule on a substantial number of small entities to the greatest extent possible, consistent with the stated objectives of applicable statutes. In amending or rescinding the rule, the agency shall consider the following factors:

''(1) The continued need for the rule.

''(2) The nature of complaints received by the agency from small entities concerning the rule.

''(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration.

''(4) The complexity of the rule.

''(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State, territorial, and local rules.

''(6) The contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (d).

''(7) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

''(f) The agency shall publish in the Federal Register and on the website of the agency a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that the rule has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.''.

SEC. 8. JUDICIAL REVIEW OF COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATORY FLEXIBILITY ACT AVAILABLE AFTER PUBLICATION OF THE FINAL RULE.

(a) IN GENERAL.—Paragraph (1) of section 611(a) of title 5, United States Code, is amended by striking ''final agency action'' and inserting ''such rule''.

(b) JURISDICTION.—Paragraph (2) of section 611(a) of title 5, United States Code, is amended by inserting ''(or which would have such jurisdiction if publication of the final rule constituted final agency action)'' after ''provision of law,''.

(c) TIME FOR BRINGING ACTION.—Paragraph (3) of section 611(a) of title 5, United States Code, is amended—

(1) by striking ''final agency action'' and inserting ''publication of the final rule''; and

(2) by inserting '', in the case of a rule for which the date of final agency action is the same date as the publication of the final rule,'' after ''except that''.

(d) INTERVENTION BY CHIEF COUNSEL FOR ADVOCACY.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting before the first period ''or agency compliance with section 601, 603, 604, 605(b), 609, or 610''.

SEC. 9. JURISDICTION OF COURT OF APPEALS OVER RULES IMPLEMENTING THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Section 2342 of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (7) the following new paragraph:

''(8) all final rules under section 608(a) of title 5.''.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 2341 of title 28, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

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

''(F) the Office of Advocacy of the Small Business Administration, when the final rule is under section 608(a) of title 5.''.

(c) AUTHORIZATION TO INTERVENE AND COMMENT ON AGENCY COMPLIANCE WITH ADMINISTRATIVE PROCEDURE.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting ''chapter 5, and chapter 7,'' after ''this chapter,''.

SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(1) the term'' and inserting the following:

''(1) AGENCY.—The term'';

(2) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(3) the term'' and inserting the following:

''(3) SMALL BUSINESS.—The term'';

(3) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(5) the term'' and inserting the following:

''(5) SMALL GOVERNMENTAL JURISDICTION.—The term''; and

(4) in paragraph (6)—

(A) by striking ''; and'' and inserting a period; and

(B) by striking ''(6) the term'' and inserting the following:

''(6) SMALL ENTITY.—The term''.

(b) SECTION 605.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

''§ 605. Incorporations by reference and certifications''.

(c) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following new item:

''605. Incorporations by reference and certifications.'';

(2) by striking the item relating to section 607 and inserting the following new item:

''607. Quantification requirements.''; and

(3) by striking the item relating to section 608 and inserting the following:

''608. Additional powers of Chief Counsel for Advocacy.''.

(d) OTHER AMENDMENTS.—Chapter 6 of title 5, United States Code, is amended—

(1) in section 603, by striking subsection (d); and

(2) in section 604(a) by striking the second paragraph designated as paragraph (6).

SEC. 11. AGENCY PREPARATION OF GUIDES.

Section 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended to read as follows:

''(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to distribute such guides. In developing guides, agencies shall solicit input from affected small entities or associations of affected small entities. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.''.

SEPTEMBER 21, 2011.

Re Business Letter on H.R. 527, the Regulatory Flexibility Improvements Act of 2011

MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: We are writing to express our support for H.R. 527, the Regulatory Flexibility Improvements Act of 2011, and to ask you to cosponsor this legislation, if you have not done so already. The legislation improves the regulatory process by strengthening agency analysis of a rule's impact on small businesses.

Small businesses are the backbone of our nation's economy, and their ability to operate efficiently and free of unnecessary regulatory burdens is critical for our country's economic recovery. Research from a 2010 study released by the Small Business Administration (SBA) Office of Advocacy illustrates that the small business community is disproportionately affected by burdensome federal regulations. This legislation addresses that small business challenge directly.

H.R. 527 gives the SBA Office of Advocacy additional authorities and requires the office to establish standards for conducting a ''regulatory flexibility analysis'' during the rulemaking process. It improves transparency and ensures that agencies thoughtfully consider the impact of regulations on small businesses.

The legislation would also improve the accuracy of benefit-cost analysis by requiring agencies to consider the indirect impact of regulations on small business.

Finally, the legislation's provisions on periodic review of rules are in line with President Obama's Executive Order 13563, which requires agencies to conduct a retrospective analysis of existing rules to identify and modify rules in need of reform.

The legislation strengthens the regulatory process and builds upon the intent of Congress when the Regulatory Flexibility Act was originally enacted in 1980.

Thank you for your support of small business and we urge you to cosponsor the Regulatory Flexibility Improvements Act of 2011, H.R. 527.

Sincerely,

Alabama Restaurant Association; American Architectural Manufacturers Association; American Beverage Association; American Coatings Association; American Composites Manufacturers Association; American Council of Engineering Companies; American Farm Bureau Federation; American Fiber Manufacturers Association; American Foundry Society; American Home Furnishings Alliance; American Hotel & Lodging Association; American Institute for International Steel; American Nursery and Landscape Association; American Sportfishing Association; American Trucking Associations; AR State Chamber of Commerce/Associated Industries of AR; Arizona Nursery Association; Arkansas Hospitality Association; Associated Builders & Contractors, Inc.; Associated General Contractors of America; Associated Industries of Massachusetts; Association For Hose and Accessories Distribution; Association of Washington Business Brick Industry Association; Business Council of Alabama; Business Council of New York State; California Manufacturers & Technology Association; California Restaurant Association; Carpet and Rug Institute; Colorado Association of Commerce & Industry; Colorado Restaurant Association; Connecticut Restaurant Association; Edison Electric Institute; European-American Business Council; Florida Restaurant & Lodging Association; Food Marketing Institute; Forging Industry Association; Georgia Restaurant Association; Golf Course Superintendents Association of America; Greeting Card Association; Hearth, Patio & Barbecue Association; Idaho Lodging & Restaurant Association; Idaho Retailers Association; Illinois Manufacturers' Association; Illinois Retail Merchants Association; Independent Electrical Contractors, Inc.; Independent Lubricant Manufacturers Association; Indiana Chamber of Commerce; Indiana Hotel & Lodging Association; Indiana Manufacturers Association; Industrial Fasteners Institute; Industrial Minerals Association—North America; Interlocking Concrete Pavement Institute; International Council of Shopping Centers; International Sign Association; Iowa Restaurant Association; IPC—Association Connecting Electronics Industries; Kansas Restaurant & Hospitality Association; Kentucky Restaurant Association; Kentucky Retail Federation; Kitchen Cabinet Manufacturers Association; Louisiana Association of Business and Industry; Louisiana Restaurant Association; Louisiana Retailers Association; Maine Merchants Association; Maine Restaurant Association; Manufacturers Association of Florida; Maryland Retailers Association; Maryland Retailers Association; Massachusetts Restaurant Association; Michigan Restaurant Association; Minnesota Restaurant Association; Minnesota Retailers Association; Mississippi Hospitality and Restaurant Association; Missouri Association of Manufacturers; Montana Chamber of Commerce; Montana Restaurant Association; Montana Retail Association; Motor and Equipment Manufacturers Association; National Association for the Self-Employed; National Association of Convenience Stores; National Association of Home Builders; National Association of Manufacturers; National Association of REALTORS; National Association of the Remodeling Industry; National Automatic Merchandising Association; National Black Chamber of Commerce; National Club Association; National Community Pharmacists Association; National Council of Chain Restaurants; National Federation of Independent Business; National Grocers Association; National Lumber and Building Material Dealers Association; National Marine Manufacturers Association; National On-site Testing Associates; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National Shooting Sports Foundation; Nebraska Chamber of Commerce & Industry; Nevada Manufacturers Association; Nevada Restaurant Association; New Mexico Restaurant Association; Non-Ferrous Founders' Society; North American Association of Food Equipment Manufacturers; North American Die Casting Association; North Dakota Hospitality Association; Northeast Pennsylvania Manufacturers and Employers Association; NPES The Association for Suppliers of Printing, Publishing and Converting Technologies; Ohio Restaurant Association; Oklahoma Restaurant Association; Oregon Restaurant and Lodging Association; Pennsylvania Manufacturers' Association; Pennsylvania Restaurant Association; Pennsylvania Retailers Association; Plumbing-Heating-Cooling Contractors—National Association; Precision Machined Products Association; Printing Industries of America; Puerto Rico Manufacturers Association; Resilient Floor Covering Institute; Restaurant Association of Maryland; Retailers Association of Massachusetts; Rhode Island Hospitality Association; Security Industry Association; Small Business & Entrepreneurship Council; Snack Food Association; Society of American Florists; Society of Chemical Manufacturers and Affiliates; Society of Glass & Ceramic Decorators Products; South Carolina Hospitality Association; South Dakota Retailers Association; Southeastern Lumber Manufacturers Association; Specialty Equipment Market Association; SPI: The Plastics Industry Trade Association; Tennessee Hospitality Association; Texas Association of Business; Texas Restaurant Association; Textile Care Allied Trades Association; The Greater El Paso Chamber of Commerce; Treated Wood Council; Tree Care Industry Association; U.S. Chamber of Commerce; U.S. Travel Association; Utah Food Industry Association; Utah Manufacturers Association; Utah Restaurant Association; Utah Retail Merchants Association; Ventura County Agricultural Association; Virginia Hospitality & Travel Association; Washington Restaurant Association; Washington Retail Association; West Virginia Manufacturers Association; Window & Door Manufacturers Association; Wisconsin Manufacturers & Commerce; Wisconsin Restaurant Association; Wood Machinery Manufacturers of America; Wyoming Lodging and Restaurant Association.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 342—HONORING THE LIFE AND LEGACY OF LAURA POLLÁN

Mr. RUBIO submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 342

Whereas Laura Pollán founded the Ladies in White (Damas de Blanco) movement to protest the mass arrest of peaceful dissidents in Cuba;

Whereas the Ladies in White is composed of wives and female relatives of imprisoned political prisoners, prisoners of conscience, and peaceful dissidents in Cuba;

Whereas every Sunday, Laura Pollán led the Ladies in White on peaceful marches to attend Mass;

Whereas Laura Pollán was often subjected to physical and verbal assaults during her weekly peaceful marches;

Wheras Laura Pollán brought international attention to the human- and civil-rights abuses in Cuba; and

Whereas Laura Pollán passed away on October 14, 2011: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors Laura Pollán for her peaceful struggle to bring human rights and democracy to Cuba;

(2) honors the bravery of Laura Pollán and her dedication to human and civil rights in Cuba;

(3) offers heartfelt condolences to the family, friends, and loved ones of Laura Pollán; and

(4) expresses hope that in memory of Laura Pollán, peaceful dissidents in Cuba will no longer be incarcerated or subjected to human-rights abuses.

SENATE CONCURRENT RESOLUTION 33—REORGANIZING THE NEED TO IMPROVE PHYSICAL ACCESS TO MANY FEDERALLY FUNDED FACILITIES FOR ALL PEOPLE OF THE UNITED STATES, PARTICULARLY PEOPLE WITH DISABILITIES

Mr. BLUMENTHAL submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON RES. 33

Whereas in 2009, 12 percent of all people in the United States reported having some disability;

Whereas in 2008, 16.9 percent of veterans, amounting to more than 13,000,000 people, reported having a service-related disability to the Department of Veterans Affairs;

Whereas according to the Current Population Survey of the Bureau of the Census, the number of people in the United States that report having a disability is at a 20-year high;

Whereas the Act entitled ''An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped'', approved August 12, 1968 (42 U.S.C. 4151 et seq.), referred to in this preamble as the ''Architectural Barriers Act of 1968'', was enacted to ensure that certain federally funded facilities are designed and constructed to be accessible to people with disabilities and requires that physically handicapped persons have ready access to, and use of, post offices and other Federal facilities;

Whereas automatic doors, though not mandated by either the Architectural Barriers Act of 1968 or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), provide a greater degree of self-sufficiency and dignity for people with disabilities, and the elderly, who may have limited strength to open a manual door;

Whereas a report commissioned by the Architectural and Transportation Barriers Compliance Board (referred to in this preamble as the ''Access Board''), an independent Federal agency created to ensure access to federally funded facilities for people with disabilities, recommends that all new buildings used by the public should have at least 1 automated door at an accessible entrance, except for small buildings where adding such a door may be a financial hardship for the building owners;

Whereas States and municipalities have begun to recognize the importance of automatic doors in improving accessibility;

Whereas the laws of the State of Connecticut require automatic doors in certain shopping malls and retail businesses, the laws of the State of Delaware require an automatic door or calling device for newly constructed places of accommodation, and the laws of the District of Columbia have a similar requirement;

Whereas the Facilities Standards for the Public Buildings Service published by the General Services Administration requires automation of at least 1 exterior door for all newly constructed or renovated facilities managed by the General Services Administration, including post offices;

Whereas from 2006 to 2011, 71 percent of the complaints received by the Access Board regarding the Architectural Barriers Act of 1968 concerned a post office or other facility of the United States Postal Service;

Whereas the United States Postal Service employs approximately 596,000 people, making it the second-largest civilian employer in the United States;

Whereas approximately 7,000,000 people per day visit 1 of the more than 36,400 post offices in the United States; and

Whereas the United States was founded on principles of equality and freedom, and these principles require that all people, even those people with disabilities, are able to engage as equal members of society: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the immense hardships that people with disabilities in the United States must overcome every day;

(2) reaffirms its support of the Act entitled ''An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped'', approved August 12, 1968 (42 U.S.C. 4151 et seq.), commonly known as the ''Architectural Barriers Act of 1968'' and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and encourages full compliance with such Acts;

(3) recommends that the United States Postal Service and Federal agencies install power-assisted doors at post offices and other federally funded facilities, as applicable, to ensure equal access for all people of the United States; and

(4) pledges to continue to work to identify and remove the barriers that prevent all people of the United States from having equal access to the services provided by the Federal Government.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1455. Mr. BROWN, of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1456. Mrs. FEINSTEIN (for herself, Mr. LEVIN, and Mr. DURBIN) proposed an amendment 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.

SA 1457. Mr. GRAHAM 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 1455. Mr. BROWN of Ohio 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:

On page 47, line 13, strike ''$237,623,000'' and insert ''$227,247,000''.

On page 66, line 13, strike ''$58,024,000'' and insert ''$68,400,000''.

SA 1456. Mrs. FEINSTEIN (for herself, Mr. LEVIN and Mr. DURBIN) proposed an amendment 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; as follows:

On p. 360, between lines 21 and 22, insert the following:

(e) Nothing in this section shall be construed to affect existing law or authorities, relating to the detention of United States citizens, lawful resident aliens of the United States or any other persons who are captured or arrested in the United States.

SA 1457. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ___. ONE-YEAR EXTENSION OF SCHEDULE FOR DISPOSITION OF WEAPONS-USABLE PLUTONIUM AT SAVANNAH RIVER SITE.

Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''2012'' each place it appears and inserting ''2013''; and

(ii) in subparagraph (B), by striking ''2019'' and inserting ''2020''; and

(B) in paragraph (3)—

(i) in subparagraph (C), by striking ''2012'' and inserting ''2013''; and

(ii) in subparagraph (D), by striking ''2017'' and inserting ''2018'';

(2) in subsection (b), by striking ''2012'' each place it appears and inserting ''2013'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''2012'' and inserting ''2013'';

(B) in paragraph (1), by striking ''2014'' and inserting ''2015''; and

(C) in paragraph (2), by striking ''2020'' each place it appears and inserting ''2021'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''2014'' and inserting ''2015''; and

(ii) by striking ''2019'' and inserting ''2020''; and

(B) in paragraph (2)(A), by striking ''2020'' each place it appears and inserting ''2021''; and

(5) in subsection (e), by striking ''2023'' and inserting ''2024''.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, December 8, 2011, at 9:45 a.m. in SD–106 to conduct a hearing entitled ''Tales from the Unemployment Line: Barriers Facing the Long-Term Unemployed.''

For further information regarding this hearing, please contact the committee staff on (202) 224–5441.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Thursday, December 8, 2011, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the nomination of Arunava Majumdar, to be Under Secretary of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to allison__seyferth @energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Allison Seyferth at (202) 224–4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 1, 2011 at 10 a.m. in SD–106.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on December 1, 2011, at 10 a.m., to conduct a hearing entitled ''Spurring Job Growth Through Capital Formation While Protecting Investors.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 1, 2011, at 10 a.m.,

to held a hearing entitled, ''U.S. Strategic Objectives Towards Iran.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 1, 2011, at 2:30 p.m. to conduct a hearing entitled ''Insider Trading and Congressional Accountability.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on December 1, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled ''Deficit Reduction and Job Creation: Regulatory Reform in Indian Country.''

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 1, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES AND INTERNATIONAL SECURITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on December, 1, 2011, at 10:30 a.m. to conduct a hearing entitled, ''The financial and Societal Costs of Medicating America's Foster Children.''

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Tiffany Griffin, a fellow in Senator BINGAMAN's office, be granted the privilege of the floor during today's session of the Senate.

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

Mr. REID. Mr. President, I ask unanimous consent that Roger Yang, a member of the staff of Senator MERKLEY, be granted the privilege of the floor today.

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

NATIONAL GUARD AND RESERVISTS DEBT RELIEF EXTENSION ACT OF 2011

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2192, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2192) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, in 2008, I was proud to join Senator DURBIN in support of the National Guard and Reservists Debt Relief Act, which President Bush signed into law. This last week I have been able to arrange on behalf of the Senate Judiciary Committee for expedited action on the bill's extension, and that the Senate is passing unanimously. I commend Chairman LAMAR SMITH and the House Judiciary Committee for moving this legislation, and Representative COHEN, the bill's author, for his leadership and attention to the issue. Without this measure, the authority we provided to help our Guard and Reserve families would expire. By taking this action we preserve the assistance this authority provides.

It is a privilege to work on behalf of the men and women who serve in the Vermont National Guard. They have and continue to make all Vermonters proud. I cannot say enough about the men and women who serve in the National Guard and Reserve. They and their families deserve the full support of Congress for the sacrifices they make. Especially now, where multiple conflicts have demanded even more of them, when so many have been called into active service, we need to keep them foremost in our thoughts.

Extending the protections of the National Guard and Reservists Debt Relief Act for another 4 years is the right thing to do. The bill the Senate passes today will exempt qualifying members of the Guard and Reserve from the harsh means test imposed in our bankruptcy laws a few years ago. As a result of Congress's enactment of a 2005 bankruptcy measure, passed at the behest of large banks and credit card companies, Americans who must make the difficult decision to seek the protection of the bankruptcy court now face onerous requirements to demonstrate that they are experiencing sufficient hardship to enter chapter 7 bankruptcy. Under the National Guard and Reservists Debt Relief Extension Act, qualifying members of the Guard and Reserve will be protected against the burden of this requirement for another 4 years.

In my view, no American, particularly in times of such economic hardship, should have this burdensome requirement of the so-called means test imposed upon them. The bankruptcy system was established to protect Americans and give them a fresh start. The 2005 enactment turned the law on its head. I opposed this provision in the Senate in 2005, and continue to have serious misgivings about a policy that presumes that Americans facing extreme financial hardships are abusing the bankruptcy process.

Passage of the National Guard and Reservists Debt Relief Extension Act is a step forward toward correcting our current policy.

I also note that passage of this legislation is another example of the good cooperation that exists between the Senate and House Judiciary Committees operating across the aisle and across the Capitol. Last night, the Senate passed H.R. 394, the Federal Courts Jurisdiction and Venue Clarification Act, a bill sponsored by Chairman SMITH to bring clarity to the operation of Federal jurisdictional and venue statutes, thereby helping to reduce wasteful litigation over these issues. This bipartisan bill was cosponsored in the House by Representatives by HOWARD COBLE, ranking member JOHN CONYERS, Jr., and HANK JOHNSON of Georgia. Companion legislation was introduced in the Senate by Senator KLOBUCHAR, who chairs the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, and was cosponsored by Senator SESSIONS, the ranking member on the subcommittee.

These two bills are just the most recent examples of legislation I have worked with Chairman SMITH to enact. Of course, we worked together to enact the Leahy-Smith America Invents Act to revitalize our patent laws. We worked together on authorizing the extension of the term of FBI Director Mueller, which required a statutory exception, and on reauthorizing the USA PATRIOT Act.

Other examples include H.R. 368, Representative HANK JOHNSON's bill to clarify removal provisions for matters filed in State courts against Federal agencies and officers; H.R. 398, Representative LOFGREN's bill to toll certain time periods for those in active service to our country; S.1637, Senator KLOBUCHAR's bill to clarify how time is calculated under the Federal Rules; and H.R. 2944, Chairman SMITH's bill to extend the authority of the U.S. Parole Commission.

In addition to these nine measures, we are continuing to work on a number of additional bills, including: S. 1639, Senator TESTER's bill to amend the American Legion charter; and S. 1541, Senator BENNET's bill to revise the Blue Star Mothers' charter.

I look forward to our continued collaborative relationship. Our successful efforts across the aisle and across the Capitol show that the partisan gridlock

that has become all too prevalent these days does not govern everywhere.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 2192) was ordered to a third reading, was read the third time, and passed.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MERKLEY. Mr. President, I ask unanimous consent that on Monday, December 5, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations: Calendar items Nos. 363, 364, 365, and 406, under the previous order.

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

ORDERS FOR MONDAY, DECEMBER 5, 2011

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, December 5, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, 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 4:30 p.m. with Senators permitted to speak therein for up to 10 minutes each; and that following morning business, the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. MERKLEY. Mr. President, the next rollcall vote will be Monday at 5:30 p.m. on confirmation of one of the judicial nominations. We expect the remaining three judges to be confirmed by consent.

As a reminder, cloture was filed on the nomination of Caitlin Joan Halligan, to be U.S. Circuit Judge for the District of Columbia. That cloture vote will occur at noon on Tuesday.

ADJOURNMENT UNTIL MONDAY, DECEMBER 5, 2011, AT 2 P.M.

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:52 p.m., adjourned until Monday, December 5, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARILYN B. TAVENNER, OF VIRGINIA, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE DONALD M. BERWICK, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RICHARD M. SCOTT

WITHDRAWAL

Executive message transmitted by the President to the Senate on December 1, 2011 withdrawing from further Senate consideration the following nomination:

DONALD M. BERWICK, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE MARK B. MCCLELLAN, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

EXTENSIONS OF REMARKS

OAKHURST PRESBYTERIAN CHURCH

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Oakhurst Presbyterian Church has been and continues to be a beacon of light to our county for the past ninety years; and

Whereas, Pastors Gibson "Nibs" Stroupe and Pastor Caroline Leach and the members of the and Oakhurst Presbyterian Church family today continues to uplift and inspire those in our county;

Whereas, the Oakhurst Presbyterian Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our District; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the ninety (90) years by preaching the gospel and living the gospel; and

Whereas, Oakhurst has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with DeKalb County and the world their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Oakhurst Presbyterian Church family on their 90th Anniversary and for their leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim September 25, 2011 as Oakhurst Presbyterian Church Day in the 4th Congressional District.

Proclaimed, this 25th day of September, 2011.

WORKFORCE DEMOCRACY AND FAIRNESS ACT

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

The House in Committee of the Whole House on the state of the Union 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.

Mr. HOLT. Mr. Chair, I rise in strong opposition to the Election Prevention Act, H.R. 3094. As a member of the House Committee on Education and Workforce, I voted against this fundamentally flawed bill when we considered it and I will oppose it again today.

The majority deceptively named this bill the Workplace Democracy and Fairness Act, which should tell us all that this bill has nothing to do with workplace democracy or fairness. If they wanted to deal with those issues they would bring to the floor the Employee Free Choice Act, which I have long been a cosponsor of.

Today again the Majority is showing the American public that the Majority don't think we have a jobs crisis in America, and that getting Americans back to work is not their top priority.

Getting the American economy back on track and helping to create jobs is my first, second and third priority. Unlike the Majority, I remain committed to creating jobs immediately and expanding educational opportunity for all Americans. Unfortunately, my amendment to help keep almost 400,000 teachers in the classroom was rejected on procedural grounds.

Rather than bringing to the floor legislation to help create jobs, we are wasting the time of this House attempting to undermine workers rights.

The Election Prevention Act continues an assault on the National Labor Relations Board (NLRB) and the work it does to uphold the rights of workers across our county. This bill will NOT help create a single job. Rather, the bill would allow employers to delay union organizing elections in the hopes of discouraging workers from organizing, encourage frivolous litigation and manipulate the procedures of union elections.

The NLRB has proposed real changes to restore fairness to the union election process and reduce unnecessary delays. For example the proposed rules would allow the electronic filing of petitions, ensure that all parties receive timely information about pending matters, and allow for the consolidation of all appeals into a single post-election appeals process. These are sensible changes. Yet, the Election Prevention Act would override these proposed rules, and make arbitrary delays commonplace.

This bill is one more solution in search of a problem. The problem is jobs; the solution is Congress taking bold steps to get Americans back to work. At a town hall I recently held, no one asked me about the NLRB, they asked me about jobs and economic growth.

We should be mindful of why Congress approved the National Labor Relations Act (NLRA) and established the NLRB in 1935. Senator Robert Wagner who wrote the NLRA reminded his colleagues that in 1935 "in the highest income bracket, one-tenth of 1 percent of the families in the United States were earning as much as the 42 percent at the bottom." Today's economic conditions are remarkably similar.

Yet, instead of helping workers organize and bargain collectively to help raise wages, improve workplace safety and ensure a comfortable retirement, the Election Prevention Act ignores the economic crisis facing American workers and makes the American Dream even harder to achieve.

A TRIBUTE TO CRAIG SAMUEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Mr. Craig Samuel for his culinary expertise that has infused Brooklyn with tastes from all over the world while celebrating the roots of New York culture.

Born and raised in Bedford Stuyvesant, Brooklyn, Mr. Samuel developed a strong talent in visual art, and ultimately attended New York City's Art and Design High School. While in high school, his artist's eye was evidenced at home, as he created culinary dishes that were not only delicious, but also beautiful to look at. Mr. Samuel developed a love for the art of cooking at a very early age.

After High School, Mr. Samuel attended Temple University, where he followed his father's wishes and majored in business and economics. Early in his college career, Mr. Samuel's father passed away. After that life-altering event, he soon found himself at the Philadelphia Restaurant School. Never lacking in courage, Mr. Samuel decided that he would approach the chef/owner of the most revered restaurant in Philadelphia, which was also one of the most important restaurants in the world of haute cuisine, Le Bec Fin.

His time spent at Le Bec Fin reinforced that Craig had the talent, stamina, and discipline to compete in the culinary world. After graduating at the top of his class in culinary school and completing his internship, he headed back to New York and ultimately became the executive chef at both The Cub Room and City Hall Restaurants. During this time Mr. Samuel left the U.S. to cook in Spain and in France and do a food tour of Italy. After coming back to the U.S. he decided it was time to open up a venture of his own.

In 2005, while still executive chef at City Hall Restaurant, Mr. Samuel and his good friend and sous chef, Ben Grossman teamed up to go into the barbecue business in Brooklyn. They opened The Smoke Joint in Fort Greene in 2006. Since that time, Mr. Samuel has opened Peaches Restaurant and Peaches HotHouse and has had numerous favorable reviews in Time Out, The New York Times, New York Magazine, New York Press, the Village Voice and many others. The Smoke Joint has the unmatched honor of being the only Brooklyn based barbecue restaurant featured in the world renowned Michelin Guide.

Mr. Samuel is happily married to Laura. They have two children, Tiara, who is currently a junior attending The Fashion Institute of Technology, and Alana who is in her sophomore year at The Saint Paul's School in Concord, NH.

Mr. Speaker, I would like to recognize Mr. Craig Samuel for his exceptional foresight in the culinary business that has provided Brooklyn with tastes from around the country.

SOUTHEASTERN FEDERAL REGIONAL DIRECTORS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, the Southeastern Region of the United States has many citizens that work to make our Region a worthy instrument for good; and

Whereas, President Barack Obama appointed five outstanding individuals to serve as directors of the Southeastern agencies, Cassius Butts, Small Business Administration, Gwendolyn Keyes-Fleming, Environmental Protection Agency, Edward Jennings, Department of Housing and Urban Development, Paulette Norvel Lewis, U.S. Department of Labor and Carlis V. Williams, Department of Health and Human Services, each individual being charged to bring community service, honor and excellence in government; and

Whereas, the Southeastern Regional Directors are promoting and providing the concept of One Community-One Goal by working with and for individuals in all walks of life to make our Region a place where the needs of the people are met; and

Whereas, these directors give of themselves tirelessly and unconditionally to serve our community and our nation by providing leadership and service; and

Whereas, the lives of many in our district are touched by the leadership and service given by these directors; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Cassius Butts, Gwendolyn Keyes-Fleming, Edward Jennings, Paulette Norvel Lewis and Carlis V. Williams for their outstanding service to America;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim October 27, 2011 as Southeastern Federal Regional Directors Day In the 4th Congressional District of Georgia.

Proclaimed, this 27th day of October, 2011.

HONORING RICHARD ''RICK'' ROBINSON

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Richard (Rick) Robinson, Stanislaus County Chief Executive Officer, and to thank him for his leadership and dedication to the citizens of Stanislaus County.

Richard (Rick) Robinson was appointed Stanislaus County Chief Executive Officer in September, 2004. Prior to his appointment in Stanislaus County, he had, since 1991, held the position of Chief Administrator with Tehama County. Rick started his local government career in 1981 in the Tehama County Auditor-Controller's Office as an Accountant. In 1986, he was elected Auditor-Controller and ran unopposed for a second four-year term in 1990.

Mr. Robinson currently serves on several local Committees, including the Community Hospice Board of Directors, the Governing Board of Doctors Medical Center, Stanislaus Workforce Alliance Board of Directors, and the Valley First Credit Union Supervisory Committee.

Rick was recently honored by the Stanislaus County Equal Rights Commission as a recipient of the 2011 Annual Dale Butler Equal Rights Award for exemplary service in equal employment opportunity matters and leadership in promoting equal rights.

Faced with severe financial challenges during the current economic crisis, Mr. Robinson led an effort to develop a multi-year framework around which the County Budget functions—a strategy which enables the County to address both current and future year budget shortfalls in a systematic and proactive manner.

During his career with Stanislaus County, Rick led many efforts aimed at strengthening the County Health Care safety net, including successful initiatives to attain the Federally Qualified Health Care Facility Designation in the County's Health Clinic system, a multi-year effort to retain the County Residency Program, and the sale and transition of the Stanislaus Behavioral Health Center to private ownership.

Mr. Robinson has also led efforts to create an Animal Services Joint Powers Agency, construct a state-of-the-art Animal Shelter, create the new Modesto Regional Fire Authority, securitize future tobacco settlement revenues in excess of $40 million and establish, with board approval, a capital facilities revolving loan fund to assist in financing future County construction projects, and coordinate the County's 2011 redistricting efforts.

Rick was an honors graduate of California State University, Chico, earning his degree in Business Administration with an emphasis in Accounting. He is a lifetime selection to Beta Gamma Sigma, a national scholastic honor society for business graduates.

As Chief Executive Officer with Stanislaus County, under the direction of the Board of Supervisors, Mr. Robinson oversees all aspects of Stanislaus County government, which includes 26 County departments, a $900 million operating budget and over 3600 employees.

Rick has been married to his wife Kathy for thirty-seven years. They have four children and eight grandchildren.

Mr. Speaker, please join me in honoring and commending Richard (Rick) Robinson, Stanislaus County Chief Executive Officer, for his numerous years of selfless service to the betterment of our community.

A TRIBUTE TO KESHA TOWNSEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Kesha Townsel for her devotion to the public education and youth in Brooklyn.

Ms. Townsel is the Assistant Principal of Public School 5. She has served in various positions since joining the staff of Public School 5 in September, 2000. Ms. Townsel was a third grade teacher for 5 years, Business Manager for 5 years, and is presently an assistant Principal. Ms. Townsel began her teaching career with a Bachelors of Science Degree in Speech Pathology and Audiology from Brooklyn College. She then served in residence as a Speech Therapist in an Early Intervention Center at Downstate Hospital.

Ms. Townsel was a member of the first cohort of the New York City Teaching Fellows. Through that program she earned her Master Degree in Elementary Education. Although being a classroom teacher, Ms. Townsel continued to provide speech and language therapy services to children in NYC' s Early Intervention Program. Ms. Townsel has served as Business Manager and Staff Developer since September 2005. During that time Ms. Townsel earned her advanced Masters Degree in School District Leadership through a compact with the UFT and Stony Brook University.

In her management role, Ms. Townsel has provided various services to the children of Public School 5. Ms. Townsel collaborated in providing programs such as; New York Cares, Scholastic Book Fairs, Learning Gardens, Club Getaway, Poly-tech University & New York University. Ms. Townsel's collaboration with Poly-Tech University and NYU has increased the experiences in the Math, Science, Engineering and Technology areas for students at Public School 5. This collaboration helped to form Public School 5's first LEGO Robotics Team. Ms. Townsel, in collaboration with the Poly-Tech fellow during the 2010–2011 school year; assisted the team in winning a First Place trophy for "Team Work" and helped them qualify for the NYC competition at the Jacobs Javitz Center.

Ms. Townsel continues to strive for excellence for the students of Public School 5. She provides speech therapy, volunteers on her housing development board, and sings with a local community choir, as well as assists with various educationally founded organizations such as the Caring Educators and the Adelaide Sanford Institute. She has also taught NYC–DOE Budgeting as a guest speaker for the past two semesters at Long Island University.

Mr. Speaker, I would like to recognize Ms. Townsel for her unwavering support to education and youth in Brooklyn.

UNJUST IMPRISONMENT OF ALAN GROSS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. RANGEL. Mr. Speaker, I rise today to express my sincere concern over the unjust imprisonment of Alan Gross by the Cuban government. A true humanitarian, Mr. Gross was sentenced in March to 15 years in prison for "acts to undermine the integrity and independence" of Cuba.

Before the sentencing earlier this year, Mr. Gross had already been imprisoned for two years without charge. He was in Cuba as part of a USAID contract to provide support to members of the Cuban Jewish community

when he was arrested. He was helping to improve their access to the internet and to build an intranet. Never did any of his actions pose a threat or danger to the Cuban government. Because of his unethical imprisonment, Mr. Gross, who is 62 years old, is declining in health and spirit and quick action must be taken.

Mr. Gross is an international development specialist and social worker. He has positively impacted the lives of people in over 50 countries, including the West Bank, Gaza, Iraq, Afghanistan, Africa, and Haiti. His work has always focused on helping people.

I join my constituents of the Jewish Community Relations Council of New York, Mr. Gross' wife Judy, their two daughters, and my Colleagues Senator BEN CARDIN and Congressman CHRIS VAN HOLLEN in calling for the speedy and unconditional release of Allan Gross.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. ROSS of Arkansas. Mr. Speaker, on Wednesday, November 30, 2011, I was not present for rollcall vote 869 on passage of H.R. 3094, the Workforce Democracy and Fairness Act.

Had I been present for rollcall 869, I would have voted "no."

A TRIBUTE TO THEOPHINE ABAKPORO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Theophine Abakporo for his dynamic approach to healthcare in my district of Brooklyn, New York.

Dr. Abakporo, M.D. is the Medical Director/Chairman, Emergency Services of Wyckoff Heights Medical Center and an Assistant Professor of Emergency Medicine in Clinical Medicine at Weill Cornell Medical College/New York Presbyterian Hospital. Dr. Abakporo has worked with Wyckoff for the last fourteen years, and has been instrumental in forging a relationship between the community and the hospital. He is also an Attending Physician in Emergency Medicine at Brookdale University Hospital & Medical Center. Dr. Abakporo is Board Certified in Internal Medicine, Emergency Medicine, and Disaster Medicine.

While pursuing his medical career Dr. Abakporo became deeply involved in the health care needs of inner-city communities in the United States. Dr. Abakporo worked hard and committed himself to participating in health outreach and other programs related to the well being of the Brooklyn communities such as Ocean Hill, Brownsville, East New York, BedStuy, Bushwick and Ridgewood communities. This strong willingness to help and care for people, contributed to his interest and focus in the field of Emergency Medicine and Pre-Hospital Care.

Dr. Abakporo is the recipient of a Congressional Award of the U.S. House of Representatives, and an award in Health Care Excellence in Community Service. He is a Healthcare Advisor to Congressman EDOLPHUS TOWNS, 10th Congressional District, New York. He was also appointed Chairman of the Health Advisory Council of the 10th Congressional District of New Jersey by Congressman DONALD PAYNE.

In response to the increasing need for disaster awareness and management, Dr. Abakporo has taken further training and certification. He is certified by the United States Department of Homeland Security in Healthcare Leadership and Administrative decision making in responses to weapons of mass destruction (WMD). He is certified by the United States Army in Chemical, Biological, Radiological, Nuclear, and Explosive incidents (CBRNE). In addition, he is certified by the Fire Department of New York (FDNY) in Online—Medical Control.

Dr. Abakporo is an accomplished, young and dynamic physician, with a distinguished track record of working successfully with healthcare professionals, government leaders and community groups to address health care issues. Mr. Speaker, I would like to recognize Dr. Theophine Abakporo for providing an intuitive approach to healthcare in his community and to our country.

RECOGNIZING LORETTA KING

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Ms. NORTON. Mr. Speaker, I rise today to ask my colleagues in the House of Representatives to join me in recognizing Loretta King, a champion for civil rights, a loving wife and mother, and a dedicated public servant.

Today, Loretta is celebrating her retirement most recently as the career Deputy Assistant Attorney General in the United States Department of Justice, Civil Rights Division. In total, Loretta has dedicated more than 32 years of her life in defense of our Nation and the public at large.

Loretta's career is one self-sacrifice and commitment to protecting the rights of all Americans, without regard to race, gender, or political affiliation.

As a career-track civil servant, Loretta epitomizes a Justice Department lawyer; Loretta did so without seeking the limelight, year after year, day in and day out, for all her career. Starting as a law clerk while completing her studies, Loretta literally rose up the ranks at the Justice Department to become the Acting Assistant Attorney General for Civil Rights, the government's chief civil rights advocate.

After graduating in 1990 from American University, Washington College of Law, Loretta was chosen by the Justice Department's Legal Honors Program. From 1980 to 1990, Loretta served as a line attorney in the Civil Rights Division's Employment Litigation Section, tasked with enforcing Title VII of the 1964 Civil Rights Act. In this post, Loretta led and settled the Justice Department's first sexual harassment case as well as its first paternity leave case. Over the next 20 years, Loretta worked in both the Justice Department's Civil and Civil Rights Divisions. In 1992, Loretta was tapped to serve as the Deputy Chief of the Civil Rights Division's Voting Section. In 1994, Loretta was elevated to her current role as the Civil Rights Division's Deputy Assistant Attorney General, where she has served continuously for 17 years, except during temporary assignments to other senior roles in the Division. Specifically, in 2009, Loretta served as her Division's Acting Assistant Attorney General, pending confirmation to that post of Thomas Perez. From August 2010 through June 2011, Loretta led the Civil Rights Division's Employment Litigation Section as its Acting Chief.

A civil rights legal pioneer, Loretta became one of the highest ranking women and persons of color to serve in the Justice Department, and the first African-American woman to hold the positions in the Civil Rights Division of Acting Assistant Attorney General and Deputy Assistant Attorney General.

As a Member of Congress representing Americans who know all too well the sting of injustice, I am here to salute Loretta's tireless work and long service upholding the civil and constitutional rights of all Americans. As Robert F. Kennedy once said, "few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total; of all those acts will be written the history of this generation." Loretta has done just that.

Again, I ask the House to celebrate Loretta as a servant to her family and country as well as defender of the civil rights of all people, including the residents of the Nation's capital.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing a floor vote on Wednesday, November 30, 2011. Had I registered my vote, I would have voted: "No" on rollcall No. 869, On Final Passage of H.R. 3094—the Workforce Democracy and Fairness Act.

HONORING CHICK–FIL–A

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, we need businesses to set up shop in our community to provide the goods and services that are needed in order for our citizens to survive and thrive on a day-to-day basis; and

Whereas, in 2001, Mr. Tony Royal opened the 1,000th Chick-fil-A restaurant at Turner Hill Road here in Lithonia, Georgia to service the citizens of DeKalb County, Georgia and nearby communities; and

Whereas, Mr. Royal is the owner and operator of the restaurant, he credits all of the success to his team: the sales, the community outreach, the community partnership, and the promotion of scholarships; and

Whereas, Mr. Royal and the Chick-fil-A team at Turner Hill continues to be a resource

for citizens in DeKalb County and beyond with excellent service, providing employment opportunities and providing a product that ''keeps America moving''—contributing to the local and national economy; and

Whereas, the U.S. Representative of the Fourth District of Georgia is officially honoring, recognizing and congratulating Mr. Tony Royal and Chick-fil-A at Turner Hill on their tenth (10th) anniversary as a business anchor in our District;

Now therefore, I, HENRY C. ''HANK'' JOHNSON, Jr. do hereby proclaim November 1st, 2011 as Chick-fil-A Day in the 4th Congressional District of Georgia.

Proclaimed, this 1st day of November, 2011.

HONORING ZELLA GHARAT

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DENHAM. Mr. Speaker, I rise today to recognize and honor Zella Gharat, who after 33 years as a member of the Stanislaus County Board of Education, has announced her plans to retire effective December 13, 2011.

A retired legal assistant, Gharat was first appointed to the County Board of Education on June 6, 1978. Throughout the years, she has worked with four county superintendents, including Neal Wade, John Allard, Martin Petersen and the current superintendent, Tom Changnon. She's seen many changes in education since 1978. ''Special education programs were fairly new when I started, and I've watched the Head Start program grow over the years,'' said Gharat. ''I was on the Board when we purchased our current Outdoor Education site and was there for our first county Academic Decathlon and our first Youth Entertainment Stage Company performance. I also remember the important vote to purchase SCOE's administration building at 1100 H Street,'' she said.

Stanislaus County Superintendent of Schools Tom Changnon praised Gharat for her invaluable contributions to the Board. ''Zella always has the best interest of students in mind,'' said Changnon. ''She is an advocate for children and a valuable member of the Board. We will miss her.''

''I've seen a lot of changes over the past 33 years, and I've also seen opportunities for students expand,'' said Gharat. ''From charter schools to specialized academies, there are a multitude of programs in place to ensure that every student can succeed,'' she said. ''I'm proud of all that we've accomplished over the years.''

Through its role of long-range policy development and other critical functions, the County Board works with the Stanislaus County Superintendent of Schools and staff to offer the most effective education programs and district support services. The County Board of Education has responsibility for approving the annual county office budget, adopting policies governing the operation of the Board, acting as the appeals board for student expulsions, acting as the appeals board for inter-district transfers, acting as the appeals board for Charter School petitions, establishing the County Superintendent's salary, and may serve as the landlord and owner of property.

The Board also encourages the involvement of families and communities and is a vehicle for citizen access to communication about SCOE's programs and services. Regular meetings of the Stanislaus County Board of Education are open to the public and are held on the second Tuesday of each month beginning at 8:30 a.m. Meetings are generally held at the Stanislaus County Office of Education, unless otherwise announced.

Mr. Speaker, please join me in thanking Zella Gharat for her 33 years of dedicated service as a member of the Stanislaus County Board of Education.

A TRIBUTE TO LCG COMMUNITY SERVICES, INC.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor the LCG Community Services, Inc. for its mission to provide client-centered services to low-income individuals with one or more special needs to constituents in my district of Brooklyn, New York.

LCG Community Services, Inc. (LCG) is a 501(c)(3) not-for-profit community based organization that began operations in 2006. LCG offers their services to individuals that have special needs, such as homelessness, mental illness, and developmental disabilities, the elderly, chronic illness, HIV/AIDS, substance abuse, and victims of domestic violence. LCG serves over 5,000 consumers per year from many different nationalities and ethnicities.

LCG recognizes that a home is the foundation necessary to begin addressing other critical individual needs. As such, LCG takes particular pride in their housing programs. LCG provides transitional and permanent housing in congregate and scatter-site settings. LCG, through its HAC division, also operates a group home for orphaned children in Haiti. The group home established in December 2010 is a place for adolescent orphan boys to grow up in a safe, supportive environment after the earthquake.

LCG believes that educating consumers is the most effective method of advocacy. Through health fairs, dinners, and various other programs, LCG provides workshops, seminars, and educational materials to the community at-large.

LCG has found that integrating celebrity entertainment with education can be a very powerful tool in reaching out to children and young adults. LCG organizes an annual, summer, Children's Health Awareness Day, with famous entertainers that are attended by over 2,500 families. Every Thanksgiving, LCG Community Services hosts over 500 seniors for Thanksgiving dinner at Boy's and Girl's High School, in Brooklyn. These are individuals who have found themselves alone during the Thanksgiving holiday. They also provide mental health professionals, and staff from medical clinics that speak to the seniors and who are available to answer questions.

LCG also has a comprehensive guardianship and court evaluation program, United Guardianship Services of New York (UGSNY). UGSNY was formed to assist the elderly, many of whom are no longer capable of making their own health and financial decisions. UGSNY's goal is to provide the highest level of care, through the use of dedicated legal, financial and social service personnel. UGSNY works closely with the New York State Court system, Adult Protective Services and other city and state agencies to provide comprehensive assistance with the respect and dignity that our elderly deserve.

Mr. Speaker, I would like to recognize LCG Community Services, Inc. for their continued involvement with the less fortunate.

IN COMMEMORATION OF TED TRAMBLEY'S CYCLING CAREER ON HIS 60TH BIRTHDAY

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. CARDOZA. Mr. Speaker, it is with great honor that I rise today to recognize a dedicated and gifted athlete on his 60th birthday, Ted Trambley.

In commemoration of his birthday, I want to honor him and his achievements as an exceptional cyclist, culminating this year with a truly inspired race to the top of Mount Haleakala in Hawaii this summer in record time.

Born in 1951, Ted Trambley grew up in Pleasant Hill, California and graduated College Park High School in 1969 and California State University, Hayward in 1975 where he was a gymnast and avid cyclist. It was in college that cycling became one of his true passions in life and he began a career in racing that has spanned over four decades.

Ted has belonged to several racing clubs over the years, including the Diablo Wheelman, Strada Sempre Duro, and his current club, Taleo.

Of the many races he has finished over his career, one of his most memorable was the Davis Double Century, a 200 mile race in a single day. In 1974, early in his career and at the height of his competitive peak, he was barely edged out of the lead and finished second. He continued this race annually for four years.

He also participated in the Death Ride through the Sierra Nevada Mountains in California, racing 129 miles and climbing over 15,000 feet of elevation. A race not for the faint of heart.

Since 1986, Ted has been competing in the annual Mt. Diablo Mountain Challenge, a 10.8 mile race climbing 3,249 feet, where he regularly finishes among the fastest and at the very top of his age group. Drawing between 800 and 1,100 riders each year, this is one of the premier races in the San Francisco Bay Area.

These races are just a sample of his long and storied career, but it was this year, in 2011, at the Cycle to the Sun in Hawaii, on the island of Maui, that Ted Trambley truly demonstrated the strength and endurance that has defined his character for so many years.

This race is one of the most difficult bike races in the world, climbing over 10,000 feet of elevation and travelling over 36 miles while its gradient sometimes reaches 18%. As a comparison, the famed Mont Ventou in the

Tour de France is only a 5,336 foot climb over 13.6 miles.

Ted Trambley won his age group with a time of 3 hours, 43 minutes, and 39 seconds and finished 35th overall. A tremendous achievement, he should be proud knowing he has conquered the sun.

He has mentioned retirement from the racing circuit, but I truly doubt that he will hang up his cleats. It is near impossible to give up a lifelong passion.

Although he has accomplished these amazing feats of athletic endurance over four decades of training and dedication, he could not have done so without the tireless support of his wife, Mary Ann, and his two sons, Sean and Kyle.

Mr. Speaker, I ask that my colleagues join me in honoring a truly remarkable athlete, husband, and father, Ted Trambley.

RECOGNIZING GEORGIA OLIVE FARMS

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. KINGSTON. Mr. Speaker, I rise today to commend Georgia Olive Farms for successfully harvesting the first olive crop in the eastern United States in nearly 125 years.

An Italian vacation inspired Jason Shaw to envision olives being grown in, of all places in the world, South Georgia. To make his vision a reality, he partnered with his brother Sam Shaw and cousin Kevin Shaw and the trio planted their first olive orchard near Lakeland, Georgia in 2008. They later established a cooperative association with George Hughes and Berrien Sutton of Homerville, Georgia to create Georgia Olive Farms.

Georgia Olive Farms was organized in 2009 near Lakeland, Georgia to establish and develop the innovative agricultural venture of mechanical olive harvesting. In September, they successfully harvested approximately three tons of arbequina olives to be processed into high quality extra virgin olive oil. This harvest marks a milestone in southern agriculture, as this was the first harvest of olives in not just the south, but in the entire eastern United States since the late 1800s. In addition to harvesting, they are a distributor of olive trees and offer grower contracts for others who may wish to expand this historical venture in order to introduce olives as a new viable cash crop for southern farmers.

Georgia Olive Farms' innovative techniques and information sharing have potential implications for some of our country's great problems. Georgia Olive Farms has developed a new market which will create a new revenue source for farmers, create new employment opportunities, and expand agricultural innovations and inspirations. Moreover, the new market for olives will increase the production of olive oil made here in America. As such, American-made olive oil can finally be a significant and healthy alternative to the standard cooking oils that are correlated with the high rates of obesity and health concerns plaguing this country. Georgia Olive Farms now exists as a reminder that the innovations and visions of small businesses do in fact provide the answers to many of our country's great questions and that we must obligate ourselves to supporting them.

RECOGNIZING THE UNIVERSITY OF RICHMOND MEN'S BASKETBALL TEAM FOR REACHING THE NCAA BASKETBALL TOURNAMENT'S SWEET SIXTEEN

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. CANTOR. Mr. Speaker, I rise today to recognize the University of Richmond men's basketball team for a remarkable 2010–2011 season, which culminated in an Atlantic 10 Conference Championship as well as a berth to the Sweet Sixteen of the NCAA Division I Men's Basketball Tournament.

The University of Richmond, which is located in the heart of Virginia's Seventh Congressional District, boasts a long tradition of excellence on the basketball court. Since 1984, the Richmond Spiders have earned an impressive 9 bids to compete in the NCAA Tournament and have reached the Sweet Sixteen on two of those trips.

This past March, along with cross-town rival, Virginia Commonwealth University, the Spiders captivated the entire City of Richmond as one of two teams advancing to the Sweet Sixteen—a feat matched by only two other cities since 1980.

The 2010–2011 season was one full of accomplishments for the Spiders—setting a school record for number of wins, 29, and points scored, 2,577. On several occasions, the Spiders defied the odds to beat top-tier programs. In November, the Spiders pulled off the upset by shocking the then-8th ranked Purdue Boilermakers by a score of 65-54. After gaining a berth to the NCAA Tournament, the Spiders carried their seven game win streak into a game against the fifth seed, Vanderbilt, and proceeded to knock off the favorite in the opening round of the tournament.

Several Richmond players took home individual honors this past season as well. Senior guard Kevin Anderson—the 2010 Atlantic 10 Player of the Year—continued to pile up individual accolades, garnering both First-Team All-Conference honors as well as being named the 2011 A-10 Tournament MVP. Senior forward Justin Harper also earned First-Team All-Conference honors and subsequently was drafted 32nd overall in this past June's NBA Draft. Kevin Smith, a senior forward, also was named to the A-10 All-Defensive team.

The Spider's success on the basketball court should come as no surprise. Led by head coach Chris Mooney, the University of Richmond has established itself as not only a leader in the A-10 but also one of the nation's elite. Mooney's Spiders have reached the NCAA Tournament in back-to-back years, and have also finished inside the Top 25 of the ESPN/USA Today Coaches poll the past two years. The Spiders have shown that they do not shy away from competition—having won seven of their last ten games against ranked opponents.

Mr. Speaker, please join me in commending the Richmond Spiders men's basketball team, Coach Mooney, President Ed Ayers, and the entire community at the University of Richmond for a spectacular season and I wish them well this season.

IN MEMORY OF PASTOR CHARLES HENRY WILLIAMS

HON. E. SCOTT RIGELL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. RIGELL. Mr. Speaker, I rise today to enter a statement into the record on behalf of my constituent, Reverend Aaron Wheeler:

''Pastor Charles Henry Williams has been a pillar of strength and love to his flock at the Morning Star Baptist Church and to the good people of the 2nd Congressional District of Virginia for more than 40 years. He has labored in the vineyard as a pastor and leader to all who knew and loved him, and his accomplishments are truly remarkable.

From the moment Dr. Williams was called to the ministry in 1967, he embraced feeding the poor and seeking the lost for the Lord.

Pastor Williams served on too numerous boards and committees to mention. Some of the organizations he served in as a faithful member and in leadership positions were the Virginia Beach Minister's Conference, Sharon Missionary Association of Suffolk and the Tidewater Metro Minister's Conference. And on a lighter note, Pastor Williams was honored by the Virginia Beach Afro-American Cultural Council as an ''Honorary Cowboy'' in 1999.

This man of God was bestowed with an Honorary Doctorate Degree from Norfolk Seminary in 1997. The former Mayor of Virginia Beach acknowledged that December 4, 1994 was officially, ''Pastor Charles Henry Williams Day'' in the city of Virginia Beach.

It is evident to all those who interacted with Pastor Williams just how much this humble man truly loved his family.

The people of the 2nd Congressional District of the State of Virginia give honor to Pastor Charles Henry Williams, as his untimely leaving is our loss but heaven's gain.

The Bible rang true for his service to this world in the scripture of 2 Timothy 4:7–8: ''I have fought the good fight, I have finished the race, I have kept the faith. Finally, there is laid up for me the crown of righteousness, which the Lord, the righteous Judge will give to me on that Day.''

SENIOR VETERANS HOUSING ASSISTANCE ACT OF 2011

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. TURNER of Ohio. Mr. Speaker, we must ensure that the men and women who bravely served our country have access to affordable housing. My bill, the Senior Veterans Housing Assistance Act, seeks to make sure that government regulations do not pose an impediment to achieving this important goal.

This issue came to light because of conflicting rules and regulations between the Department of Housing and Urban Development and the Department of Veterans Affairs. In Dayton, Ohio, the St. Mary's Neighborhood

Development Corporation has been attempting for several years to construct senior housing on the campus of the Dayton VA Medical Center. St. Mary's was able to obtain an enhanced-use lease from the VA to construct the housing and also obtained HUD Section 202 funding to allow for the financing of the construction for low-income senior housing. So we had VA providing the land and HUD providing funding, and both VA and HUD agreeing that this would be an excellent project to help homeless veterans, provide low-income housing for veterans, and respond to the needs of seniors in the community.

However, HUD asserted that St. Mary's was unable to use these critical dollars if the VA lease required a specific preference for veterans to occupy the proposed facility on the VA grounds. The VA rules and regulations require that the VA assert and request a preference for veterans for housing to be built on its campus.

In the 111th Congress, this body unanimously approved and the President enacted into law a provision I authored to solve this issue. Specifically, the Fiscal Year 2010 appropriations measure included a prohibition on enforcement of HUD's restriction against a veterans preference. However, this solution was only temporary.

To ensure that these conflicting regulations do not present further, long-term obstacles for our veterans and seniors, I have introduced the Senior Veterans Housing Assistance Act. My bill will permanently ensure that organizations that seek to provide our senior veterans with affordable housing with HUD funds on VA property are able to overcome the HUD and VA conflicting rules and regulations. Specifically, the bill will allow HUD funds to be used for supportive housing for the elderly that provide preference to veterans if the property is or would be located on VA land, or is subject to an enhanced-use lease with the VA.

Mr. Speaker, I urge all my colleagues to support this important measure.

WORLD AIDS DAY

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JACKSON of Illinois. Mr. Speaker, I rise today in recognition of World AIDS Day, December 1, 2011, and in support of the more than 33 million people worldwide living with AIDS, including over one million Americans.

World AIDS Day began in 1988 to raise public awareness for one of the most deadly pandemics in history. Since 1981, over 25 million people have died from HIV or AIDS related illnesses, and in 2008 alone more than 2.7 million people were newly infected. In the United States, more than one million people are living with HIV, with one in five of those cases currently unaware of their condition. HIV disproportionately affects people of color, men who have sex with men, and those without access to affordable birth control.

2011 marks 30 years since the discovery of the first AIDS cases in the United States. To date, the work we've done here in the United States and abroad has been effective as HIV infections worldwide are at their lowest levels since 1997. There is much more to be done, but I'm proud of the commitment we've made—research at the National Institutes of Health, prevention and education programs at the Centers for Disease Control and Prevention, the Ryan White CARE Act, the President's Emergency Plan for AIDS Relief and the Global Fund for AIDS, TB and Malaria—and it is my hope that we will continue that great work.

Mr. Speaker, World AIDS Day provides us with an occasion to raise awareness about HIV prevention measures. With continued commitment to public health programs, research, early testing and screening, and age appropriate sexual education programs, we can work together to protect ourselves from HIV, and eradicate this disease for good.

I urge my colleagues to stand with me in supporting the Americans and people across the globe infected with HIV, and to support the efforts that will bring an eventual end to this deadly disease.

TRIBUTE TO BILL HOYT

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. WALDEN. Mr. Speaker, I rise today to recognize and share with you and my colleagues the story of Mr. Bill Hoyt and his lifelong efforts to support agriculture and ranching, which are so important to jobs and the economy in rural Oregon. Over the past two years, Bill has done a tremendous job serving as the president of the Oregon Cattlemen's Association. Later this week, Bill's term as president will come to an end. Before he hands over the reins I would like to pay tribute to his steadfast leadership.

Prior to serving as president of the Oregon Cattlemen's Association, Bill served as president of the Douglas County Livestock Association and as president of the Oregon Polled Hereford Association. On top of his duties with the Oregon Cattlemen's Association, he serves on the board of the Oregon Forage and Grassland Council and the National Cattlemen's Beef Association. In 2009, the Oregon Agribusiness Council recognized Bill's service to Oregon's agricultural and ranching community by presenting him with the 2009 Voice of the Industry award.

During his tenure as president of the Oregon Cattlemen's Association, Bill has worked to promote and protect the interests of ranchers throughout Oregon. Bill has made a concerted effort to engage the general public about issues facing ranchers. He has spent many hours and miles traveling to meetings with rotary clubs, chambers of commerce and the environmental community, telling the story of Oregon's cattle ranchers, whose $700 million industry provides jobs throughout rural Oregon. His efforts to educate the public and build relationships with other interested groups culminated in the passage of the Livestock Compensation and Wolf Co-Existence Act during Oregon's 2011 legislative session. This precedent-setting legislation goes beyond what other states have done to compensate producers for livestock loss by allowing local county-level authorities to address compensation for and deterrence of livestock losses.

Bill was raised on a beef ranch in Montana. After high school, he earned degrees in both political science and education. Bill served his country in the U.S. Air Force for four years before moving on to teach high school history. In 1977, Bill began working as the operations manager for his family ranch in Montana. In 1979, Bill expanded the operation to include the ranch from his mother's family in Oregon. Bill and his wife Sharon now own and operate the Hawley Land and Cattle Company in Oregon with Bill's father and younger brother.

The ranch that Bill operates has been in the family for 159 years and Bill makes an effort to implement cutting edge stewardship practices for forage and livestock production. Bill and Sharon have diversified their operation over the years and now raise sheep, goats and beef cattle and sell grass-fed lamb and beef direct to markets and top-rated restaurants in Oregon and Washington. Through changing techniques, diversification and advocacy on behalf of the industry he loves, Bill hopes that agriculture and the livestock industries will continue to flourish in Oregon 150 years from now.

Mr. Speaker, I ask my colleagues to join me in saluting Bill Hoyt, who has served so ably as president of the Oregon Cattlemen's Association.

IN RECOGNITION OF THE 16TH ANNIVERSARY OF WE CAN

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. KEATING. Mr. Speaker, I rise today to honor the 10th anniversary of WE CAN, Women's empowerment through Cape Area Networking in Harwich Port, Massachusetts.

Recognizing that every community member's well-being contributes to that of the whole community, WE CAN's mission has been to empower Cape Cod women of all ages undergoing challenging life transitions. It includes services that bring increased opportunity, self-sufficiency, stability, and lasting positive change for themselves, their families and, ultimately, the entire community. After ten years, WE CAN remains committed to that mission.

WE CAN had its beginnings at Cape Cod Community College in a program called Women in Transition, WIT, which was designed to help women of all ages and demographics improve their lives through education. A year later, WIT became WE CAN. In its first year, they helped 15 women. Early services included emergency financial aid; programs that provided guidance on reenrolling in school and mentorship; help filling out forms for emergency fuel assistance, financial aid for education, job applications; and information and referrals to other organizations on the Cape. Now, ten years later, at the half mark of this year, WE CAN, had already handled more than 2100 contacts and served close to 1000 women.

WE CAN has a true tradition of excellence thanks to its outstanding leadership, superior volunteers, board, staff, generous community partners and motivated program participants. Based on evolving needs of the Cape population, they continued to grow in terms of the number of women and their families served;

the development of their programs and services; and in terms of their ability to attract volunteers, secure grants and donations from area businesses and individuals.

Mr. Speaker, I urge my colleagues to join me in congratulating WE CAN, its staff, board, volunteers, community partners, and program participants on the celebration of 10 years of service to the Commonwealth of Massachusetts.

HONORING GABRIEL ZIMMERMAN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to remember Gabriel Zimmerman, who tragically lost his life in the senseless shooting on January 8, 2011, that took 5 other lives and resulted in the serious wounding of our wonderful and resilient colleague, Representative GABBY GIFFORDS.

Gabe dedicated his life to helping others. On that day, he had organized a Congress on Your Corner event so that constituents could bring their problems to Representative GIFFORDS and her staff to get them solved. We have learned a lot about Gabe's commitment to service—his practice of going the extra mile to help improve the lives of so many.

In January 2007, Gabe began serving as Constituent Services Supervisor for newly-elected Congresswoman GIFFORDS. In that role, he oversaw an extensive constituent advocacy program, working directly with the people of Arizona's Eighth Congressional District every day. He then served as Congresswoman GIFFORDS' Director of Community Outreach, where he organized hundreds of events to allow constituents all over southern Arizona to meet with Congresswoman GIFFORDS. I know how much my colleague, Congresswoman GIFFORDS, relied on Gabriel and how much she valued their work together.

Margaret Bowe, a close college friend of Gabe, described him as ''a warm, funny, energetic, smart, interesting person who was passionate about life.'' She went on to explain ''Gabe's purpose, his motivation, his passion, was to help people, he believed in the ideals of our political system.''

I remember that day well—my thoughts and concerns went out to those involved in that horrific event but also to my own staff, who work extremely hard, putting in long hours to serve the constituents of the 9th District of Illinois. Every one of them is committed to helping people and they are regularly in the same role that Gabriel was on that January morning. They do not get the recognition that they deserve, often enough.

Our staffs are out there in our communities every day, embodying the same values Gabe worked so hard for. In remembering Gabe, we also must salute the thousands of staffers across the country, who keep his memory alive by proudly serving their communities and country.

My thoughts and prayers go out to Gabe's family and friends, among them my colleague GABRIELLE GIFFORDS, who so deeply mourn his tragic death.

HONORING EMMA H. NEWSOME

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Thirty-five years ago a virtuous woman of God accepted her calling to serve in the Atlanta Field Office of the Department of Housing and Urban Development (HUD); and

Whereas, Mrs. Emma H. Newsome began her career working in various positions, she rose to the rank of Regional Director's Liaison and has served the citizens well and our community has been blessed through her service; and

Whereas, this phenomenal woman has shared her time and talents as a Coordinator, Deputy Director, Liaison and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader and a servant to all who wants to advance the lives of the citizens in our region; and

Whereas, Mrs. Newsome is formally retiring from her governmental career today, she will continue to promote civic duty because she is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Emma H. Newsome on her retirement from the Department of Housing and Urban Development (HUD) and to wish her well in her new endeavors;

Now therefore, I, HENRY C. ''HANK'' JOHNSON, Jr. do hereby proclaim November 4, 2011 as Mrs. Emma H. Newsome Day in the 4th Congressional District of Georgia.

Proclaimed, this 4th day of November, 2011.

HONORING MICHAEL D. ''MIKE'' WALDEN

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DENHAM. Mr. Speaker, I rise today to honor Veterans of Foreign Wars Chowchilla Post 9896 Life Member Michael D. ''Mike'' Walden who served his country honorably from a very young age.

Mike was born in Los Angeles in 1946; he attended local area schools before enlisting in the United States Army in June of 1963, at the age of seventeen. He completed his basic training at Fort Ord, California, and later completed specialized training in armor warfare in Fort Knox, Kentucky. Mike was next sent to Korea for twelve months for duty with the 2nd Battalion of the 10th Calvary, 7th Division at Camp Hansen located in the demilitarized zone. The unit provided security and conducted patrols while observing North Korean communist forces across the DMZ. Soon after, Mike returned to the States for duty with the 1st Battalion, 2nd Infantry, and 5th Division. After extensive training, the division was transitioned into duty with the First Infantry Division, known as the ''Big Red One''. The ''Big Red One'' remains one of the most storied divisions of the U.S. Army, having led the way for American troops in WWI, and during WWII, was the first Army Division to fight the Germans on North Africa, Sicily, the beaches of Normandy, and the Battle of the Bulge. During the summer of 1965, his division was the first Army division called to fight in Vietnam. Throughout 1965, his unit was involved in significant and major combat engagements.

Mike completed a twelve month tour in Vietnam; he returned to the United States in 1966 and was discharged five days after his twentieth birthday. After serving three years and two tours in Korea and Vietnam, he was still not old enough to legally purchase a beer. For his service, he was awarded the National Defense Service Medal, the Combat Infantryman's Badge, the Good Conduct Medal, and the Korea Defense Medal, among others.

After his retirement from the U.S. Army, Mike graduated from West Valley College and St. Mary's College and worked as a project support engineer. He and his wife, Gayla Darlene, make their home in Chowchilla with their two children. Mike is a Life Member of the Chowchilla VFW Post 9896 and an active member of his church.

Mr. Speaker, please join me in thanking Mr. Michael D. Walden for his honorable service to our great country, and wishing him the best of luck and health in his future endeavors.

HONORING THE LEGACY OF ROSA PARKS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. RANGEL. Mr. Speaker, I rise today to honor the heroic spirit of one of the most remarkable women in our nation's history by celebrating National Transit Tribute to Rosa Parks Day. Commonly known as ''the first lady of civil rights'' and ''the mother of the freedom movement,'' Rosa Parks is a heroine who will be forever remembered for her courage to stand up for what she believed.

On that fateful December 1st evening in 1955, Rosa Parks had the strength to refuse to sit in the back of the bus, where blacks at the time were segregated from white riders in the front. By this simple yet heroic protest she inspired blacks across America to fight for their rights. I am honored to have been part of the Civil Rights Movement she helped fuel. Because of her vision for equality, America has made great strides toward a more perfect union.

It was a great privilege to attend the ceremony on October 28, 2005, when our nation bestowed Rosa Parks the highest honor by allowing her body to lie in honor in the Capitol of the United States Congress. She was the first American who had not been a government official to be paid this tribute. She was also the first woman and the second black person to lie in honor.

The story of Rosa Parks is proof that everyone in our great democracy, in this case a 42–year-old black woman from Montgomery, Alabama, can change the course of our country and help pave a better tomorrow for future generations. I hope we can be inspired by Rosa Parks to continue our fight for equality and justice for all Americans.

DETENTION OF ALAN P. GROSS

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JACKSON of Illinois. Mr. Speaker, I rise today to call for the immediate release of Alan P. Gross on humanitarian grounds. Mr. Gross, a 62-year-old international development specialist, has been held in a Cuban detention facility for the last two years. Mr. Gross has worked in community and international development for over 25 years and his work has positively impacted the lives of people in over 50 countries, including the West Bank, Gaza, Iraq, Afghanistan, Haiti, Gambia, Kenya, South Africa, and Ghana.

At the time of his arrest, Mr. Gross was working on behalf of the US Agency for International Development with the peaceful, nondissident Jewish community to help them establish an Intranet and improve access to the Internet. Logically, Mr. Gross brought basic technological equipment with him to assist in achieving that goal. Although he followed all appropriate procedures and declared the equipment in customs, Cuban authorities would use unsupported claims of illegality of this equipment as grounds for his imprisonment.

Shortly after his arrest on December 3, 2009, Cuban military officials placed Mr. Gross in a maximum-security military hospital, and held him for 14 months without charge. In February of this year, he was finally charged with ''acts to undermine the integrity and independence'' of Cuba. After a mere two day trial, he was convicted, and sentenced to 15 years in prison. His appeal to the Cuban Supreme Court was denied on August 5.

Mr. Speaker, Alan Gross is an elderly development worker, not a spy. He doesn't speak Spanish, making him an unlikely subject in the subversion of the Cuban government. It is insulting to suggest that Mr. Gross deserves a 15 year sentence for possessing ''illegal'' equipment that Cuban authorities could have seized upon his entrance into the country. But these elements of this gross miscarriage of justice pale in comparison to the humanitarian affront of keeping him in Cuban custody.

Mr. Gross' health has deteriorated tremendously during his incarceration. He has lost approximately 100 pounds and suffers from a number of serious health issues, some of which may become permanent. In addition, his family's health and financial problems have placed him under extreme mental strain.

In August of 2010, Mr. Gross' 26-year-old daughter was diagnosed with breast cancer. She underwent, and is currently recovering from a double mastectomy. His wife, Judy, recently underwent surgery as well, missing a long period of work due to her illness. His 89-year-old mother was diagnosed with inoperable cancer in February of this year. This, combined with Mr. Gross' continued incarceration, has resulted in tremendous financial hardship for his entire family, and his inability to support them has greatly pained Mr. Gross.

In light of these events and his unjust sentence, I call on the Cuban Government to immediately release Mr. Gross so he may receive medical treatment and help his family through this tumultuous time.

CONGRATULATING THE JOHN GLENN HIGH SCHOOL SPELL BOWL TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to congratulate the John Glenn High School Spell Bowl team of Walkerton, Indiana for winning the Class II Indiana Academic Spell Bowl held on November 12, 2011 at Purdue University. Their score of 84 out of a possible 90 far surpassed runner up Plymouth High Schools' score of 75.

The spellers practiced three times a week in preparation for their fifth consecutive state championship. The team consisted of Elly Alexander, Ariel Clark, Jake Coday, Ann Heckman-Davis, Cole Jacobson, Miranda Kafantaris, Kim Lord, Chris Mahank, Gabby Marek, Erin Patterson, Maddy Piedra, Paige Reed, Holly Rowe, Rebecca Shoue, J.J. Silvey, Justina Weiss, and Karena Weiss.

The team is coached by Paul Hernandez who has led the school to 16 state titles in 25 years. This outstanding achievement was recognized by the Indiana Association of School Principals who named Mr. Hernandez the 2011 Academic Coach of the Year. The only coach to win state Spell Bowl Championships in two different divisions, he is the English Department Chairman, tutors the Academic Decathlon Team and supervises the nationally recognized high school literary magazine, ''Aerial.''

Again, I rise to offer my congratulations to the members of the John Glenn High School Spell Bowl team and their dedicated coach for their extraordinary accomplishments throughout the competition.

PERSONAL EXPLANATION

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. OWENS. Mr. Speaker, on November 4th, 2011, I missed a series of votes to attend the Change of Command ceremony at Fort Drum, New York. If I had been present, I would have voted as follows:

On Rollcall 829, Ordering the Previous Question providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, I would have voted Nay.

On Rollcall 830, Providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, I would have voted Nay.

On Rollcall 831, To facilitate the hosting in the United States of the 34th Americas Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes, I would have voted Yea.

On Rollcall 832, Cummings of Maryland Amendment No. 3, I would have voted Yea.

On Rollcall 833, Thompson of Mississippi Amendment No. 4, I would have voted Nay.

On Rollcall 834, Napolitano of California Amendment No. 6, I would have voted Yea.

On Rollcall 835, Bishop of New York Amendment No. 7, I would have voted Yea.

On Rollcall 836, Slaughter of New York Amendment No. 8, I would have voted Yea.

IN RECOGNITION OF TIME WARNER CABLE

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mrs. MYRICK. Mr. Speaker, I rise today to commend Time Warner Cable for its investment in local television news coverage, specifically for opening a Washington, D.C., news bureau that will cover stories and events here in Washington that are important to the communities its 14 local news channels serve throughout the country.

Mr. Speaker, TWC is dedicating significant resources to high quality local news channels that provide critical local news, weather, traffic and sports coverage in the communities that they serve. We live in an age when local television news is disappearing and hometown newspapers are fast becoming a thing of the past. However, in the Charlotte area stations remain committed to reporting in-depth local stories. It is important to make note of the rare times when we see investment in local news coverage. I applaud Time Warner Cable for recognizing the importance of local news, for investing in it and creating jobs while providing this critical service to their customers and my constituents. Certainly it is with more local news coverage that we will have a better informed citizenry, which can only advance our great country.

HONORING THE UNIFICATION OF THE TRANSPORTATION COMMUNICATIONS UNION AND THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the January 1, 2012 unification of the Transportation Communications Union (TCU) and the International Association of Machinists and Aerospace Workers (IAMAW).

These two distinguished unions, with railroad roots, are on course to become one strong voice for hundreds of thousands of middle-class working men and women across America.

In 1888, 19 machinists meeting in a locomotive pit in Atlanta, Georgia formed what is now IAMAW, commonly known as the ''Fighting Machinists.'' Throughout their 123 year history, the Fighting Machinists have grown to represent workers in several industries, including: aerospace, transportation, government, automotive, defense, and woodworking.

Today's TCU is also one union made of many. At its core is the union founded in 1899, which became the Brotherhood of Railway Clerks. In 1919, the union became the

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees. To further reflect the diversity of the union's membership, the delegates to the 1987 Convention voted to become TCU.

By joining the ranks of the Machinists, TCU will help strengthen the organization's membership and the overall labor movement. For more than a century, both TCU and IAMAW have stood for the welfare and prosperity of their members. Today, these unions continue to fight on behalf of their members who exemplify the values of hard work, faith, family, and community.

This unification not only brings together two unions, but also two dedicated presidents—Tom Buffenbarger and Bob Scardelletti. Tom Buffenbarger began his career as a journeyman tool and die maker at General Electric's jet engine plant in Evendale, Ohio. In 1997, he became the youngest IAMAW President in its history. Bob Scardelletti, a life-long railroader, started out as a yard clerk in Cleveland with the New York Central Railroad in 1967. In 1971, he took on his first union position and by 1991 was elected TCU president and has been re-elected four times.

TCU and IAMAW were fundamental in building the American middle-class, and have a vital role today in preserving the American dream for working families. Their combined strength will provide continued leadership throughout the labor movement, particularly in the transportation industry. It is my pleasure to honor this historic event and congratulate their members as they join forces under the new TCU/IAMAW.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. GONZALEZ. Mr. Speaker, on rollcall No. 860, 861, and 862. Had I been present, I would have voted "yea" on all three.

HONORING LIZ COVENTRY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. GARRETT. Mr. Speaker, today I extend my deepest condolences and heartfelt sympathies to the family of Liz Coventry. Liz passed away on October 26, 2011, after waging a valiant battle against cancer. Throughout many years of my public service—from my Congressional campaign days to my early days as a U.S. Congressman, Liz was an unwaveringly loyal and exceptionally focused member of my team. Whether working on casework for constituents, tirelessly advocating on behalf of veterans, spearheading the annual Congressional Art Competition for my office, or organizing various special projects, Liz took on every endeavor with passion. I cannot imagine the early days of my office without her.

Yet far beyond being an employee, Liz was also a friend. And as anyone who knew Liz would undoubtedly agree, to be able to call her "friend" is truly an honor. While Liz's daily presence will be acutely missed by those who knew and loved her, the memory of her friendship and her legacy will remain.

I deeply appreciate Liz for her friendship and support, and I honor her for her service to our state and our nation.

A TRIBUTE TO RAY A. HARRIS, RAMIE L. HARRIS, AND SHEY M. HARRIS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise today to pay tribute to the lives of Ray A. Harris, Ramie L. Harris and Shey M. Harris, of Marion, Indiana who perished in a tragic plane crash on November 26, 2011. Ray was 46, Ramie was 21, and Shey was 20. I join the Marion community in expressing my deepest condolences to Ray's wife, Sherry, and his son, Blake, who are left to carry on in this world without them. In one tragic day, Sherry lost her husband and two daughters. Likewise, Blake lost his father and two sisters. Other survivors include Ray's parents and in-laws and numerous aunts and cousins. Chris Backus, a student at Indiana Wesleyan University also died in the crash.

As a businessman Ray was a pioneer of sorts in Marion. He moved his car dealership known as Ray Harris Chrysler Jeep from its established location to a new location at Ind. 18 and 1–69. He knew the risks associated with the move but he held a deep desire to make Marion a better place and because Ray was a visionary he knew the new location would grow into something good and benefit the community around it. Ray was a true community leader. He was a supporter of the Marion Giants; served 8 years as the President of the Marion Board of Works; was a member of the Meshingomesia Country Club, the Aero Club, Marion Pilots Club, and the Elks. Ray was a skilled hunter and fisherman. One of his favorite events was the annual Community School for the Arts, CSA, Go-Kart race.

As busy as Ray was in business and in the community, his family always came first. Ray was an attentive father and husband, rarely missing one of his children's events. Ramie was a 2009 graduate of Marion High School where she played soccer, basketball, and tennis. Ramie's soccer jersey number will be retired in her honor. Ramie also played in various PAL club sports and was the recipient of numerous scholarships. As a student at Marion High School, Ramie was active in Youth for Christ. She was also active in God's House Ministries' Children's Ministry Department. Ramie was a junior at Wheaton College, majoring in pre-med.

Shey was a graduate of Eastbrook High School after having attended Marion High School until her junior year. Shey loved to dance and was majoring in dance with a minor in business at Anderson University at the time of her death. Shey attended and later taught at the Community School of the Arts and taught gymnastics at Mid America. Like her father and sister, Shey's love for the Lord guided her in her daily life. She was involved in the liturgical dance program at her church and the children's ministry department at College Wesleyan Church.

Ray, Ramie, and Shey will be forever remembered by all who knew them as a loving family who devoted their lives and talents to community and God. In their death their memory will live on through the CSA Ray Harris Family Memorial Endowment Fund that was established at the Community Foundation of Grant County as a way for the community to honor the family. The money from the endowment will go to the organization for the Shey Harris Dance Scholarship, which will be awarded to a student from CSA. The Harris family were key supporters of the organization. Shey distinguished herself as a dancer and choreographer by the choreographing the first commercial CSA did for the Gorman Center for Orthodontics and being the youngest person to teach at the organization at the age of 14. Ramie danced at the school and danced in the first show that CSA ever did. Shey's and Ramie's surviving brother Blake was the CSA's "Go Arts! Go Karts!" 2010 champion when he raced for his father's business. Ray's wife, Sherry, is also active in CSA events and is a former board member.

The Harris family attended God's House Ministries and by all accounts, their lives were guided by their love for the Lord. At times of deep sorrow and grief, I am comforted by Psalm 23.

PSALM 23—A PSALM OF DAVID

The LORD is my shepherd; I shall not want.
He maketh me to lie down in green pastures: he leadeth me beside the still waters.
He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake.
Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me.
Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil; my cup runneth over.
Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the LORD forever.

Today, I pray for all of God's love and healing to be bestowed upon the Harris family.

HONORING BALD ROCK BAPTIST CHURCH

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, Bald Rock Baptist Church has been and continues to be a beacon of light to our county for the past one hundred fifty years; and

Whereas, Pastor Christopher Shipp and the members of the Bald Rock Baptist Church family today continues to uplift and inspire those in our county; and

Whereas, the Bald Rock Baptist Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our District; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the past one hundred fifty (150)

years, being Rockdale County's first African American Congregation; and

Whereas, Bald Rock has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with Rockdale County their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Bald Rock Baptist Church family for their leadership and service to our District on this the 150th Anniversary of their founding;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim November 13, 2011 as Bald Rock Baptist Church Day In the 4th Congressional District of Georgia.

Proclaimed, this 13th day of November, 2011.

HONORING JOHN WILKINSON

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DENHAM. Mr. Speaker, I rise today to honor Veterans of Foreign Wars Chowchilla Post 9896 Life Member John Wilkinson, who retired from the United States Marine Corps as a Master Sergeant in 1974.

John A. Wilkinson was born in Taft, California in November 1935. During his high school years, John worked during the summer months and after school in the oil fields handling drill toll stabilizers and as a truck driver. In 1953, he enlisted in the United States Marine Corps. During his service in the U.S. Marine Corps, he served on seven aircraft carriers, twelve different shore installations, and duty with all branches of service, as well as Civil Service Personnel. He traveled to twenty foreign countries and saw duty with seven military forces. Throughout his duration of service, John succeeded in many roles. In 1957, he was selected for aviation schooling and completed Aircraft Fundamentals and Jet Engine Mechanics courses and was station at Los Alamitos Naval Air Station where he served as a crew chief performing scheduled and non-scheduled maintenance on all aircraft systems. In 1965, John assumed a two year post as a Drill Instructor at Marine Corps Recruit Depot in San Diego. He was deployed with his unit to Vietnam in 1970 where he served with H&MS–11, which supported Marine aircraft missions fighting the North Vietnamese and Viet Cong forces. Master Sergeant Wilkinson received numerous decorations and awards for his service, including the National Defense Medal, seven awards of the Good Conduct Medal, Vietnamese Service Medal with star, and the Meritorious Unit Commendation.

Upon his retirement from the military, John earned an Associate of Arts Degree from West Hills College and a Bachelor of Art Degree in Social Science and a teaching credential from California State University, Fresno. For thirteen years, John continued his legacy of public service as a civics, economics, and history teacher at Chowchilla Union High School. John and his late wife, Veronica, raised three children. He is now a grandfather of nine and a great-grandfather of ten. He makes his home in Los Lunas, New Mexico.

Mr. Speaker, please join me in thanking Mr. John A. Wilkinson for his honorable service to our great country, and wishing him the best of luck and health in his future endeavors.

PAYING TRIBUTE TO THE SMITHSONIAN INSTITUTES FREEDOM SISTER'S TRAVELING EXHIBITION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. RANGEL. Mr. Speaker, ahead of tomorrow's announcement, today I rise to recognize the empowering Freedom Sister's Exhibition being showcased in The Malcolm X and Dr. Betty Shabazz Memorial and Educational Center in my Congressional District. The Exhibition will be officially on display starting February 4 thru April 22, 2012.

Often when the civil rights movement is discussed, male figureheads whose visibility in boycotts, legal proceedings, and mass demonstrations dominated media coverage in the 1950's and '60s are the first memories we recollect. Sometimes missing and often forgotten from these memoirs are a group of extraordinary women who, while less prominent in the media, shaped much of the core and spirit of civil rights movement.

The Freedom Sister's Exhibition shines a light on the many women that at times history seems to overlook. As the Member of Congress whose district encompasses the historical community of Harlem and in response to an overwhelming sentiment from both my local Education and Arts & Culture constituencies, it was enormously important to me that the Smithsonian bring the traveling exhibition to my beloved community. Nine out of the twenty women being paid tribute to, have walked the streets of the great village of Harlem. Constance Baker Motley, Harriet Tubman, Ella Baker, Charlayne Hunter-Gault, Dr. Betty Shabazz, Sonia Sanchez, Mary McLeod Bethune, Shirley Chisholm, and Ida B. Wells all dared to dream the impossible: equality for all.

The exhibition also pays tribute to the success of such notable women as Coretta Scott King, Rosa Parks, Barbara Johnson, Fannie Lou Hamer, Myrlie Evers-Williams, Kathleen Cleaver, Mary Church Terrell, Septima Poinsette Clark, Dorothy Height, and C. Delores Tucker. I cannot stress the importance of such a marvelous showcase of these important women. The Civil rights movement was spearheaded by many exceptional men such as Dr. Martin Luther King Jr. and Malcolm X, but these women among many others also fought for equality with a commitment to strengthen our Nation and making a difference for all Americans.

Let me thank Jacob Morris, Executive Director of the Harlem Historical Society for bringing this great exhibition to my attention through my District Representative, Socrates Solano. According to the information imparted to my office by the Harlem Historical Society, it was my understanding that New York was not initially considered as a venue for this wonderful traveling exhibit's National tour. Let me also thank Zead Ramadan, Chair of the Malcolm X and Dr. Betty Shabazz Memorial and Educational Center for agreeing to host this truly historic exhibition.

Mr. Speaker, like Harlem, there are those in our country that ardently desire that its sons and daughters as well as our teachers and educators are given the opportunity to appreciate and learn more about these great women of courage who have had such profound historical significance. I ask that you and my distinguished colleagues, with the gratitude of our fellow citizens, join me in commending the Smithsonian Institute for paying tribute to our beloved Freedom Sisters through their traveling exhibition.

TRIBUTE TO JANE AND WILLIAM MCQUAIN AND THE WORK OF THE DWELLING PLACE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to remember two of my constituents whose lives were recently tragically cut short. Ms. Jane McQuain, 51, and her son William, 11, were found murdered on October 18, 2011, triggering shock and pain throughout my congressional district.

Since 2006, Ms. McQuain and William had been receiving assistance from an outstanding organization, The Dwelling Place, whose mission is to provide housing opportunities and support services for homeless families in Montgomery County. The McQuains were one of many families helped by this program.

Ms. McQuain was an extraordinary example of the success that can be achieved through hard work and dedication. In 2006, she came to The Dwelling Place as a homeless single mother, seeking a better life for herself and her son. Two years later, she graduated from the program with permanent housing and a steady job. Ms. McQuain immediately sought to give back to the community and devoted her time to helping families in crisis who were facing similar situations. She often returned to The Dwelling Place to share her experiences and to advise families on how to succeed during and after the program. Her son, William, had a bright future. His friends and family describe him as a vibrant and imaginative boy who loved sports, animals, and video games. Both Ms. McQuain and William were extraordinary individuals, who had successfully overcome great adversity.

The Dwelling Place has been helping the homeless since 1988, when a group of activists, appalled at the rising levels of homelessness in Montgomery County, Maryland, came together to find a solution to this growing problem. The organization incorporates various aspects of affordability, length of stay, and life skills, striving to help homeless families achieve self-sufficiency. Families are assisted to develop the necessary skills they need for a brighter and more prosperous future. The Dwelling Place is not merely a place for families to live; it is a place for families to thrive. It provides families with critical training in parenting, communication literacy, and networking techniques. It also counsels individual families to work towards a strong, united, and independent family unit.

Thanks to The Dwelling Place, Ms. McQuain was able to provide her son with a happy and stable life. Although their lives were brutally cut short, their resilience and ability to overcome hardship will never be forgotten, and they will continue to inspire the many families that face similar challenges.

My congressional district is fortunate to have The Dwelling Place providing support to our community, so that families in crisis can establish new lives without fear and with the potential and support for a bright future.

I ask my colleagues to join me in remembering Jane and William McQuain and in saluting the mission of The Dwelling Place and its dedication to assisting the homeless.

RECOGNITION OF THE COMMUNITY ADOLESCENT AND EDUCATION CENTER OF HOLYOKE, MASSACHUSETTS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. OLVER. Mr. Speaker, I rise today to recognize the invaluable contributions that the Community Adolescent and Education, Care, Center, Inc. of Holyoke, Massachusetts makes to the community by improving the lives of teen mothers and their children.

Among the Care Center's core beliefs is that people living in poverty should be exposed to the same intellectual stimulus as those who are financially well off and that they will thrive if they receive it. The Center, therefore, works extremely hard to provide young mothers with high level programming in education, the arts and humanities, and athletics. These programs have been incredibly effective with up to 85 percent of graduates going on to college and many launching careers in social services, government and medicine.

On November 2, 2011, First Lady Michelle Obama presented the Care Center with the prestigious National Arts and Humanities Youth Program Award for its innovative humanities courses. I have been a proud supporter of the Center and its vital work, and I cannot think of a more deserving institution in my district.

Over 500 organizations from across the country were nominated for the award which, administered by the President's Committee on the Arts and Humanities, is considered to be the highest honor for such programs in the nation. The Care Center is one of 12 after-school and out-of-school programs to receive the award and it was, in particular, recognized for its exceptional humanities programming. This included the Clemente Course in the Humanities, a free college course focusing on moral philosophy, art history, literature, writing, and American history; Introduction to Humanities, a college course offered in partnership with Greenfield Community College; and Nautilus II, an annual anthology of poetry and art by Center teen mothers.

The Care Center is dedicated to helping young parents with low incomes obtain access to an excellent education. Center Executive Director Anne Teschner and her dedicated staff, through their revolutionary programming, have opened doors leading to successful futures for hundreds of teens and their children. I commend the Care Center on these efforts and am confident that this national recognition can be a catalyst that allows it to help hundreds more in years to come.

ALAN GROSS

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. HIMES. Mr. Speaker, for the last two years, Alan Gross, a 62-year old international development specialist and social worker, has been incarcerated in a Cuban prison. Today marks the two-year anniversary of his imprisonment. Alan traveled to Cuba on behalf of USAID to help the country's Jewish community expand its access to the Internet and establish an Intranet. This was a humanitarian mission, a mission to help a small and peaceful community improve its access to and use of the Internet. Alan's presence and actions posed no threat to the Cuban government.

And yet, Alan has been held in a maximum-security military hospital facility in Cuba since December 2009. He has been sentenced to 15 years in prison, charged with "acts to undermine the integrity and independence" of Cuba. Alan's appeal to the Cuban Supreme Court was denied on August 5, 2011, formally ending his legal options for release.

Mr. Speaker, today I rise and join my colleagues in calling for the immediate and unconditional release of Alan Gross. Alan Gross is not a criminal, he is a humanitarian aid worker. Alan Gross is a man whose life work has positively impacted people across the world, including in the West Bank, Gaza, Iraq, Afghanistan, Africa and Haiti. Alan Gross is a husband, a father and a son who should be released and reunited with his family immediately.

HONORING TONY ROYAL

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, reaching the age of 50 years is a remarkable milestone; and

Whereas, Mr. Tony Royal was born in Savannah, Georgia on November 20, 1961 and is celebrating that milestone today; and

Whereas, Mr. Royal has accomplished much in his years, but the two things he is most proud of is being the husband of Leslie and father of Antasha and Anthony; and

Whereas, he is a stellar businessman, a model citizen and a community partner who not only talks the talk, but walks the walk; and

Whereas, Mr. Royal has been blessed with a long, happy life, devoted to God, family and community; and

Whereas, Mr. Royal is celebrating his 50th birthday with his family and friends, his good will has touched the lives of persons everywhere across the nation in particularly the Fourth District of Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mr. Royal for an exemplary life which is an inspiration to all,

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim November 20, 2011 as Mr. Tony Royal Day in the 4th Congressional District of Georgia.

Proclaimed, this 20th day of November, 2011.

HONORING JOHNNY CHANDLER

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DENHAM. Mr. Speaker, I rise today to honor Veterans of Foreign Wars Chowchilla Post 9896 Life Member Johnny Chandler who served his country honorably in the United States Air Force.

After graduating from Chowchilla High School in 1998, Johnny Chandler enlisted in the United States Air Force. He completed his basic training at Lackland Air Force Base in Texas, and later completed Enlisted Aircrew Training at Sheppard Air Force Base in Texas. After completing technical surveillance specialty training in Mississippi, Washington, and Oklahoma, he was assigned to the Airborne Air Control Squadron, one of the three operational E–3 Sentry (AWACS) squadrons in the continental United States. The primary mission of the 965th was Operation Southern Watch in the skies over Southern Iraq. The mission's objectives were to search for, track, and report enemy aircraft contacts to ground and airborne assets and intercept them if they ventured into the No-Fly Zone. While with the 965th, he participated in numerous Red Flag training missions, which are the Air Force's equivalent of the Navy's Top Gun School.

Johnny returned to the United States about a year later and was subsequently selected to be one of the first Airborne Surveillance Technicians to participate in the resurrection of the old 960th World War II bomber squad. While at the Base Exchange in Incirlik Air Force Base in Turkey, Johnny watched the television monitors as the first airliner impacted the World Trade Center on September 11, 2011. While with the 960th, he completed two tours with the Operation Northern Watch in the Northern part of Iraq, guiding American and allied aircraft to targets and monitoring enemy air defenses and missile sites. He had over 1,000 flight hours on the E–3 Sentry including 300 combat hours. In 2003, he was promoted to Staff Sergeant and was selected for cross-training in the Air Force Combat Control.

Johnny retired from the U.S. Air Force in 2005 and enrolled in Oklahoma State University's engineering program. He graduated in May 2010 with a Bachelors of Science in Aerospace and Mechanical Engineering. During his academic career, Johnny used his engineering expertise to design a multitude of robotic unmanned aerial and ground systems. He recently accepted a position as an Aerospace Engineer at the Naval Surface War Center where he will be working with high-powered lasers, rail guns, conventional weapons, and unmanned aircraft

Mr. Speaker, please join me in thanking Mr. Johnny Chandler for his honorable service to our great country, and wishing him the best of luck and health in his future endeavors.

COMMENDING REP. GONZALEZ'S CONGRESSIONAL LEADERSHIP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. RANGEL. Mr. Speaker, I rise today to recognize the service of Congressman CHARLES GONZALEZ. I am sad that after seven great terms in the House, Congressman CHARLES GONZALEZ will not be seeking reelection. Picking right up from where his father left off, CHARLES has been a tremendous leader for the people of the Texas 20th Congressional District and the United States.

CHARLES and I share the honor of representing large Hispanic communities. As the Chairman of the Hispanic Caucus and his tenure in Congress, he has fought fiercely to better the lives of all Hispanics in America. We both proudly co-sponsored the DREAM Act. We both share the belief that everyone in America deserves the equal opportunity to pursue the American Dream.

CHARLES and his compassion will be greatly missed. I wish him and his family all the best and more.

REGARDING THE IMPRISONMENT OF ALAN GROSS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. WAXMAN. Mr. Speaker, I rise today with deep concern over the plight of an American citizen overseas. Today marks two years that Alan Gross, a 62-year old international development specialist who has worked for over two decades helping people in troubled areas across the globe, has been held in a Cuban prison.

For the first fourteen months of his captivity, Mr. Gross was held without charge. In February of this year, he was charged with ''acts to undermine the integrity and independence'' of the State, then given a two-day trial and sentenced to 15 years in prison, his appeal denied.

Mr. Gross was in Cuba on behalf of USAID. He was there to help the country's small Jewish community establish an intranet and improve its access to the internet. His presence and actions were not meant to pose a threat or danger to the Cuban government. Since being incarcerated, he has lost approximately 100 pounds, his health is deteriorating, and two immediate family members, his mother and daughter, have been diagnosed with cancer.

His 15-year sentence is absurd, and his continuing incarceration is inhumane. I urge my colleagues to join me in requesting that the Cuban government release Mr. Gross on humanitarian grounds as quickly as is possible.

67TH ANNIVERSARY OF THE BATTLE OF COLMAR POCKET

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in recognition of the upcoming 67th anniversary of the Battle of Colmar Pocket.

The Battle of the Colmar Pocket was fought between January 22 and February 9, 1945, to liberate the last major French city occupied by the German Army. The ferocious preliminary fighting which formed the Colmar Pocket began after the arrival of U.S. 7th Army and 1st French Army forces at Strasbourg, north of Colmar, on November 23rd and Mulhouse, south of Colmar on November 25th, 1944. These Armies, under command of the 6th Army Group under Lieutenant General Jacob L. Devers, had fought their way through the Vosges Mountains to reach these cities beginning in mid-September, and were the first military force in history to successfully do so.

The 1st French Army, commanded by General Jean de Lattre de Tassigny, had the mission to clear the Pocket and liberate Colmar, destroying the German forces in the Pocket or driving their remainder across the Rhine. Initially, the 36th Infantry Division, under Major General John Dahlquist, arrived at Selestat on December 4, 1944, fixing the northern shoulder of the Pocket. Under French command, the 36th Infantry Division fought its way south to the vicinity of Kaysersberg, Ostheim, Mittelwihr, and Bennwihr, in frigid winter weather, where the division fought off fanatical German counterattacks launched in support of the German Ardennes Offensive, the Battle of the Bulge. In mid-December this stalwart division was withdrawn from the Colmar sector to rest and refurbish after its long, debilitating campaign through the Vosges. For the fighting to collapse the Pocket, two 36th Infantry Division soldiers received the Medal of Honor, Sergeant Ellis R. Weicht and T/SGT Bernard P. Bell.

Major General Iron Mike O'Daniel's 3rd Infantry Division then under acting Division Commander Brigadier General Robert N. Young, which had also fought its way as part of 7th Army through the Vosges Mountains to Strasbourg, was attached to II Corps of the 1st French Army under Major General Aime de Goislard de Monsabert, and in mid-December continued the fight to collapse the northern section of the Pocket, seizing Kaysersberg, Sigolsheim, Mittelwihr, and Bennwihr and the dominating high ground of Hill 355 above Sigolsheim and Hill 216 outside Bennwihr in the final two weeks of December 1944. For their intrepid and gallant actions in the fighting between December 15 and January 21, 1945, the following 3td Infantry Division soldiers were awarded the Medal of Honor: 1LT Charles P. Murray, Jr.; 1LT Eli Whitely; LTC Keith L. Ware; T/SGT Gus Kefurt; and T/SGT Russell Dunham.

As this difficult fighting was taking place, other 1st French Army units were pressing remaining German units in the Vosges Mountains at the westernmost extent of the Pocket, as well as in the south near Mulhouse. The tough fighting and harsh winter weather had greatly worn down the French, and it was determined further U.S. reinforcement was needed to enable our valiant allies to finally collapse the Pocket. The first to arrive were the soldiers of Major General Norman D. Cota's 28th Infantry Division, which had fought hard in the Bulge. They arrived on January 19th, taking over the 3rd Infantry Division's sector in the Kaysersberg valley.

On January 22nd, the 3rd Infantry Division, now under MG O'Daniel, with attached 254th Infantry Regiment of the 63rd Infantry Division and reinforced by a combat command of the 5th French Armored Division, launched the II Corps main effort to breach enemy defenses protecting the Colmar Canal and to isolate Colmar from the Rhine River by seizing the bridge at Neuf-Brisach. January 22nd found then Lieutenant Colonel Lloyd B. Ramsey from Somerset, Kentucky, in command of the 3rd Battalion, 7th Infantry. He had commanded the battalion since taking command in the Anzio beach head in February 1944, and had commanded it for Operation Dragoon, the invasion of Southern France, the Southern France campaign, and through the Vosges. Leading his battalion across the ill River, through minefields against dug-in enemy machine gun positions south of the village of Guemar in a night attack, Ramsey showed outstanding leadership and gallantry which led to the award of the Silver Star. Despite being wounded by enemy shell fragments, he ensured his battalion continued advancing in the face of stubborn resistance, breaking through the enemy positions and enabling the rest of the division to drive south.

Ramsey would continue his sterling combat service and go on to achieve the rank of Major General, and commanded the AMERICAL Division in Vietnam from 1969 until 1970. He was severely injured in a helicopter crash in Vietnam and eventually was forced to retire for medical reasons in 1974. MG Ramsey is a proud son of Kentucky, and a member of the University of Kentucky Hall of Fame.

The 3rd Infantry Division's dogged attack and imaginative scheme of maneuver enabled it to reach and cross the Colmar Canal the night of January 29–30 after a week of very heavy fighting. This combat included a serious incident at the bridge across 111 at the Maison Rouge where the failure of the bridge resulted in isolated battalions of the 30th and 15th Infantry Regiments defending unsupported against severe enemy armored counterattacks. For actions during January 22nd through the 26th, two Medals of Honor would be awarded to 3rd Infantry Division soldiers, PFC Jose F. Valdez and 2LT Audie L. Murphy.

The XXI Corps, commanded by Major General Frank W. Milburn, took command of the 3rd Infantry Division, the 28th Infantry Division, the 75th Infantry Division commanded by Major General Roy E. Porter, the 5th French Armored Division, and the 12th Armored Division commanded by Major General Roderick C. Allen at the end of January and continued the attack which succeeded in the 3rd Infantry Division's seizure of NeufBrisach. The 75th Infantry Division attacked and protected the 3rd Infantry Division's west flank. The 28th Infantry Division launched its attack from the Kaysersberg valley and cleared the suburbs of Colmar, enabling units of the French 5th Armored Division to enter the city on February 2nd. Immediately thereafter, the 12th Armored Division was committed for a drive south and

on February 5th, met French elements advancing north at Rouffach. French forces completed the cleansing of the Pocket and destruction of the enemy's final bridge across the Rhine at Chalampe on 9 February 9th, 1945. For this final phase of the fight, one more Medal of Honor was awarded to the 3rd Infantry Division's T/5 Forrest E. Peden.

The Battle of the Colmar Pocket, overshadowed by the Battle of the Bulge to the north, saw some of the bitterest fighting of the war and resulted in the award of the Presidential Unit Citation to the entire 3rd Infantry Division with its attachments, as well as the award of the fourragère of the Croix de Guerre embroidered Colmar. The 109th Infantry Regiment of the 28th Infantry Division was also awarded the fourragère.

Mr. Speaker, I ask the House to join me in congratulating and thanking the surviving veterans of the Battle of the Colmar Pocket on the upcoming 67th anniversary of this battle which liberated Colmar and cleared the Germans from southern Alsace. I especially would like to express my thanks and admiration to Major General Ramsey for his outstanding combat leadership at Colmar and throughout his illustrious military career.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 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 $15,110,498,560,876.77. We've added $10,309,093,385,852.49 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.

U.S. CITIZEN OF DISTINCTION CORPORAL/DETECTIVE ROBERT ''SHANE'' WILSON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I declare Robert ''Shane'' Wilson U.S. Citizen of Distinction.

Whereas, our lives have been touched by the life of this one man . . . who has given of himself in order for others to stand; and

Whereas, Corporal/Detective Robert ''Shane'' Wilson served eight (8) years in the City of Doraville Police Department and gave his life answering a call to duty; and

Whereas, Corporal/Detective Wilson never asked for fame or fortune, nor found a job too small or too big; but gave of himself, his time, his talent and his life to uplift those in need by demonstrating unwavering commitment to protecting and serving the citizens of Doraville and DeKalb County; and

Whereas, he was a husband, a father, a son, a brother and a friend; he was also our warrior, a man of great integrity who remained true to the uplifting and service to our community; and

Whereas, the U.S. Representative of the Fourth District of Georgia recognizes Corporal Detective Robert ''Shane'' Wilson as a citizen of great worth and so noted distinction;

Now therefore, I, HENRY C. ''HANK'' JOHNSON, Jr. do hereby attest to the 112th Congress that Corporal/Detective Robert ''Shane'' Wilson is deemed worthy and deserving of this ''Congressional Honor'' by declaring Corporal/Detective Robert ''Shane'' Wilson U.S. Citizen of Distinction in the 4th Congressional District of Georgia.

Proclaimed, this 17th day of November, 2011.

WORKFORCE DEMOCRACY AND FAIRNESS ACT

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 30, 2011

The House in Committee of the Whole House on the state of the Union 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.

Mr. COSTELLO. Mr. Chair, I rise in strong opposition to H.R. 3094, the so-called Workforce Democracy and Fairness Act of 2011.

Since coming to Congress, I have been a strong advocate for the right of every employee to form a union and collectively bargain for their rights. This bill represents the most recent attempt to put the interests of businesses over the rights of workers, another in a long line of Republican attempts to strip these fundamental rights from working Americans.

H.R. 3094 is designed to derail fair, legal union elections by mandating delays and encouraging frivolous, distracting lawsuits. At a time when we should be pursuing policies that will strengthen our workforce and support the middle class, this bill will only make it harder for working families to maintain their pay checks, secure health insurance, plan for retirement, and achieve the American Dream.

As our economy continues to recover, it is my hope that Congress can come together to pass legislation that puts Americans back to work and maintains the strongest and most competitive workforce in the world. H.R. 3094 will not achieve either of these goals, and I urge my colleagues to oppose it.

HONORING SGT. ARNOLD TRUITT DIXON

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DENHAM. Mr. Speaker, I rise today to honor Sgt. Arnold Truitt Dixon, a veteran of World War II, who is celebrating his 90th birthday on January 1, 2012.

Sgt. Arnold Dixon, as he was known in the military, was known to those at home simply as Truitt. Truitt is the eldest son of Mattie and Henry Dixon, born on January 1, 1922, in Ada, Oklahoma. He migrated to California in 1940, and married Lena Owens on November 11, 1941. Their only daughter Janice was born on October 13, 1942. Unfortunately, Lena passed away in January 1985, after a long illness. Soon thereafter, Jacquie entered his life and they were married on March 9, 1985.

Truitt and Lena were happily married with a two-year old daughter, when the call came from the United States Army to report for active duty. On September 16, 1944, Truitt reported to duty at Fort Ord, California. Basic training was very tough. He was being trained as a Combat Infantryman and took his training very seriously, which would pay off in the later years of his army career.

With basic training and schooling completed, Truitt was aboard a troop ship with thousands of other soldiers travelling to parts unknown. After days of sailing, it was finally announced their destination was the Philippine Islands. After landing in the Philippines patrols were formed to find the remaining Japanese soldiers. His leadership earned him promotions quickly, from private, to private first class and to corporal in a very short time. His ability to lead and the fact that he was an expert marksman earned him the ''Combat Infantryman's Badge'' in late 1944, just after landing in the Philippines.

In late 1944, General Douglas MacArthur, as promised, returned to the Philippines. Orders went out to all Combat Divisions in the Pacific command to select ten of their best soldiers for assignment to General Headquarters in Manila. The selection criteria for those men were exceptionally high. They must have a score of 110 or better on the Army General Classification Test, must have an excellent service record as a combat solider, be of good physique and over five feet ten inches tall, and finally, they must have a soldierly appearance. PFC. Arnold Truitt Dixon was selected as one of the 10 soldiers from the 105th Infantry Regiment, 40th Division.

All the chosen men reported to Manila to form Honor Guard Company ''E.'' To quote their commanding officer, ''These 200 soldiers chosen for Honor Guard had fought the Japanese on the beaches, in the jungles, and in the mountains. They represented all the fighting men of the Southwest Pacific Area. This unit was probably the sharpest most elite unit formed during World War IL''

The Japanese surrender brought numerous Japanese officers from Tokyo to Manila to formalize the papers that needed to be signed for the official surrender. Truitt was on duty as those officials arrived and remembers the American officer in charge ordering the Japanese to remove their ceremonial swords before entering the building. As he stood by as part of the Honor Guard on duty that night, one of the officers was quoted as saying, ''This is the first time that many members of Company 'E' had ever looked upon a Japanese, except over gun sights and, though many a trigger finger itched, the conference was carried out in perfect order.''

It was not long after the surrender was formalized that Company ''E'' was alerted for transfer to Tokyo, Japan and was among the first United States soldiers to arrive in Japan. After staying two days in a silk factory, Company ''E'' moved on to Tokyo, where they were billeted in the Finance Building. Guarding

the Supreme Commanders offices, the United Nations headquarters and General MacArthur were their primary assignments.

A few weeks after arrival in Tokyo, Corporal Dixon was promoted to Sergeant and assigned as leader of a guard patrol. Truitt's discharge from the Army makes this statement, "Served in the Asiatic Pacific Theater for 15 months. Served in the Honor Guard Company, General Headquarters Tokyo, Japan. Assisted in the guarding and patrolling of General MacArthur's headquarters. Supervised 15 men of a patrol section. Kept section records and made recommendations to his commanding officer."

On August 15, 1945, the United States received Japan's notification of surrender. On September 2, 1945, General MacArthur signed the official documents ending World War II with Japan. With the war over, Truitt returned to the United States and reunited with his wife and young daughter. He received his Honorable Discharge on May 5, 1994.

During his military career, he received the following decorations and citations: Combat Infantryman Badge, The Good Conduct Medal, Asiatic Pacific Campaign Medal, Philippine Liberation Ribbon (with one Bronze Star), Army Occupation Medal, and World War II Victory Medal.

Mr. Speaker, please join me in thanking Sgt. Arnold Truitt Dixon for his honorable service to our great country and honoring him as he celebrates his 90th birthday.

ERADICATING HIV/AIDS IN OUR COMMUNITIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. RANGEL. Mr. Speaker, today we unite in solidarity to eradicate HIV/AIDS in our communities across the world. We stand together to raise awareness about the epidemic so we can prevent further spread of the deadly virus and give hope to the 33.3 million people worldwide who are suffering from this terrible illness.

In the United States alone, the Centers for Disease Control and Prevention estimates that over one million people are HIV positive. What is even more tragic is that one in five people infected are unaware of it. HIV/AIDS is one of the leading causes of death for both the African American and Hispanic communities and presents a great hazard to our society.

I believe Congress has a moral obligation to continue funding to eliminate HIV/AIDS despite our budgetary challenges. Earlier this year I introduced the National Black Clergy for the Elimination of HIV/AIDS Act which would authorize several federal health agencies such as the National Institute of Health, Office of Minority Health of the Department of Health and Human Services, and the CDC to intensify awareness prevention, community outreach, testing, behavioral research, and increase grants to faith-based organizations in the African American community.

This year's theme for World AIDS Day is 'Getting to zero'. That means zero new infections, zero discrimination, and zero AIDS-related deaths. These are common goals shared globally regardless of race, religion or political ideologies. Yet we can only accomplish these goals in America if we work together, Democrats and Republicans, in supporting bold initiatives and legislation to combat HIV/AIDS in our communities.

WORLD AIDS DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DAVIS of Illinois. Mr. Speaker, the fight to arrest HIV–AIDS must continue.

Today is December 1, World Aids Day and in Chicago at the Ruth Rothstein Core Center at 2020 West Harrison St., Chicago, Governor Pat Quinn, and a group of AIDS professionals activists organized by Benny Montgomery, a retired member of my Congressional staff are holding a press conference as we do every year to kick off a day of awareness raising and action to help in the fight against HIV and AIDS. I am generally able to be with this group. However, my duties as a Member of Congress have kept me here in Washington, DC. Nevertheless, I am pleased to be represented by my assistant Ms. Cherita Logan, our Deputy District Director, who is a long time aids activist and education program director herself.

We recognize that although some programs has been made, as a matter of fact much progress has been made, but we still have much further to go; therefore I urge each one of us to do as much individually and collectively as we can to fight this dreadful disease.

HONORING HARRIS MEMORIAL CHURCH OF GOD IN CHRIST

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. KILDEE. Mr. Speaker, on December 4, 2011 Harris Memorial Church of God in Christ will celebrate its 65th year of devotion to the Lord. Founded in January of 1946 by the late Superintendent Theodore R. Harris the church started out as Elm Park Church of God in Christ in a partially finished structure. With the help of his bride Missionary Erma I. Harris they set out to create a place where souls could be saved and the community could be served. During the church's infancy Brother Willie Parker was called to join the congregation as an evangelist. Elder Parker was instrumental in hosting a revival that lead to many saved souls and a steady increase in the membership.

As the congregation grew, Pastor Harris sought Gods vision and decided to build a sanctuary. In 1959, with great celebration and thanks to the Lord, the sanctuary was built. The congregation was empowered by the success the Lord had bestowed upon the young church and the congregation paid off the sanctuary in 1965. On Friday, July 25, 1980 Pastor Harris departed life to join the Lord. He was succeeded by his grandson Pastor Walter E. Bogan.

Having a close relationship with his grandfather, Pastor Bogan knew that his grandfather's vision for the church included expanding its ministries. He wanted to fulfill that vision and began to look for locations that had the space for the expanded ministries. In 1983, 30 acres of land was purchased to build a house for the Lord and His ministries. On November 22, 1992 the church's construction was completed on Lippincott Ave. They reside at this location today and the expanded ministries strengthen souls every week. Walter Bogan's son is now the presiding Pastor at Harris Memorial and works to continue and expand the success of their many ministries.

Mr. Speaker, please join me in congratulating Harris Memorial Church of God in Christ on their success and dedication to the Flint Community. I pray that the ministers, staff, and congregation of Harris Memorial will continue their work and spread the Gospel of Jesus Christ for many, many years to come.

REGARDING ALAN P. GROSS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise to mark the second year anniversary of the unjust and inhumane incarceration in a Cuban prison of my constituent Allan P. Gross.

A 62-year-old international development specialist and social worker with 25 years of experience helping people in the West Bank, Gaza, Iraq, Afghanistan, Haiti and throughout Africa, Alan Gross has devoted his career to helping others with a single goal in mind: to improve the quality of life of the disadvantaged.

And, it is as a result of these humanitarian efforts that he has spent the last 2 years locked up in a Cuban prison.

Alan was arrested in Cuba while working on behalf of USAID to help the country's Jewish community establish an Intranet and improve its access to the Internet. The Jewish community in Cuba is small and dispersed, making it difficult to communicate amongst themselves and with the wider Jewish community around the world. Neither his presence nor his actions in Cuba were meant to pose a threat or danger to the Cuban government.

For the first 14 months of his captivity, Alan was held without charge. Then, in February 2011, he was charged with "acts to undermine the integrity and independence" of the State. After a two day trial, he was convicted and sentenced to 15 years in prison. His appeal on humanitarian grounds to the Cuban Supreme Court was denied on August 5, 2011.

Alan's health has deteriorated tremendously during his incarceration. He has lost approximately 100 pounds and he is suffering from a number of serious health issues, some of which his family fears may become permanent. Additionally, in August 2010, his 26-year-old daughter was diagnosed with breast cancer and, this year, his 89-year-old mother was also diagnosed with cancer.

Given the humanitarian nature of his activities in Cuba, and given his health and the health of his family, sentencing Alan Gross to 15 years in prison was inhumane.

If the Cuban government is serious about improving relations with the United States, it must recognize the harm its continued incarceration of Alan Gross is doing to that relationship.

The Cuban government must act now and release Alan Gross immediately and unconditionally—for the sake of the relationship between the United States and Cuban people and for the sake of the health of Alan Gross and his family.

HONORING SUPERIOR CHEVROLET

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, we need businesses to set up shop in our community to provide the goods and services that are needed in order for our citizens to survive and thrive on a day to day basis; and

Whereas, in 1969, Mr. Lamar Ferrell started Lamar Ferrell Chevrolet here in Decatur, Georgia to service the citizens of DeKalb County, Georgia and nearby communities; and

Whereas, when Mr. Ferrell passed away, the new owner Mr. Buddy Hyatt purchased the business and it has been family owned ever since under the name of Superior Chevrolet; and

Whereas, Superior Chevrolet continues to be a resource for citizens in DeKalb County and beyond with excellent service, providing employment opportunities and providing a product that "keeps America moving" contributing to the local and national economy; and

Whereas, the U.S. Representative of the Fourth District of Georgia is officially honoring, recognizing and congratulating Superior Chevrolet on their forty-second (42) anniversary as a business anchor in our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim October 21, 2011 as Superior Chevrolet Day In the 4th Congressional District of Georgia

Proclaimed, this 21st day of October, 2011.

THIRD ANNIVERSARY OF IMPRISONMENT OF ALAN GROSS

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DEUTCH. Mr. Speaker, this Saturday marks the third anniversary since American U.S. AID worker Alan Gross was arrested and unjustly imprisoned in Cuba. It is the third year in a row that the Gross family will prepare to spend another holiday season without their beloved husband, father, and son.

Alan Gross, a resident of Maryland and a long time international development worker, traveled to Cuba in 2009 to help the island's small Jewish community establish better internet access. Upon his arrival, Mr. Gross declared all of his electronic items with Cuban customs officials. Yet on December 3, 2009, he was arrested and subsequently detained for 14 months without any charges filed against him. Earlier this year, he was charged with "acts to undermine the integrity and independence" of Cuba. Mr. Gross, a non-Spanish speaking man in his 60's who has worked on development projects in over 50 countries, certainly was not trained or equipped to engage in subterfuge.

Alan Gross has been sentenced to 15 years in jail. This preposterous sentence has caused tremendous emotional pain and financial hardship for his family, and devastated the Jewish community. Alan's daughter is currently undergoing treatment for cancer, and his 89 year old mother is in poor health and fears she will never see her son again. Alan's wife, Judy, has been caring for her ill daughter and mother-in-law while working full time to support her family. Alan himself is suffering from severe health problems due to a lack of medical treatment during his incarceration.

In October, Governor Bill Richardson traveled to Cuba with the intent to discuss Alan Gross' release. During this visit, which had been approved by the Cuban Government, Governor Bill Richardson was denied even a single meeting with Alan to assess his health. Subsequently, the Cuban government refused to discuss Alan's case with Governor Richardson.

The Castro regime has chosen to align itself with the most repressive and violent regimes in the world, counting among its friends the Venezuelan and Iranian regimes. These regimes have disregarded judicial processes in order to unjustly hold American citizens to use as leverage. We will not sit idly by and allow an American citizen to suffer at the hands of these tyrants. The Castro regime must immediately allow Alan to receive proper medical treatment and take the necessary steps to bring him home to his family as soon as possible.

My colleagues and I will continue to speak out on behalf of Alan, his family, and the Jewish community, and continue to use every tool at our disposal to secure Alan's immediate release.

SUPPORTING THE GOALS AND IDEALS OF WORLD AIDS DAY

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today in support of the goals and ideals of World AIDS Day. A day dedicated to bringing awareness to those who have died from the disease and the strides that have been made in the fight against it.

This year marks 30 years after the first discovery of AIDS cases in the United States. The Center of Disease Control (CDC) estimates that 33.3 million people have HIV worldwide, with 1.2 million persons who are living with HIV in the United States. Every 9½ minutes, someone in the U.S. is infected with HIV. One in five living with HIV is unaware of their infection. By race, African Americans face the most severe HIV burden. The impact of the HIV/AIDS epidemic spans the nation with HIV diagnoses having been reported in all 50 states, the District of Columbia, and the U.S. dependencies, possessions, and associated nations.

The theme for World AIDS Day 2011 is "Getting to Zero." After 30 years of the global fight against HIV/AIDS, this year the focus is on achieving 3 targets: Zero new HIV infections. Zero discrimination. Zero AIDS-related deaths.

The goal of "Zero AIDS Related Deaths" signifies an increased access to available treatments for all those infected. Currently, only one third of the 15 million people living with HIV worldwide who are in need of lifelong treatment are receiving it. Universal access to antiretroviral treatments for those living with HIV will not only decrease the number of AIDS related deaths, but will increase the quality of life among those infected and decrease transmission.

World AIDS Day is an opportunity for all of us to learn the facts about HIV. By increasing the understanding of how HIV is transmitted, how it can be prevented, and the reality of living with HIV today—we can use this knowledge to take care of our own health and the health of others.

Since its discovery, countless researchers, healthcare providers, politicians, and educators have contributed to the global initiative to contain and eventually eliminate the presence of AIDS in all corners of the world. Recent scientific advancements have resulted in revolutionary breakthroughs with the potential to reverse the epidemic in coming years. I ask my colleagues to join me in this goal, to remember those who have died of the disease and to celebrate accomplishments achieved, specifically the increased access to treatment and prevention services.

It is imperative that we continue our efforts and work together to increase funding for HIV prevention and education, so that our children will be equipped with sufficient and appropriate knowledge of this growing threat within our communities until HIV/AIDS becomes a memory.

RECOGNIZING DR. ROGER GORDON SMITH'S CAREER SERVICE TO OUR NATION'S VETERANS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. COHEN. Mr. Speaker, today I rise to honor an unsung hero of the Veterans Administration, Dr. Roger Gordon Smith, M.D. Dr. Smith was born on April 6, 1951, and just recently concluded his long career serving our nation's veterans on August 26th of this year.

Dr. Smith attended Battle Creek Central High School in Michigan, where he graduated in 1969. He earned his Bachelor's Degree in Chemistry with top honors from Howard University in 1973. He also earned his doctoral degree in medicine with scholastic honors from Howard University in 1977. Following that, he interned at Howard University Hospital until 1978, whereupon he obtained his license to practice medicine in the District of Columbia the following year.

With such an auspicious beginning to his career in medicine, one might have expected Dr. Smith to pursue a lucrative private practice. Instead, once he had paid off his medical school debts, Dr. Smith chose to apply his considerable talents toward a long career with the Veterans Administration Medical Center in Memphis, Tennessee. There, he attended to the often difficult and complex needs of disabled and retired veterans, most of whom were just returning from Vietnam.

Upon beginning work with the VA, Dr. Smith quickly faced skepticism and bigotry from

some of his patients because of his race. Rather than letting this become a source of discouragement, Dr. Smith instead quietly and calmly carried out his vital work each day with warmth and good humor. He was known to have convinced more than a few patients to let go of their racial animus because of his professional demeanor and attentiveness to his patients' needs and concerns. Dr. Smith believes that it is a great privilege to be entrusted with the well being of our nation's veterans, and that commitment to service is reflected in the way he cared for our nation's wounded.

Among his colleagues, Dr. Smith's bedside manner was considered "a thing of beauty." He was always open, accessible, and never made anyone feel like they were imposing a burden on his time. His calm manner under stress exerted a calming influence on those around him. As a resident teacher, Dr. Smith was sought-after by physicians-in-training for his professional enthusiasm and expertise. His patients regarded him as their primary care physician of choice, and considered his office in the VA "the gold standard" in healthcare. He took even the most mundane talks seriously whenever it concerned a veteran's well-being, listening carefully to every patient's story, dutifully tracking each patient's clinical needs, no matter how small.

Mr. Speaker, I ask my colleagues to join me in thanking Dr. Roger Gordon Smith for his dedication to his country, his service to our nation's wounded and the inspiration he has provided to his students and his colleagues. Dr. Smith's great achievement is three decades of daily service to our veterans, acting as the open hand of a grateful nation to our nation's wounded warriors. Dr. Smith is what every physician should strive to be.

HONORING BISHOP QUINCY LAVELLE CARSWELL

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Bishop Quincy Lavelle Carswell, is celebrating fifty (50) years in preaching the gospel this year and has provided stellar leadership to his church on an international level; and

Whereas, Bishop Quincy Lavelle Carswell, under the guidance and calling of God began preaching the word of God as a child and has transformed over the years as pastor of the historic Tabernacle Baptist Church in Atlanta, Georgia from 1975–1992, founding Covenant Ministries of Metropolitan Atlanta in 1993; and

Whereas, from Miami, Florida to Atlanta, Georgia, he has transformed, trail blazed and taught the gospel on a national and international level wherein the lives of many have been touched; and

Whereas, this remarkable and tenacious man of God has been and continues to be a blessing to us as a spiritual leader, an educator and a community leader who not only talks the talk, but walks the walk; and

Whereas, Bishop Carswell is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our District and the world his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Bishop Quincy Lavelle Carswell, as he celebrates his 50th Pastoral Anniversary;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim October 23, 2011 as Bishop Quincy Lavelle Carswell Day in the 4th Congressional District of Georgia.

Proclaimed, this 23rd day of October, 2011.

COLORADO SCHOOL OF MINES WOMEN'S SOFTBALL TEAM

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud the Colorado School of Mines Women's Softball Team, who last spring won a berth at the NCAA Women's Softball Tournament for the second time in school history. The Orediggers finished the year with a conference record of 28–11, and an overall record of 36–24, sharing the Rocky Mountain Athletic Conference Championship with Metropolitan State College of Denver. The School of Mines also hosted the Rocky Mountain Athletic Conference softball championship last spring. The three day event was a success for the School of Mines and all the schools that participated. Two of the School of Mines players were named to the All Tournament Team, Kelly Unkrich, and Macy Jones.

The women of the Orediggers softball team should be extremely proud of their 2011 season, and their efforts on the diamond and in the classroom. These women exemplify the idea of the collegiate student-athlete. The Colorado School of Mines specializes in hard sciences, and I commend these young women in their dedication to fields that have traditionally been male dominated. They are an inspiration to girls everywhere who want to study science and engineering.

I also want to congratulate pitcher Kelly Unkrich who was named the Rocky Mountain Athletic Conference Women's Athlete of the Month for April 2011.

I extend my deepest congratulations to the women of the Colorado School of Mines Women's Softball Team. The lessons they are learning as student-athletes will make these women the science and technology leaders of tomorrow. I am proud to have this world class school in my district. I wish the team best of luck in the 2012 season. I hope it is even more successful than 2011, again congratulations, and Go Orediggers!

TRIBUTE TO MR. TOM HOSEA, EXECUTIVE DIRECTOR, HICA

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. DAVIS of Illinois. Mr. Speaker, I have known Mr. Tom Hosea since the late 1960s and early 1970s. When I first met Tom, he was an executive with the American Hospital Association; many of us who met and ran together at that time were health activists. I say ran together because we attended so many meetings until it seemed as a natural thing to do. Although there were many emerging groups, Tom was actively involved with the Chicago chapter of the National Association of Health Services Executives. As a matter of fact, Tom was the highest ranking African-American, or Black person, that we knew who worked for the American Hospital Association at that time.

Tom got the community action bug and the next thing I knew he was working with Dr. Levy, a Black Hebrew Israelite down East of Ashland on Roosevelt Road in an area called the Valley where the Westside organization operated with Chester Robinson, Thursty Darden, Rev. Archie Hargraves, Rev. John Crawford, and others in its leadership. Later on, Tom got involved in the Austin community and worked with Mary Volpe as Assistant Director of the Northeast Austin Community Organization and after Sam Flowers died, Tom became the Executive Director of HICA which he has struggled to keep alive.

When I first knew Tom his name was Hozier; he also got involved with the entertainment business spinning records and putting on events; next thing I knew, I along with everyone else that I knew was calling him Hosea. Tom has passed away, but he led a very active life and had a very meaningful and colorful career.

To his wife and family, we express our condolences and know that the value of his work will go on and on.

WORLD AIDS DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Ms. SCHAKOWSKY. Mr. Speaker, as we pause to reflect on World AIDS Day, I want to thank the many activists and advocates who work tirelessly—every day—to focus increased attention on HIV/AIDS education, treatment and prevention. I want to recognize the great work of David Munar and the AIDS Foundation of Chicago, and Mark Ishaug and AIDS United, who—along with countless organizations across the country and world—are working to end HIV/AIDS and to ensure that people with HIV/AIDS live longer and better lives.

HIV/AIDS is one of the world's most pressing global health challenges. It is a danger to global security and to the future of people around the world. Nearly 35 million people are living with HIV/AIDS around the world, including over one million Americans. Our community, our nation and the entire world are threatened by this terrible pandemic.

As the HIV virus has spread, the face of its victims has changed. Women now account for 52 percent of the adults living with HIV/AIDS around the world. In regions like sub-Saharan Africa, gender inequalities have left women particularly vulnerable to infection. The battle to stop the spread of HIV/AIDS among women will ultimately hinge on our ability to empower them with the information and the tools needed to protect themselves, their families and their communities. That is one of the reasons

that I have been such a strong supporter of microbisides research.

The HIV/AIDS epidemic has not spared the world's children. Last year there were 3.4 million children across the globe living with HIV, and the disease has left more than 16.6 million AIDS orphans, most of whom live in sub-Saharan Africa, in its wake.

Despite the many advances of the last thirty years, as the pandemic has grown, so have the challenges. Despite the significant expansion of treatment programs, only 47% of the 14.2 million people who were eligible for treatment were receiving it by the end of last year. Despite the 21% drop in deaths from AIDS since 2005, last year 1.8 million people died of AIDS. HIV remains a leading cause of death worldwide and the number one cause of death in Africa.

The United States has a responsibility to lead the fight against HIV/AIDS by containing the spread of the virus, helping to provide treatment, and investing in a cure. It is critical that we continue to meet this responsibility, especially after last week's announcement by the Global Fund to Fight AIDS, Tuberculosis and Malaria that they cannot fund any new grants for at least two years because of the global financial crisis.

To ensure that the millions of people battling HIV/AIDS do not become collateral damage of the economic downturn, and to uphold our responsibility as a global leader in the fight against HIV/AIDS, I will do whatever I can to ensure that we maintain commitment to domestic and global AIDS programs. That includes funding for PEPFAR and the Global Fund to Fight AIDS, TB, and Malaria, as well as vital funding for domestic programs like the Ryan White CARE Act, and the Housing Opportunities for People with AIDS Program, and especially, the AIDS Drug Assistance Program, given that some states are changing the income eligibility criteria for that program, while others are seeing waiting lists.

While we have come far in the fight, we so have a long way to go, and we cannot afford to become complacent.

HONORING LIZZIE ALEXANDER

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, reaching the age of 75 years is a remarkable milestone; and

Whereas, Ms. Lizzie Alexander was born on October 25, 1936 and is celebrating that milestone; and

Whereas, Ms. Alexander has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Ms. Alexander is celebrating her 75th Birthday with her family members, church members and friends here in DeKalb County, Georgia on October 22, 2011; and

Whereas, the Lord has been her Shepherd throughout her life and she prays daily and is leading by example a blessed life; and

Whereas, we are honored that she is celebrating the milestone of her 75th birthday in the 4th District of Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Lizzie Alexander for an exemplary life which is an inspiration to all,

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim October 22nd & October 25th, 2011 as Ms. Lizzie Alexander Days in the 4th Congressional District of Georgia.

Proclaimed, this 22nd day of October, 2011.

PERSONAL EXPLANATION

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 1, 2011

Mr. ROKITA. Mr. Speaker, on rollcall 860, I was unavoidably detained. Had I been present, I would have voted "yes."

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate passed National Defense Authorization bills.

Senate

Chamber Action

Routine Proceedings, pages S8079–S8159

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 1933–1939, S. Res. 342, and S. Con. Res. 33. **Pages S8148–49**

Measures Reported:

S. Res. 227, calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River, with an amendment in the nature of a substitute and with an amended preamble.

S. Res. 316, expressing the sense of the Senate regarding Tunisia's peaceful Jasmine Revolution, and with an amended preamble.

S. 671, to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders, with an amendment in the nature of a substitute.

S. 1792, to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children. **Page S8148**

Measures Passed:

Department of Defense Authorization Act: By 93 yeas to 7 nays (Vote No. 218), Senate passed 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, after taking action on the following amendments proposed thereto: **Pages S8094–8138**

Adopted:

Begich Modified 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. **Pages S8094, S8116–17**

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. **Pages S8095, S8116**

Levin (for Reed) Modified 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. **Pages S8095, S8116–17**

Levin Modified Amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy. **Pages S8095, S8116–17**

Levin (for Boxer) Amendment No. 1206, to implement common sense controls on the taxpayer-funded salaries of defense contractors. **Pages S8095, S8109, S8115–16, S8116**

Chambliss Modified Amendment No. 1304, to require a report on the alignment, organizational reporting, and performance rating of Air Force system program managers, sustainment program managers, and product support managers at Air Logistics Centers or Air Logistics Complexes. **Pages S8095, S8116–17**

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. **Pages S8095, S8116**

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. **Pages S8095, S8116**

Ayotte (for Blunt/Gillibrand) Modified Amendment No. 1133, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty. **Pages S8095, S8116–17**

Ayotte (for Murkowski) Modified Amendment No. 1287, to provide limitations on the retirement of C–23 aircraft. **Pages S8095, S8116–17**

McCain (for Brown (MA)) Modified 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.

Pages S8094–95, S8115, S8116–17

By 99 yeas to 1 nay (Vote No. 215), Feinstein Amendment No. 1456, of a perfecting nature.

Pages S8123–24, S8125

By a unanimous vote of 100 yeas (Vote No. 216), 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 S8095, S8105–07, S8125–26**

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.

Pages S8095, S8126

Leahy Modified Amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act. **Pages S8127–28**

Udall (NM)/Schumer Modified 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.

Pages S8095, S8128

Rejected:

By 45 yeas to 55 nays (Vote No. 213), Feinstein Amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees. **Pages S8094, S8095–S8105, S8107–08**

By 45 yeas to 55 nays (Vote No. 214), Feinstein Amendment No. 1126, to limit the authority of the Armed Forces to detain citizens of the United States under section 1031.

Pages S8094, S8110–11, S8122–23, S8124–25

By 41 yeas to 59 nays (Vote No. 217), 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 S8095, S8113–15, S8126–27

Withdrawn:

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. **Pages S8094, S8107**

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. **Pages S8094, S8117**

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.

Pages S8094, S8117

Ayotte (for Rubio) Amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody. **Pages S8095, S8122**

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. **Pages S8095, S8122**

Levin (for Leahy) Amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees. **Pages S8095, S8126**

During consideration of this measure today, Senate also took the following action:

Chair sustained a point of order under Rule XXII, that the following amendments were not germane, and the amendments thus fell:

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 S8095**

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 S8095**

Levin (for Reed) Amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents. **Page S8095**

Levin (for Brown (OH)) Amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities. **Page S8095**

Levin (for Brown (OH)) Amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act. **Page S8095**

Levin (for Brown (OH)) Amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, Ohio. **Page S8095**

Levin (for Wyden) Amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts.

Page S8095

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 S8095**

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 S8095

Sessions Amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels. Page S8095

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 S8095

Levin (for Reed) Amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians. Page S8095

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 S8095

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 S8095

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 S8095

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 S8095

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 S8095

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 S8095

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 S8095

Ayotte (for McCain) Amendment No. 1118, to modify the availability of surcharges collected by commissary stores. Page S8095

Levin (for Bingaman) Amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss. Page S8095

Levin (for Gillibrand/Portman) Amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce. Page S8095

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. Page S8095

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 S8095

Merkley Amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone program. Page S8095

Leahy/Grassley Amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund. Page S8095

Wyden/Merkley Amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, Oregon. Page S8095

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 S8095

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. Page S8094

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 S8094

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 S8095

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 S8095

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 S8095

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 S8095**

McCain (for Corker) Amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization. **Page S8095**

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 S8094**

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 S8094**

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 S8094**

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 S8094**

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 S8094**

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 S8094**

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. **Page S8094**

Franken Amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns. **Page S8094**

Chair sustained a point of order that the following amendment is dilatory under cloture, and the amendment thus fell:

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 S8094**

Chair sustained a point of order that the following amendment is drafted improperly, and the amendment thus fell:

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 S8095**

National Defense Authorization Act: Committee on Armed Services was discharged from further consideration of H.R. 1540, 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 the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1867, as amended. **Page S8138**

Senate insisted on its amendment, requested a conference with the House on the disagreeing votes of the two Houses, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Levin, Lieberman, Reed, Akaka, Nelson (NE), Webb, McCaskill, Udall (CO), Hagan, Begich, Manchin, Shaheen, Gillibrand, Blumenthal, McCain, Inhofe, Sessions, Chambliss, Wicker, Brown (MA), Portman, Ayotte, Collins, Graham, Cornyn, and Vitter. **Page S8138**

National Guard and Reservist Debt Relief Extension Act: Senate passed H.R. 2192, 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. **Pages S8158–59**

Measures Considered:

Payroll Tax Relief: Senate continued 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 S8138–39**

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 49 nays (Vote No. 219), Senate rejected the motion to proceed to consideration of the bill. (A unanimous-consent agreement was reached providing that the motion to proceed, having failed to achieve 60 affirmative votes, the motion to proceed was not agreed to.) **Page S8139**

A unanimous-consent agreement was reached providing that the motion to invoke cloture on the motion to proceed to consideration of the bill, be withdrawn. **Page S8139**

Payroll Tax Relief: Senate began consideration of the motion to proceed to consideration of the motion to proceed to S. 1931, to provide civilian payroll tax relief, to reduce the Federal budget deficit, and for other purposes. **Page S8139**

By 20 yeas to 78 nays (Vote No. 220), Senate rejected the motion to proceed to consideration of the bill. (A unanimous-consent agreement was reached providing that the motion to proceed, having failed to achieve 60 affirmative votes, the motion to proceed was not agreed to.) **Page S8139**

Halligan Nomination—Cloture: Senate began consideration of the nomination of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit. **Page S8140**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, December 1, 2011, a vote on cloture will occur on Tuesday, December 6, 2011. **Page S8140**

A unanimous-consent agreement was reached providing that on Tuesday, December 6, 2011, at 11 a.m., Senate resume consideration of the nomination; that there be one hour for debate equally divided in the usual form prior to the cloture vote. **Page S8140**

Judicial Nominations—Agreement: A unanimous-consent agreement was reached providing that at 4:30 p.m., on Monday, December 5, 2011, Senate begin consideration of the nominations of Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York, Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York, James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas, and Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana, under the order of Friday, November 18, 2011. **Page S8159**

Nominations Received: Senate received the following nominations:

Marilyn B. Tavenner, of Virginia, to be Administrator of the Centers for Medicare and Medicaid Services.

A routine list in the Army. **Page S8159**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Donald M. Berwick, of Massachusetts, to be Administrator of the Centers for Medicare and Medicaid Services, which was sent to the Senate on January 26, 2011. **Page S8159**

Messages from the House: **Page S8146**

Measures Placed on the Calendar: **Pages S8079, S8146**

Executive Communications: **Pages S8146–48**

Executive Reports of Committees: **Page S8148**

Additional Cosponsors: **Pages S8149–51**

Statements on Introduced Bills/Resolutions: **Pages S8151–57**

Additional Statements: **Pages S8144–45**

Amendments Submitted: **Page S8157**

Notices of Hearings/Meetings: **Page S8157**

Authorities for Committees to Meet: **Pages S8157–58**

Privileges of the Floor: **Page S8158**

Record Votes: Eight record votes were taken today. (Total—220) **Pages S8107–08, S8125–27, S8137, S8139**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:52 p.m., until 2 p.m. on Monday, December 5, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8159.)

Committee Meetings

(Committees not listed did not meet)

WALL STREET REFORM AND CONSUMER PROTECTION ACT OVERSIGHT

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine continuing oversight of the "Wall Street Reform and Consumer Protection Act," after receiving testimony from Gary Gensler, Chairman, Commodity Futures Trading Commission; and Mary L. Schapiro, Chairman, U.S. Securities and Exchange Commission.

JOB GROWTH THROUGH CAPITAL FORMATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine spurring job growth through capital formation while protecting investors, including 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. 1831, to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D, S. 1824, to amend the securities laws to establish certain thresholds for shareholder registration under that Act, S. 1544, to amend the Securities Act

of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act, and H.R. 2930, to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, after receiving testimony from Senators Hutchison, Pryor, and Brown (MA); Meredith B. Cross, Director, Division of Corporation Finance, United States Securities and Exchange Commission; Jack E. Herstein, Assistant Director, Nebraska Department of Banking and Finance, Bureau of Statistics, Washington, D.C., on behalf of the North American Securities Administrators Association, Inc.; John C. Coffee, Jr., Columbia University Law School, Scott Cutler, NYSE Euronext, and Edward S. Knight, NASDAQ OMX Group, all of New York, New York; and Christopher T. Gheysens, Wawa, Inc., Wawa, Pennsylvania.

IRAN

Committee on Foreign Relations: Committee concluded a hearing to examine United States strategic objectives towards Iran, after receiving testimony from Wendy Sherman, Under Secretary of State for Political Affairs; and David S. Cohen, Under Secretary of the Treasury for Terrorism and Financial Intelligence.

MEDICATING AMERICA'S FOSTER CHILDREN

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine the financial and societal costs of medicating America's foster children, focusing on if the Department of Health and Human Services' guidance could help states improve oversight of psychotropic prescriptions, after receiving testimony from Gregory D. Kutz, Director, Forensic Audits and Investigative Service, Government Accountability Office; Bryan Samuels, Commissioner, Administration on Children, Youth and Families, Administration for Children and Families, Department of Health and Human Services; Matt Salo, National Association of Medicaid Directors (NAMD), Alexandria, Virginia; Jon McClellan, University of Washington, Seattle; and Ke'onte Cook, McKinney, Texas.

INSIDER TRADING AND CONGRESSIONAL ACCOUNTABILITY

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine insider trading and congressional accountability, including S. 1871, 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 S. 1903, 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, after receiving testimony from Senators Gillibrand and Brown (MA); Melanie Sloan, Citizens for Responsibility and Ethics in Washington, Donald C. Langevoort, Georgetown University Law Center, and Robert L. Walker, Wiley Rein LLP, all of Washington, D.C.; Donna M. Nagy, Indiana University Maurer School of Law, Bloomington; and John C. Coffee, Jr., Columbia University Law School, New York, New York.

DEFICIT REDUCTION AND JOB CREATION

Committee on Indian Affairs: Committee concluded an oversight hearing to examine deficit reduction and job creation, focusing on regulatory reform in Indian country, including S. 1684, to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, after receiving testimony from Doug O'Brien, Deputy Under Secretary of the Interior for Rural Development; Geoffrey C. Blackwell, Chief, Office of Native Affairs and Policy, Federal Communications Commission; Jefferson Keel, and Jacqueline Johnson-Pata, both of the National Congress of American Indians, Washington, D.C.; Ben Shelly, Navajo Nation, Window Rock, Arizona; Cedric Cromwell, Mashpee Wampanoag Tribe, Mashpee, Massachusetts; and Pearl E. Casias, Southern Ute Indian Tribe, Ignacio, Colorado.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

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, with an amendment in the nature of a substitute; and

The nominations of Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit, Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas, and David Campos Guaderrama, to be United States District Judge for the Western District of Texas.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 3533–3547; and 4 resolutions, H. Con. Res. 91; and H. Res. 480–482 were introduced. **Pages H8074–76**

Additional Cosponsors: **Page H8076**

Reports Filed: Reports were filed today as follows:

H.R. 2845, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes, with an amendment (H. Rept. 112–297 Pt. 1);

S. 535, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes (H. Rept. 112–298);

H.R. 1158, to authorize the conveyance of mineral rights by the Secretary of the Interior in the State of Montana, and for other purposes, with an amendment (Rept. 112–299);

H.R. 2172, to facilitate the development of wind energy resources on Federal lands, with an amendment (H. Rept. 112–300 Pt. 1);

H.R. 2842, to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes, with an amendment (H. Rept. 112–301);

H.R. 2803, to direct the Secretary of the Interior, acting through the Bureau of Ocean Energy Management, Regulation and Enforcement, to conduct a technological capability assessment, survey, and economic feasibility study regarding recovery of minerals, other than oil and natural gas, from the shallow and deep seabed of the United States, with amendments (H. Rept. 112–302);

H.R. 2578, to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes (H. Rept. 112–303);

H.R. 2360, to amend the Outer Continental Shelf Lands Act to extend the Constitution, laws, and jurisdiction of the United States to installations and devices attached to the seabed of the Outer Continental Shelf for the production and support of production of energy from sources other than oil and gas, and for other purposes (H. Rept. 112–304);

H.R. 2351, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area (H. Rept. 112–305);

H.R. 1556, to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, and for other purposes (H. Rept. 112–306);

H.R. 1461, to authorize the Mescalero Apache Tribe to lease adjudicated water rights (H. Rept. 112–307);

H.R. 991, to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973, with an amendment (H. Rept. 112–308);

H.R. 850, to facilitate a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes, with an amendment (H. Rept. 112–309);

H.R. 306, to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge, with an amendment (H. Rept. 112–310); and

H. Res. 479, providing for consideration of the bill (H.R. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and for other purposes (H. Rept. 112–311). **Page H8074**

Speaker: Read a letter from the Speaker wherein he appointed Representative West to act as Speaker pro tempore for today. **Page H8001**

Recess: The House recessed at 11:28 a.m. and reconvened at 12 noon. **Page H8011**

Chaplain: The prayer was offered by the guest chaplain, Reverend Dr. Cathy Jones, Parkwood Institutional CME Church, Charlotte, North Carolina. **Page H8011**

Terminating taxpayer financing of presidential election campaigns and party conventions and terminating the Election Assistance Commission: The House passed 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, by a recorded vote of 235 ayes to 190 noes, Roll No. 873. **Pages H8016–32, H8032–34**

Rejected the Bishop (GA) motion to recommit the bill to the Committee on House Administration with instructions to report the same back to the

House forthwith with an amendment, by a yea-and-nay vote of 190 yeas to 236 nays, Roll No. 872. **Pages H8032–34**

H. Res. 477, the rule that is providing for consideration of H.R. 3463, H.R. 527, and H.R. 3010, was agreed to yesterday, November 30th.

Recess: The House recessed at 1:56 p.m. and reconvened at 2:05 p.m. **Page H8032**

Regulatory Flexibility Improvements Act of 2011: The House passed 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, by a recorded vote of 263 ayes to 159 noes, Roll No. 880. **Pages H8034–56**

Rejected the Loretta Sanchez motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 188 ayes to 233 noes, Roll No. 879. **Pages H8054–55**

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated November 18, 2011 shall be considered as an original bill for the purpose of 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. **Page H8041**

Agreed to:

Critz amendment (No. 1 printed in part A of H. Rept. 112–296) that requires the estimated cumulative impact on small businesses of any other rule stemming from the implementation of the Free Trade Agreements. **Page H8044**

Rejected:

Jackson Lee amendment (No. 2 printed in part A of H. Rept. 112–296) that sought to exempt all rules promulgated by the Department of Homeland Security (by a recorded vote of 173 ayes to 244 noes, Roll No. 874); **Pages H8044–46, H8050–51**

Cohen amendment (No. 3 printed in part A of H. Rept. 112–296) that sought to exempt from the bill any rule that relates to food safety, workplace safety, consumer products safety, air or water quality (by a recorded vote of 171 ayes to 248 noes, Roll No. 875); **Pages H8046–47, H8051**

Peters amendment (No. 4 printed in part A of H. Rept. 112–296) that sought to exempt from the bill all rules that OMB determines would result in net job creation (by a recorded vote of 179 ayes to 243 noes, Roll No. 876); **Pages H8047–48, H8052**

Jackson Lee amendment (No. 5 printed in part A of H. Rept. 112–296) that sought to require a GAO report to determine the cost of carrying out the Act and the effect it will have on federal agency rule making. In addition, the report would need to contain information on the impact of repealing the ability of an agency to waive provisions in the Regulatory Flexibility Act when responding to an emergency (by a recorded vote of 172 ayes to 250 noes, Roll No. 877); and **Pages H8048–49, H8052–53**

Johnson (GA) amendment (No. 6 printed in part A of H. Rept. 112–296) that sought to create an exception for any rule making to carry out the FDA Food Safety Modernization Act (by a recorded vote of 170 ayes to 250 noes, Roll No. 878). **Pages H8049–50, H8053–54**

H. Res. 477, the rule that is providing for consideration of H.R. 3463, H.R. 527, and H.R. 3010, was agreed to yesterday, November 30th.

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on November 30th:

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", by a ⅔ yea-and-nay vote of 419 yeas with none voting "nay", Roll No. 881. **Pages H8056–57**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H8011–12 .

Quorum Calls—Votes: Two yea-and-nay votes and eight recorded votes developed during the proceedings of today and appear on pages H8033–34, H8034, H8050–51, H8051, H8052, H8052–53, H8053, H8055, H8055–56, H8056–57. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:37 p.m.

Committee Meetings

USDA INSPECTOR GENERAL AUDITS

Committee on Agriculture: Subcommittee on Department Operations, Oversight, and Credit held a hearing to review updates on USDA Inspector General Audits, including SNAP fraud detection efforts and IT compliance. Testimony was heard from Phyllis K. Fong, Inspector General, Office of Inspector General, Department of Agriculture.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Communications and Technology held a markup of the "Jumpstarting Opportunity with Broadband Spectrum (JOBS) Act of 2011." The bill was forwarded, as amended.

FHA SINGLE-FAMILY INSURANCE FUND

Committee on Financial Services: Full Committee held a hearing entitled "Perspectives on the Health of the FHA Single-family Insurance Fund." Testimony was heard from Mathew Scire, Director, Financial Markets and Community Investment, Government Accountability Office; and public witnesses.

FEDERAL HOUSING FINANCE AGENCY

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled "Oversight of the Federal Housing Finance Agency." Testimony was heard from Edward J. DeMarco, Acting Director, Federal Housing Finance Agency; and public witnesses.

DEMOCRACY HELD HOSTAGE IN NICARAGUA

Committee on Foreign Affairs: Full Committee held a hearing entitled "Democracy Held Hostage in Nicaragua: Part I." Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup of the following: H.R. 2572, the "Clean Up Government Act of 2001"; and H.R. 1433, the "Private Property Rights Protection Act of 2011". H.R. 2572 was ordered reported, as amended. The Committee began markup of H.R. 1433.

LEGISLATIVE MEASURES

Committee on Natural Resources: Full Committee held a 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". Testimony was heard from Rep. Frank of Massachusetts; Rep. Pallone; Rep. Jones; Rep. Wittman; Rep. Runyan; Rep. Keating; Eric Schwaab, Assistant Administrator, National Marine Fisheries Service; and public witnesses.

HHS AND THE CATHOLIC CHURCH

Committee on Oversight and Government Reform: Full Committee held a hearing entitled "HHS and the Catholic Church: Examining the Politicization of Grants." Testimony was heard from George Sheldon, Acting Assistant Secretary, Administration for Children and Families, Department of Health and Human Services; and Eskinder Negash, Director, Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services.

REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011

Committee on Rules: Full Committee held a hearing on H.R. 10, the "Regulations from the Executive in Need of Scrutiny Act of 2011." The Committee granted, by a vote of 6 to 4, a structured rule providing one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill, as modified by the amendment in part A of the Rules Committee report, shall be considered as adopted. The rule provides that the bill, as amended, shall be considered as original text for the purpose of further amendment and shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule makes in order only those further amendments printed in part B of the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in part B of the Rules Committee report. The rule provides one motion to recommit with or without instructions.

The rule provides that during any recess or adjournment of not more than three days, if in the opinion of the Speaker the public interest so warrants, then the Speaker or his designee, after consultation with the Minority Leader, may reconvene the House at a time other than that previously appointed, within the limits of clause 4, section 5, article I of the Constitution, and notify Members accordingly. Finally, the rule provides that clause 3 of rule XXIX shall apply to the availability requirements for a conference report and the accompanying joint statement under clause 8(a)(1) of rule XXII.

Testimony was heard from Rep. Gowdy; Rep. Johnson of Georgia; and Rep. Sessions.

MISCELLANEOUS MEASURES

Committee on Science, Space, and Technology: Full Committee held a markup of H.R. 3479, the Natural

Hazards Risk Reduction Act of 2011. The bill was ordered reported, as amended.

CYBER SECURITY: PROTECTING YOUR SMALL BUSINESS

Committee on Small Business: Subcommittee on Healthcare and Technology held a hearing entitled "Cyber Security: Protecting Your Small Business." Testimony was heard from Rep. Thornberry; and public witnesses.

COAST GUARD OPERATIONS IN THE ARCTIC

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing entitled "Protecting U.S. Sovereignty: Coast Guard Operations in the Arctic." Testimony was heard from Admiral Robert J. Papp, Commandant, United States Coast Guard; and Mead Treadwell, Lieutenant Governor, Alaska.

MISCELLANEOUS MEASURES

House Permanent Select Committee on Intelligence: Full Committee held a markup of the "Cyber Intelligence Sharing and Protection Act of 2011." The bill was ordered reported, as amended.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 2, 2011

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Agriculture, Full Committee, business meeting to consider the issuance of a subpoena to compel the attendance of a witness at the subsequent hearing to examine the MF Global Bankruptcy, 9:30 a.m., 1300 Longworth.

Committee on Energy and Commerce, Subcommittee on Energy and Power, hearing entitled "Expediting the Keystone XL Pipeline: Energy Security and Jobs." 10 a.m., 2123 Rayburn.

Committee on Natural Resources, Subcommittee on Water and Power, hearing on the following: H.R. 976, to terminate certain hydropower reservations, and for other purposes; and H.R. 3263, the "Lake Thunderbird Efficient Use Act of 2011." 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on the following: H.R. 1038, to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960; H.R. 1237, to provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest, and for other purposes; H.R. 2157, to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes; H.R. 2490, to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; H.R. 2504, the "Coltsville National Historical Park Act"; H.R. 2745 to amend the Mesquite Lands Act of 1986 to facilitate implementation of a multispecies habitat conservation plan for the Virgin River in Clark County, Nevada; H.R. 2947, to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota; H.R. 3222, to designate certain National Park System land in Olympic National Park as wilderness or potential wilderness, and for other purposes; H.R. 3452, the "Wasatch Range Recreation Access Enhancement Act"; and S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah. 10 a.m., 1300 Longworth.

Committee on Veterans' Affairs, Full Committee, hearing on Understanding and Preventing Veteran Suicide, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Social Security, hearing series entitled "Securing the Future of the Social Security Disability Insurance (SSDI) Program." The focus of this hearing is the history of the disability insurance program, the income security it provides and its financing challenges. 10:30 a.m., B–318 Rayburn.

Joint Meetings

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), 10 a.m., 2203, Rayburn Building.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED TWELFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 5 through November 30, 2011

	Senate	*House*	*Total*
Days in session	155	156	..
Time in session	1,014 hrs., 41′	903 hrs., 15′	..
Congressional Record:			
Pages of proceedings	8,078	8,000	..
Extensions of Remarks	..	2,143	..
Public bills enacted into law	17	45	62
Private bills enacted into law	..	..	..
Bills in conference	2	2	..
Measures passed, total	368	326	..
Senate bills	52	15	..
House bills	49	157	..
Senate joint resolutions	4	3	..
House joint resolutions	3	5	..
Senate concurrent resolutions	17	6	..
House concurrent resolutions	14	20	..
Simple resolutions	229	120	..
Measures reported, total	*170	*266	436
Senate bills	121	2	..
House bills	20	179	..
Senate joint resolutions	1	..	..
House joint resolutions	..	3	..
Senate concurrent resolutions	2	..	..
House concurrent resolutions	..	2	..
Simple resolutions	26	80	..
Special reports	15	29	..
Conference reports	1	1	..
Measures pending on calendar	164	73	..
Measures introduced, total	2,336	4,191	6,527
Bills	1,932	3,532	..
Joint resolutions	32	91	..
Concurrent resolutions	32	90	..
Simple resolutions	340	478	..
Quorum calls	5	3	..
Yea-and-nay votes	212	245	..
Recorded votes	..	622**	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

* These figures include all measures reported, even if there was no accompanying report. A total of 97 written reports have been filed in the Senate, 296 reports have been filed in the House.

** Proceedings on Roll Call No. 484 were vacated by unanimous consent.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 5 through November 30, 2011

Civilian nominations, totaling 482, disposed of as follows:	
Confirmed	275
Unconfirmed	193
Withdrawn	14
Other Civilian nominations, totaling 3,451, disposed of as follows:	
Confirmed	2,743
Unconfirmed	703
Withdrawn	5
Air Force nominations, totaling 5,956, disposed of as follows:	
Confirmed	5,516
Unconfirmed	440
Army nominations, totaling 5,789, disposed of as follows:	
Confirmed	5,246
Unconfirmed	543
Navy nominations, totaling 3,405, disposed of as follows:	
Confirmed	3,340
Unconfirmed	65
Marine Corps nominations, totaling 1,249, disposed of as follows:	
Confirmed	1,249

Summary

Total nominations carried over from the First Session	0
Total nominations received this Session	20,332
Total confirmed	18,369
Total unconfirmed	1,944
Total withdrawn	19
Total returned to the White House	0

Next Meeting of the SENATE

2 p.m., Monday, December 5

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4:30 p.m.), Senate will begin consideration of the nominations of Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York, Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York, James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas, and Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana, with votes on confirmation of the nominations at 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, December 2

House Chamber

Program for Friday: Consideration of H.R. 3010—Regulatory Accountability Act of 2011 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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