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No. 72

## House of Representatives

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

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
May 24, 2011.

I hereby appoint the Honorable ERIC CANTOR to act as Speaker pro tempore on this day.

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

### PRAYER

Rabbi Jeremy Wiederhorn, The Conservative Synagogue, Westport, Connecticut, offered the following prayer:

Dear God, source of all strength, compassion, and peace:

We know that our time on this Earth is preciously short, so please:

Open our eyes to the beauty of the world around us.

Remind us that each person we encounter is created in Your image.

Provide us with the integrity, wisdom, and patience to listen to those with whom we do not agree and learn from those whom we might otherwise not hear.

Protect the courageous men and women who put their lives in danger each day so that our children can live safely and without fear.

Comfort us today as we mourn with the people of Missouri following the tragic loss of life brought upon by the devastating forces of nature.

And, finally, bless our leaders and advisers—including the dedicated men and women of this United States Congress, who assiduously seek to protect our sacred democratic values at home and abroad. And may You grant them the vision to look ahead to our future,

without forgetting the lessons of our past.

Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

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

### WELCOMING RABBI JEREMY WIEDERHORN

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

There was no objection.

Mr. HIMES. Thank you, Mr. Speaker.

It is a thrill and an honor this morning on this propitious day in which a joint session of the United States Congress will be addressed by Prime Minister Netanyahu of Israel to introduce and welcome our guest chaplain of the day, Rabbi Jeremy Wiederhorn. Rabbi Wiederhorn is a friend, he is the spiritual leader of The Conservative Synagogue of Westport, and has been so since 2008. Prior to doing that, he gave service in Henderson, Nevada, for 8 years. He is a leader in the community and in his synagogue. He is also true to the ministry dictated by his and so many of our faiths, including, over

time, having led and mobilized his community to send an emergency mission to Israel in response to the missile strikes from Hamas in Gaza.

It is a real honor. I know Rabbi Wiederhorn has served as an important leader in Westport and throughout Fairfield County. He has served as a friend to me. I would say that in addition to his spiritual guidance, he introduced me to cholent, which for this Presbyterian was a new experience. I think I thank him for introducing me to that part of his history and culture, if not exactly for the culinary experience.

Welcome, Rabbi Wiederhorn.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by His Excellency Binyamin Netanyahu, Prime Minister of Israel, only the doors immediately opposite the Speaker and those immediately to his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

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

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



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## RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, May 12, 2011, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 5 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at 10:59 a.m., the following proceedings were had:

JOINT MEETING TO HEAR AN ADDRESS BY HIS EXCELLENCY BINYAMIN NETANYAHU, PRIME MINISTER OF ISRAEL

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Binyamin Netanyahu, Prime Minister of Israel, into the Chamber:

The gentleman from Virginia (Mr. CANTOR);

The gentleman from California (Mr. MCCARTHY);

The gentleman from Texas (Mr. HENSARLING);

The gentleman from Texas (Mr. SESSIONS);

The gentleman from Georgia (Mr. PRICE);

The gentlewoman from Washington (Mrs. MCMORRIS RODGERS);

The gentleman from Texas (Mr. CARTER);

The gentlewoman from South Dakota (Mrs. NOEM);

The gentleman from South Carolina (Mr. SCOTT);

The gentleman from Oregon (Mr. WALDEN);

The gentleman from California (Mr. DREIER);

The gentleman from Illinois (Mr. ROSKAM);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from California (Mr. MCKEON);

The gentleman from Ohio (Mr. CHABOT);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from New York (Mr. ISRAEL);

The gentleman from California (Mr. WAXMAN);

The gentleman from New York (Mr. ACKERMAN);

The gentleman from California (Mr. BERMAN);

The gentleman from Michigan (Mr. LEVIN);

The gentlewoman from New York (Mrs. LOWEY);

The gentlewoman from Nevada (Ms. BERKLEY);

The gentlewoman from Illinois (Ms. SCHAKOWSKY);

The gentleman from California (Mr. SCHIFF);

The gentlewoman from Pennsylvania (Ms. SCHWARTZ);

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ); and

The gentleman from Florida (Mr. DEUTCH).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Binyamin Netanyahu, Prime Minister of Israel, into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from Washington (Mrs. MURRAY);

The Senator from Michigan (Mr. LEVIN);

The Senator from Massachusetts (Mr. KERRY);

The Senator from Wisconsin (Mr. KOHL);

The Senator from Connecticut (Mr. LIEBERMAN);

The Senator from California (Mrs. FEINSTEIN);

The Senator from California (Mrs. BOXER);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Arizona (Mr. KYL);

The Senator from Wyoming (Mr. BARRASSO);

The Senator from South Dakota (Mr. THUNE);

The Senator from Texas (Mr. CORNYN);

The Senator from Indiana (Mr. LUGAR); and

The Senator from Utah (Mr. HATCH).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, Her Excellency Faïda Mitifu, Ambassador of the Democratic Republic of Congo.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for her.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 19 minutes a.m., the Deputy Sergeant at Arms announced His Excellency Binyamin Netanyahu, Prime Minister of Israel.

The Prime Minister of Israel, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you His Excellency Binyamin Netanyahu, Prime Minister of Israel.

(Applause, the Members rising.)

Prime Minister NETANYAHU. Vice President BIDEN, Speaker BOEHNER, distinguished Senators, Members of the House, honored guests, I am deeply moved by this warm welcome, and I am deeply honored that you've given me the opportunity to address Congress a second time.

Mr. Vice President, do you remember the time that we were the new kids in town? And I do see a lot of old friends here, and I see a lot of new friends of Israel here as well, Democrats and Republicans alike.

Israel has no better friend than America, and America has no better friend than Israel. We stand together to defend democracy. We stand together to advance peace. We stand together to fight terrorism.

Congratulations, America. Congratulations, Mr. President. You got bin Laden. Good riddance.

In an unstable Middle East, Israel is the one anchor of stability. In a region of shifting alliances, Israel is America's unwavering ally. Israel has always been pro-American. Israel will always be pro-American.

My friends, you don't need to do nation-building in Israel; we're already built. You don't need to export democracy to Israel; we've already got it. And you don't need to send American troops to Israel; we defend ourselves. You've been very generous in giving us tools to do the job of defending Israel on our own.

Thank you all; and thank you, President Obama, for your steadfast commitment to Israel's security. I know economic times are tough. I deeply appreciate this.

Some of you have been telling me that your belief has been reaffirmed in recent months that support for Israel's security is a wise investment in our common future, for an epic battle is now underway in the Middle East between tyranny and freedom. A great convulsion is shaking the Earth from the Khyber Pass to the Straits of Gibraltar—the tremors of shattered states, their toppled governments—and we can all see that the ground is still shifting.

Now, this historic moment holds the promise of a new dawn of freedom and opportunity. There are millions of young people out there who are determined to change their future. We all look at them. They muster courage. They risk their lives. They demand dignity. They desire liberty. These extraordinary scenes in Tunis and Cairo evoke those of Berlin and Prague in 1989.

I take it as a badge of honor—and so should you—that in our free societies you can have protests. You can't have these protests in the farcical parliaments in Tehran or in Tripoli. This

is real democracy. So, as we share the hopes of these young people throughout the Middle East and Iran that they'll be able to do what that young woman just did—I think she was young. I couldn't see quite that far—we must also remember that those hopes could be snuffed out as they were in Tehran in 1979. You remember what happened then. The brief democratic spring in Tehran was cut short by a ferocious and unforgiving tyranny, and it is this same tyranny that smothered Lebanon's democratic Cedar Revolution and inflicted on that long-suffering country the medieval rule of Hezbollah.

So, today, the Middle East stands at a fateful crossroads; and like all of you, I pray that the peoples of the region choose the path less traveled—the path of liberty. No one knows what this path consists of better than you—nobody. This path of liberty is not paved by elections alone. It is paved when governments permit protests in town squares, when limits are placed on the powers of rulers, when judges are beholden to laws and not men, and when human rights can not be crushed by tribal loyalties or mob rule.

Israel has always embraced this path in a Middle East that has long rejected it. In a region where women are stoned, gays are hanged, Christians are persecuted, Israel stands out. It is different.

There was a great English writer in the 19th century, George Eliot. It's a "she." It was a pseudonym in those days. George Eliot predicted over a century ago that, once established, the Jewish state will shine like a bright star of freedom amid the despotisms of the East.

Well, she was right.

We have a free press, independent courts, an open economy, rambunctious parliamentary debates. Now, don't laugh. Ah, you see, you think you're tough on one another here in Congress. Come spend a day in the Knesset. Be my guest.

Courageous Arab protesters are now struggling to secure these very same rights for their peoples, for their societies. We are proud in Israel that over 1 million Arab citizens of Israel have been enjoying these rights for decades. Of the 300 million Arabs in the Middle East and North Africa, only Israel's Arab citizens enjoy real democratic rights. Now, I want you to stop for a second and think about that. Of those 300 million Arabs, less than one-half of 1 percent are truly free, and they're all citizens of Israel.

The startling fact reveals a basic truth: Israel is not what is wrong about the Middle East. Israel is what is right about the Middle East. Israel fully supports the desire of Arab peoples in our region to live freely. We long for the day when Israel will be one of many real democracies in the Middle East.

Fifteen years ago, I stood at this very podium—by the way, it hasn't changed. I stood here, and I said that

democracy must start to take root in the Arab world. Well, it has begun to take root, and this beginning holds the promise of a brilliant future of peace and prosperity because I believe that a Middle East that is genuinely democratic will be a Middle East truly of peace; but while we hope for the best and while we work for the best, we must also recognize that powerful forces oppose this future.

They oppose modernity.

They oppose democracy.

They oppose peace.

Foremost among these forces is Iran. The tyranny in Tehran brutalizes its own people. It supports attacks against American troops in Afghanistan and in Iraq. It subjugates Lebanon and Gaza. It sponsors terror worldwide.

When I last stood here, I spoke of the consequences of Iran's developing nuclear weapons. Now time is running out. The hinge of history may soon turn, for the greatest danger of all could soon be upon us—a militant Islamic regime armed with nuclear weapons.

Militant Islam threatens the world.

It threatens Islam.

Now, I have no doubt—I am absolutely convinced—that it will ultimately be defeated. I believe it will eventually succumb to the forces of freedom and progress. It depends on cloistering young minds for a given number of years, and the process of opening up information will ultimately defeat this movement; but like other fanaticisms that were doomed to fail, militant Islam could exact an horrific price from all of us before its eventual demise. A nuclear-armed Iran would ignite a nuclear arms race in the Middle East. It would give terrorists a nuclear umbrella. It would make the nightmare of nuclear terrorism a clear and present danger throughout the world.

You see, I want you to understand what this means because, if we don't stop it, it is coming. They could put a bomb anywhere. They could put it in a missile. They're working on missiles that could reach this city. They could put it on a ship, inside a container, that could reach every port. They could eventually put it in a suitcase or in a subway.

Now, the threat to my country cannot be overstated. Those who dismiss it are sticking their heads in the sand. In less than seven decades, after 6 million Jews were murdered, Iran's leaders deny the Holocaust of the Jewish people while calling for the annihilation of the Jewish state. Leaders who spew such venom should be banned from every respectable forum on the planet.

But there is something that makes the outrage even greater. Do you know what that is? It is the lack of outrage because, in much of the international community, the calls for our destruction are met with utter silence. It's even worse because there are many who rush to condemn Israel for defending itself against Iran's terror proxies.

Not you. Not America. You've acted differently. You've condemned the Ira-

nian regime for its genocidal aims. You've passed tough sanctions against Iran. History will salute you, America.

President Obama has said that the United States is determined to prevent Iran from developing nuclear weapons. The President successfully led the Security Council at the U.N. to adopt sanctions against Iran. You in Congress passed even tougher sanctions. Now, those words and these are vitally important; yet the Ayatollah regime briefly suspended its nuclear weapons program only once, in 2003, when it feared the possibility of military action. In that same year, Muammar Qadhafi gave up his nuclear weapons program and for the same reason.

The more Iran believes that all options are on the table, the less the chance of confrontation; and this is why I ask you to continue to send an unequivocal message: that America will never permit Iran to develop nuclear weapons.

Now, as for Israel, if history has taught the Jewish people anything, it is that we must take calls for our destruction seriously. We are a nation that rose from the ashes of the Holocaust. When we say "never again," we mean never again. Israel always reserves the right to defend itself.

My friends, while Israel will be ever vigilant in its defense, we will never give up our quest for peace. I guess we will give it up when we achieve it, because we want peace, because we need peace. Now, we've achieved historic peace agreements with Egypt and Jordan, and these have held up for decades.

I remember what it was like before we had peace. I was nearly killed in a firefight inside the Suez Canal. I mean that literally—inside the Suez Canal. I was going down to the bottom, with a 40-pound ammunition pack on my back, and somebody reached out to grab me, and they're still looking for the guy who did such a stupid thing. I was nearly killed there. I remember battling terrorists along both banks of the Jordan.

Too many Israelis have lost loved ones, and I know their grief. I lost my brother. So no one in Israel wants a return to those terrible days. The peace with Egypt and Jordan has long served as an anchor of stability and peace in the heart of the Middle East, and this peace should be bolstered by economic and political support to all those who remain committed to peace.

The peace agreements between Israel and Egypt and Israel and Jordan are vital, but they are not enough. We must also find a way to forge a lasting peace with the Palestinians.

Two years ago, I publicly committed to a solution of two states for two peoples—a Palestinian state alongside a Jewish state. I am willing to make painful compromises to achieve this historic peace. As the leader of Israel, it is my responsibility to lead my people to peace. Now, this is not easy for me. It's not easy because I recognize

that, in a genuine peace, we will be required to give up parts of the ancestral Jewish homeland. You have to understand this:

In Judea-Samaria, the Jewish people are not foreign occupiers. We're not the British in India. We're not the Belgians in the Congo. This is the land of our forefathers—the land of Israel—to which Abraham brought the idea of one God, where David set out to confront Goliath, and where Isaiah saw a vision of eternal peace. No distortion of history—and boy, am I reading a lot of distortions of history lately, old and new. No distortion of history can deny the 4,000-year-old bond between the Jewish people and the Jewish land.

But there is another truth.

The Palestinians share this small land with us. We seek a peace in which they will be neither Israel's subjects nor its citizens. They should enjoy a national life of dignity as a free, viable and independent people, living in their own state. They should enjoy a prosperous economy where their creativity and initiative can flourish. Now, we've already seen the beginnings of what is possible. In the last 2 years, the Palestinians have begun to build a better life for themselves.

By the way, Prime Minister Fayyad has led this effort on their part, and I wish him a speedy recovery from his recent operation.

On our side, we've helped the Palestinian economic growth by removing hundreds of barriers and roadblocks to the free flow of goods and people, and the results have been nothing short of remarkable. The Palestinian economy is booming—it is growing by more than 10 percent a year—and Palestinian cities, they look very different today than what they looked like just a few years ago. They have shopping malls, movie theaters, restaurants, banks. They even have e-businesses, but you can't see that when you visit them.

That's what they have—it's a great change—and all of this is happening without peace. So imagine what could happen with peace. Peace would herald a new day for both our peoples, and it could also make the dream of a broader Arab-Israeli peace a realistic possibility.

So now here is the question. You've got to ask it:

If the benefits of peace with the Palestinians are so clear, why has peace eluded us? All six Israeli Prime Ministers since the signing of the Oslo Accords agreed to establish a Palestinian state, myself included.

So why has peace not been achieved? Because so far the Palestinians have been unwilling to accept a Palestinian state if it means accepting a Jewish state alongside it. You see, our conflict has never been about the establishment of a Palestinian state. It has always been about the existence of the Jewish state. This is what this conflict is about.

In 1947, the U.N. voted to partition the land into a Jewish state and an

Arab state. The Jews said yes. The Palestinians said no. In recent years, the Palestinians twice refused generous offers by Israeli Prime Ministers to establish a Palestinian state on virtually all the territory won by Israel in the Six-Day War. They were simply unwilling to end the conflict and—I regret to say this—they continue to educate their children to hate. They continue to name public squares after terrorists; and worst of all, they continue to perpetuate the fantasy that Israel will one day be flooded by the descendants of Palestinian refugees.

My friends, this must come to an end.

President Abbas must do what I have done—and I told you it wasn't easy for me. I stood before my people, and I said: I will accept a Palestinian state. It is time for President Abbas to stand before his people and say: I will accept a Jewish state.

Those six words will change history.

They will make it clear to the Palestinians that this conflict must come to an end, that they're not building a Palestinian state to continue the conflict with Israel but to end it, and those six words will convince the people of Israel that they have a true partner for peace.

With such a partner, the Israeli people will be prepared to make a far-reaching compromise. I will be prepared to make a far-reaching compromise. This compromise must reflect the dramatic demographic changes that have occurred since 1967. The vast majority of the 650,000 Israelis who live beyond the 1967 lines reside in neighborhoods and suburbs of Jerusalem and Greater Tel Aviv. Now, these areas are densely populated, but they are geographically quite small; and under any realistic peace agreement, these areas, as well as other places of critical strategic and national importance, will be incorporated into the final borders of Israel. The status of the settlements will be decided only in negotiations; but we must also be honest, so I am saying today something that should be said publicly by all those who are serious about peace:

In any real peace agreement, in any peace agreement that ends the conflict, some settlements will end up beyond Israel's borders. Now, the precise delineation of those borders must be negotiated. We will be generous about the size of the future Palestinian state; but as President Obama said, the border will be different than the one that existed on June 4, 1967. Israel will not return to the indefensible boundaries of 1967.

I want to be very clear on this point: Israel will be generous on the size of a Palestinian state, but we will be very firm on where we put the border with it. This is an important principle and shouldn't be lost.

We recognize that a Palestinian state must be big enough to be viable, to be independent, to be prosperous. All of you and the President, too, have re-

ferred to Israel as the homeland of the Jewish people just as you've been talking about a future Palestinian state as the homeland of the Palestinian people. Jews from around the world have a right to emigrate to the one and only Jewish state, and the Palestinians from around the world should have a right to emigrate, if they so choose, to a Palestinian state.

Here is what this means: it means that the Palestinian refugee problem will be resolved outside the borders of Israel. Everybody knows this. It is time to say it, and it is important.

And, as for Jerusalem, only a democratic Israel has protected the freedom of worship for all faiths in the city. Throughout the millennial history of the Jewish capital, the only time that Jews, Christians and Muslims could worship freely, could have unfettered access to their holy sites has been during Israel's sovereignty over Jerusalem. Jerusalem must never again be divided. Jerusalem must remain the united capital of Israel.

I know this is a difficult issue for Palestinians, but I believe that with creativity and with goodwill a solution can be found. So this is the peace I plan to forge with a Palestinian partner committed to peace; but you know very well that, in the Middle East, the only peace that will hold is the peace you can defend, so peace must be anchored in security.

In recent years, Israel withdrew from south Lebanon and from Gaza. We thought we'd get peace. That's not what we got. We got 12,000 rockets fired from those areas on our cities, on our children by Hezbollah and Hamas. The U.N. peacekeepers in Lebanon, they failed to prevent the smuggling of this weaponry. The European observers in Gaza, they evaporated overnight. So, if Israel simply walked out of the territories, the flow of weapons into a future Palestinian state would be unchecked, and missiles fired from it could reach virtually every home in Israel in less than a minute.

I want you to think about that, too. Imagine there's a siren going on now and that we have less than 60 seconds to find shelter from an incoming rocket. Would you live that way? Do you think anybody can live that way? Well, we are not going to live that way either. The truth is that Israel needs unique security arrangements because of its unique size. It's one of the smallest countries in the world.

Mr. Vice President, I'll grant you this, it's bigger than Delaware. It's even bigger than Rhode Island, but that's about it. Israel on the 1967 lines would be half the width of the Washington beltway. Now, here is a bit of nostalgia. I came to Washington 30 years ago as a young diplomat. It took me a while, but I finally figured it out. There is an America beyond the beltway, but Israel on the 1967 lines would be only 9 miles wide. So much for strategic depth.

So it is therefore vital—absolutely vital—that a Palestinian state be fully

demilitarized; and it is vital—absolutely vital—that Israel maintain a long-term military presence along the Jordan River. Solid security arrangements on the ground are necessary not only to protect the peace; they are necessary to protect Israel in case the peace unravels because, in our unstable region, no one can guarantee that our peace partners today will be there tomorrow.

And, my friends, when I say tomorrow, I don't mean some distant time in the future. I mean tomorrow.

Peace can only be achieved around a negotiating table. The Palestinian attempt to impose a settlement through the United Nations will not bring peace. It should be forcefully opposed by all those who want to see this conflict end. I appreciate the President's clear position on this issue. Peace can not be imposed. It must be negotiated; but peace can only be negotiated with partners committed to peace, and Hamas is not a partner for peace. Hamas remains committed to Israel's destruction and to terrorism. They have a charter. That charter not only calls for the obliteration of Israel. It says: kill the Jews everywhere you find them. Hamas' leader condemned the killing of Osama bin Laden and praised him as a holy warrior.

Now, again, I want to make this clear: Israel is prepared to sit down today and negotiate peace with the Palestinian Authority. I believe we can fashion a brilliant future for our children, but Israel will not negotiate with a Palestinian Government backed by the Palestinian version of al Qaeda.

That we will not do.

So I say to President Abbas: tear up your pact with Hamas. Sit down and negotiate. Make peace with the Jewish state. If you do, I promise you this: Israel will not be the last country to welcome a Palestinian state as a new member of the United Nations; it will be the first to do so.

My friends, the momentous trials of the last century and the unfolding events of this century attest to the decisive role of the United States in defending peace and advancing freedom. Providence entrusted the United States to be the guardian of liberty. All people who cherish freedom owe a profound debt of gratitude to your great Nation. Among the most grateful nations is my nation—the people of Israel—who fought for their liberty and survival against impossible odds in ancient and modern times alike.

I speak on behalf of the Jewish people and the Jewish state when I say to you, representatives of America: thank you. Thank you. Thank you for your unwavering support for Israel. Thank you for ensuring that the flame of freedom burns bright throughout the world.

May God bless all of you, and may God forever bless the United States of America.

[Applause, the Members rising.]

At 12 o'clock and 10 minutes p.m., His Excellency Binyamin Netanyahu,

Prime Minister of Israel, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

#### JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 12 o'clock and 16 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess until 12:45 p.m.

□ 1245

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 12 o'clock and 45 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

#### REMEMBERING THE HONORABLE PETER FRELINGHUYSEN

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

Mr. SMITH of New Jersey. Mr. Speaker, I rise with sadness to inform the House of the passing late yesterday afternoon of one of the longest living former Members of the House, Peter H.B. Frelinghuysen. Congressman Frelinghuysen served in this House with effectiveness and distinction and honor between 1953 and 1975.

Peter Hood Ballantine Frelinghuysen was born in New York City in 1916. After graduating from Princeton University and then Yale School of Law, he served in the Office of Naval Intelligence during World War II. He was elected as a Republican to the 83rd Congress.

When he first entered Congress, he served on the Education and Labor Committee, and after that as ranking member of the House Foreign Affairs Committee in the early 1970s. After being elected to 10 successive terms in Congress, he retired in 1975.

Of course, all of my colleagues know that Peter's son, RODNEY, our distinguished colleague here in the House, is now in mourning, as is the rest of the

family. So on this sad day, I would invite all of my colleagues to join me in extending to RODNEY and his brothers, Frederick and Peter, and his sisters, Beatrice and Adaline, and their families, our deepest and most profound condolences.

Peter Hood Ballantine Frelinghuysen was proud of his work in the House. He was loved by the people of New Jersey, and we thank him for his extraordinary legacy of service.

#### PROTECT MEDICARE FOR AMERICA'S SENIORS

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

Mr. MCGOVERN. Mr. Speaker, health care is a right, not a privilege. We made a promise to our seniors that they will have health care when they retire, that they will not have to withdraw away as they age.

But Republicans have broken that promise. Republicans, by passing the Ryan budget, believe that seniors should fend for themselves, that America should not honor the bargain made with its seniors.

It's simple, Mr. Speaker. Republicans don't like Medicare. I am glad this new majority is showing its true colors. And it is no surprise that Americans don't like this position. They didn't like it when they tried to privatize Social Security, and they don't like the Republican plan to voucherize Medicare.

Republicans would rather break this promise for their partisan, ideological crusade. In contrast, Democrats stand with America's seniors. We believe America should keep its promise to America's seniors. We believe America's seniors deserve better.

Support Medicare.

#### REMEMBERING THE HONORABLE PETER FRELINGHUYSEN

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

Mr. BASS of New Hampshire. Mr. Speaker, yesterday America lost a great public servant, a great friend of the State of New Jersey, the father of one of my—if not my best friend in Congress, a friend of my family's, and just a wonderful guy.

Mr. Frelinghuysen—as I knew him, Peter Frelinghuysen—served in the Congress, as my friend from New Jersey just mentioned, from 1953 to 1975. He was the second or third oldest former Member of Congress. Now my father, who is 98, is the oldest former Member of Congress. Our families grew up together. We grew up in the spirit of public service, of good friendship, of bipartisanship, and of action.

I remember Mr. Frelinghuysen so well as a child, bringing us around here in the Chamber and around Capitol

Hill, and even out to amusement parks in the Washington, D.C., area. He was a great father to his five children. But most importantly, Mr. Speaker, he was a great American and a very fine, distinguished Member of Congress.

I will miss him. I know his family will miss him. I know the citizens of New Jersey will miss him. He was a great American.

□ 1250

#### MEDICARE

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

Mr. BACA. Mr. Speaker, these are tough times for the American people everywhere. In my home State of California, families face a 12 percent unemployment rate, and the gas prices are well over \$4 a gallon.

But instead of working together to solve the problems, the Republican leadership has voted to end Medicare as we know it and extend the tax breaks to companies that ship jobs overseas.

This week the Senate will have its chance to vote on a reckless Republican budget. The consequences of this misguided plan are devastating for the senior citizens—again I state—devastating to the senior citizens and the middle class.

In California alone, the Republican budget would cost seniors—I state—cost seniors over \$214 million in higher prescription drug costs next year; cut almost \$54 billion in Medicaid funding for seniors and the disabled; and would cost us 186,000 private sector jobs that will be lost over the next 5 years.

We must scrap this plan. Let us work together on a reasonable budget to protect Medicare.

#### AMERICAN JOB CREATORS

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

Mr. BUCSHON. Mr. Speaker, I rise today to talk about jobs.

Over a month ago, I launched my participation in American Job Creators. All too often in Washington, regulations are created that end up stifling job creation across our Nation. That is why I chose to participate in American Job Creators. With unemployment at 9 percent, it was common sense to me to ask the job-creating experts what regulations are affecting their ability to grow and expand.

One job creator in my district, Jodie, is a home builder. She went to AmericanJobCreators.com and used the platform to communicate with me. Jodie identified the onerous banking regulations created by the Dodd-Frank Act, making it more difficult for contractors to borrow money from lending institutions. This, in turn, makes it more difficult to complete and start new projects. We know the housing cri-

sis has made it difficult on the construction industry, but adding these regulations has further stifled the industry's ability to recover and to create jobs in America.

I would like to thank Jodie for her participation and encourage more people to go to AmericanJobCreators.com.

#### WE MUST PROTECT MEDICARE

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

Ms. EDWARDS. Mr. Speaker, I rise today to join with the American people to protect Medicare.

It's pretty simple. The Republicans, if they had their way, it would mean a catastrophic end to the program and it would deep-six protections for seniors and improvements to Medicare that we made under the Affordable Care Act.

Medicare has long been a reliable source of coverage for seniors, ensuring they can afford the care they need. In Maryland, the GOP plan would force seniors to pay nearly \$6,800 more in out-of-pocket expenses for health care in the first year alone. And at a time when seniors are economically vulnerable, this proposal would further threaten their quality of life.

While their budget, to date, hasn't produced a single jobs-creating bill, what they would do in these next several months is to cut more than 2 million private sector jobs across the country.

So right now the Republicans are heading for the hills, trying to distance themselves from what they're trying to do to Medicare, but it's clear that the American people want to protect Medicare.

So I urge my colleagues to join with us and oppose this controversial change that would end the decades-old promise to the American people.

It's a simple question: Whose side are you on? Well, I'm on the side, and Democrats are on the side of seniors and not the wealthy health insurance industry and Big Oil bandits.

#### THE UNITED STATES STANDS WITH ISRAEL

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

Mrs. MILLER of Michigan. Mr. Speaker, we just heard from a leader of a nation that is one of America's greatest friends and allies: Prime Minister Binyamin Netanyahu of the nation of Israel.

The Prime Minister was correct in saying that in the often shifting alliances in the Middle East, only Israel stands as our unwavering ally. And his message for peace and security should not be heard just in this Chamber but across the world.

Many in the world often like to scapegoat Israel as the cause of insta-

bility in the Middle East and the reason why a Palestinian state has not been created. And nothing can be further from the truth.

As the Prime Minister said, the conflict has never been about the establishment of a Palestinian state; it has always been about the existence of a Jewish state.

It is time for the Palestinian President, Abbas, to stand before his people and state that he is ready to accept peace and live side by side with the Jewish State of Israel. Only then can peace be achieved.

Until that time and on into the future, the people of the world should know that the United States of America will always stand strong with the nation of Israel.

□ 1300

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

#### SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

Mr. GRAVES of Missouri. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:  
Strike out all after the enacting clause and insert:

#### SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 112-1 (125 Stat. 3), is amended by striking “May 31, 2011” each place it appears and inserting “September 30, 2011”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on May 30, 2011.

#### SEC. 2. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

“(s) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. GRAVES) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentlemen from Missouri.

## GENERAL LEAVE

Mr. GRAVES of Missouri. Mr. Speaker, I ask unanimous consent that all Members shall have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, America's 27 million small businesses drive U.S. economic growth and innovation. Those small companies have created 64 percent of our net new jobs over the past 15 years. Strong and vibrant economies are built from the ground up, and as our Nation's entrepreneurs are making decisions to take risks and invest they need to know that their elected officials are looking out for them and providing them with the certainty they need to have confidence moving forward. That confidence will result in increased economic output, new jobs, and a better way of life for all Americans.

The legislation we have before us is a simple extension of programs overseen by the Small Business Administration through September 30, 2011. The current authorizing legislation expires at the end of this month, and we need additional time to continue our legislative work.

Chief among the programs we are extending today is the Small Business Innovative Research Act, the largest Federal Government small business research and development initiative. Earlier this month, the Small Business Committee held a markup of legislation that would fully authorize the SBIR program through 2014. This bipartisan legislation passed our committee by voice vote, and we are ready to bring this legislation to the floor to provide our small entrepreneurs with the certainty that they need to move forward. Unfortunately, the long term SBIR reauthorization introduced by our counterparts in the other body has been stalled and the prospect of them passing that legislation still remains unclear. We have reached out to the other body and are continuing a constructive dialogue on finding a solution to fully authorize the SBIR program as well as other important small business initiatives. It is my hope that we can continue to work in a bipartisan and bicameral way to pass this long-term reauthorization.

I urge my colleagues to vote "yes" on S. 990, as amended.

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

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

Mr. Speaker, the economy is showing signs of recovery on several fronts, adding 1 million jobs in the last 6 months. While this is very good news, we still have a long way to go, and this is why we need small firms more than ever.

Small businesses, which create two-thirds of new jobs, drive employment gains and economic expansion. Time and again, they have generated the ideas and know-how that spark job growth. However, entrepreneurs must have the resources and tools they need to start up or expand. The legislation we are considering today provides them and extends the authorization of several Small Business Administration programs. For many firms these initiatives are critical, enabling them to secure financing and more effectively compete for Federal contracts.

While we must keep these programs operational, it is unfortunate that we are doing so through another temporary extension. However, it is my hope that we can reach a lasting agreement on the agency's authorization so that we do not have to come back here again in a few months.

Small businesses across the Nation depend on a strong SBA. This is especially true now when many unemployed individuals are turning to entrepreneurship as a source of income. By ensuring that the agency's programs do not lapse, we are providing small businesses with a foundation for future growth, and in doing so, helping move the economy forward.

I urge a "yes" vote.

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

Mr. GRAVES of Missouri. Mr. Speaker, in closing, let me reiterate that small businesses can and will lead our economic recovery, and this is a very strong case for fully authorizing the SBIR and STTR programs. They have a proven track record of creating jobs, advancing innovative science in the marketplace, and solving Federal agency problems.

These programs provide a bridge between product conception and marketability—a step of vital importance for innovative ideas to become a reality. The new technologies and discoveries that come out of these programs go a long way towards keeping our competitive edge in the world marketplace, and the SBIR and the STTR programs are the kind of public-private partnership that is essential to the continued growth of our economy.

I look forward to working with Ranking Member VELÁZQUEZ, our colleagues on the Small Business Committee, and our colleagues in the other body on a long-term reauthorization in the coming months.

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

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Missouri (Mr. GRAVES) that the House suspend the rules and pass the bill, S. 990, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Ms. FOXX. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 274

*Resolved*, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON EDUCATION AND THE WORKFORCE.—Mr. Goodlatte, to rank immediately after Ms. Foxx.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## □ 1310

#### PRINTING OF PROCEEDINGS HAD DURING RECESS

Ms. FOXX. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 1216, REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDUCATION; PROVIDING FOR CONSIDERATION OF H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012; AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 269 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 269

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations. The first reading of the bill shall

be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated May 23, 2011, and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. After general debate, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of May 27, 2011, providing for consideration or disposition of a measure addressing expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005.

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

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

GENERAL LEAVE

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

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

There was no objection.

Ms. FOXX. House Resolution 269 provides for a modified open rule providing for consideration of H.R. 1216,

which amends the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from mandatory spending to an authorization of appropriations; H.R. 1540, the National Defense Authorization Act; and same-day consideration of a rule to consider extending certain provisions of the USA PATRIOT Act. Mr. Speaker, this is the seventh modified open rule that the House Republican majority has offered this Congress, compared to the liberal Democrats' one modified open rule during the entire 111th Congress.

The first underlying bill today, H.R. 1216, continues the fulfillment of the Republican Pledge to America and illustrates that once again Republicans are keeping our promises to the American people to cut Federal spending. The American people want transparency of Washington's spending of hard-earned taxpayer dollars. In an act of gross irresponsibility, the Federal Government is spending \$1 out of \$4 of gross domestic product.

We hear the term "Federal money" as though it is manna from heaven. Let me dispel that misconception, Mr. Speaker. The Federal Government has only the money it takes away from hardworking American families through taxes or the money it borrows. As a Nation, we are currently borrowing 43 cents for every dollar spent at the Federal level.

Some argue that to balance the Federal Government and pay down our debt, we should raise taxes. As a fiscal conservative, I have to disagree. Raising taxes on hardworking Americans and job creators is simply a way to pass the blame. We must rein in out-of-control Washington spending and put an end to it. The American people are sick and tired of reckless government spending and Washington's disregard for basic budgeting principles of living within its means. This is one of the many reasons I urge my colleagues to support this rule and the underlying bill before us today, Mr. Speaker.

H.R. 1216 restores congressional oversight to Federal spending by ending the autopilot spending for physician residency programs at teaching health centers and restoring it to the annual appropriations process. When a program is put on autopilot, Congress abdicates its authority to unelected bureaucrats and takes a hands-off approach. House Republicans are committed to ending that approach to Federal spending and ensuring that government programs are accountable for how they are spending money. No longer will we accept politically popular excuses. Each program must prove that it is a wise steward of taxpayer dollars. If Congress will not address out-of-control spending now, we are passing the buck to our children and grandchildren.

Therefore, I commend my Republican colleagues at the House Energy and Commerce Committee for seeking to end mandatory or autopilot funding for programs in the liberal Democrats'

government takeover of health care. Because the liberal elites knew their government takeover of health care was unpopular and would likely have consequences at the ballot box, they included \$105 billion in mandatory taxpayer spending in the law itself to protect their favorite programs.

Let me take a moment, Mr. Speaker, to explain the difference between discretionary and mandatory government spending. Discretionary spending is appropriated by Congress annually and, therefore, subject to congressional oversight and review. Discretionary spending allows Members of Congress the opportunity to be wise stewards of the taxpayers' money by not funding ineffective or duplicative programs. On the contrary, mandatory spending operates irrespective of congressional appropriations and must be spent whether we have the money or not. The most recognized mandatory spending programs are Medicare, Medicaid and Social Security which operate on autopilot and have not been subject to congressional oversight from year to year as funds automatically stream from the Treasury to anyone who qualifies for a particular benefit.

It cannot be emphasized enough that the liberal elites in Washington chose to hastily ram through their government takeover of health care with no regard for the staunch opposition of the American people. The audacity of an elected official or, worse, an unelected bureaucrat basically saying to a taxpayer that he or she knows how to spend the taxpayer's money better than the individual taxpayer is appalling. That is what the ruling liberal elites in Washington did when they chose to forgo the annual appropriations, also known as oversight, process by putting their favorite programs on autopilot under ObamaCare.

Mr. Speaker, it is my firm belief that Washington should not be in the business of picking winners and losers. During committee consideration of the underlying bill, my Republican colleagues rightly pointed out that the liberal Democrats in control last Congress put the funding for residencies at teaching health centers on autopilot but left residency programs at children's hospitals to fend for themselves in the annual appropriations process. In fact, President Obama's FY 2012 budget proposes eliminating funding for residency programs at children's hospitals.

Mr. Speaker, it is hard to understand why residencies at teaching health centers should receive special treatment. Why were these residency programs protected while others languished and were eventually proposed to be eliminated?

□ 1320

This is a classic example of Washington bureaucrats deciding which programs will win and which will lose. As I said earlier, every program should be properly scrutinized by Congress



through the appropriations process and be accountable for how it is spending taxpayer money. While this accountability should always be important, it's even more critical because we're facing the third straight year of trillion dollar deficits. This fiscal year our deficit will be \$1.6 trillion.

Mr. Speaker, remember the figure I mentioned earlier about our Nation's borrowing habits? We're borrowing 43 cents of every dollar the Federal Government spends. This translates to a national debt that has now reached more than \$14 trillion and has gotten the attention of the American people. If you're having a hard time visualizing \$14 trillion, let me put it this way: If America was required to pay back its national debt right now, each citizen—man, woman, and child—would owe more than \$46,000.

The simple truth is that we have a spending crisis in this town due in large part to mandatory spending that operates on autopilot. House Republicans are committed to bringing government spending under control, and we're continuing to build on our Pledge to America by restoring congressional oversight and accountability for government programs.

Again, Mr. Speaker, I urge my colleagues to vote for this rule and the underlying bills.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentlelady from North Carolina and my friend, Dr. FOXX, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Mr. Speaker, this rule allows for the consideration of H.R. 1216, the Graduate Medical Education Direct Spending Repeal Act, and general debate for H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, and this rule also allows for a martial law consideration of the reauthorization of the Patriot Act sometime this week.

Frankly, Mr. Speaker, this is a disappointing rule. While I have no problem with a rule providing for general debate for the Defense authorization bill, it is disappointing that this rule also includes these two other provisions—especially the martial law rule.

Let me begin with H.R. 1216. This bill is simple—it's another chance for the Republicans to dismantle the Affordable Care Act. It's one more part of their repeal agenda.

The funny thing is, Mr. Speaker, Republicans continue to push their repeal agenda, but they haven't put any plan forward to replace these new health care provisions that we passed. The truth is that the Republicans are not only trying to repeal the Affordable Care Act, they are also trying to repeal Medicare. This is outrageous. The American people do not want the House Republicans to dismantle Medicare.

The Affordable Care Act, Mr. Speaker, provides dedicated funding for the training of family doctors through graduate medical education programs at teaching health centers. The Republicans, while they claim they support doctors and training programs, don't believe in this dedicated funding. This bill not only rescinds the direct funding for these programs, it reduces the authorization by nearly \$50 million.

Now, everyone knows there is a shortage of primary care physicians in this country. Why, then, do Republicans want to undercut efforts to bring physicians into areas of desperate need?

Making these funds discretionary will jeopardize the 11 programs currently underway across the country—including one program in my home State of Massachusetts. Making these funds discretionary does nothing to help our constituents who are struggling to obtain primary care. Making this program discretionary will deter other entities from making business decisions necessary to expand residency training—decisions like securing commitments from key stakeholders to agree to train new or additional residents, applying for accreditation if not already eligible, and hiring new faculty with funding over the next few years.

Finally, claims that this bill saves hundreds of millions of dollars are just not true. Republicans may claim that this bill will cut nearly \$200 million from the deficit, but that's only true if Congress provides no funding for this program. CBO—the nonpartisan budget arbiter that Republicans frequently ignore—estimates that \$184 million will be appropriated over 5 years, meaning only \$11 million will be saved by H.R. 1216. So claims of this incredible fiscal austerity are simply not true.

Now, a second part of this rule is the martial law portion for same-day consideration of the Patriot Act extension. The Senate is currently debating this reauthorization, and the Republicans feel it necessary to once again jam this bill through this House as soon as the Senate is done with it. This is no way to debate legislation dealing with our homeland security and basic civil rights and civil liberties. This is an important issue. Members need time to be able to understand all of the implications of the Patriot Act.

Lastly, Mr. Speaker, let me say just a few words about the fiscal year 2012 National Defense Authorization Act which we will begin general debate on later today.

All Members of this House are strongly committed to protecting our national security—regardless of party, region, or political point of view. It has been the tradition of the House Armed Services Committee, at the staff and Member level, to work in a bipartisan way to carefully craft the annual defense authorizations bill, and I recognize Chairman BUCK MCKEON and Ranking Member ADAM SMITH for continuing that collegiality.

But given such a tradition, it comes as a surprise to see so many provisions in H.R. 1540 that attempt to repudiate and attack several of the President's national security policies. From warehousing low-level detainees for an indeterminate amount of time, to delaying the implementation of the repeal of Don't Ask, Don't Tell, to hamstringing the implementation of the bipartisan-supported New START Treaty, to seeking a so-called updated authorization for the use of military force that no longer references the devastating 9/11 attacks against America, but instead gives broad authority to the executive branch to pursue military operations anywhere for any length of time—such changes have all the appearance of a partisan agenda.

This afternoon, the Rules Committee will be reviewing many of the amendments on these and other issues, and I hope that they will be made in order so that a broad range of issues and recommendations might be considered and voted upon by this body.

Now, a number of those amendments will deal with the future of our policy and military operations in Afghanistan.

As most of my colleagues know, I believe that we need to rethink our strategy in Afghanistan. It is bankrupting our Nation. The gentlelady from North Carolina talks about the deficit. I will remind her and others that we are borrowing to pay for the war in Afghanistan. We are borrowing approximately \$8.2 billion a month. That's billion with a "b."

So if we're going to get serious about deficit reduction, we either need to end these wars—which I think we should do—or if you support them, you ought to pay for them.

This war has already demanded the lives of 1,573 of our service men and women and gravely wounded tens of thousands of our troops. And right now, there is no true end in sight.

The death of Osama bin Laden creates an opportunity for us to reexamine our policy in Afghanistan and ask the President exactly how and when he will bring the last troops home to their families and their communities.

The death of bin Laden provides us with a moment to commend our intelligence and uniformed men and women, and it also allows us to bring fresh eyes to what kind of defense budget and priorities best fit the needs of our Nation and our national security, especially in these difficult economic times.

I hope that the Rules Committee will embrace such a debate, allow a broad range of amendments to be made in order, and support a fresh and critical examination of the policies and priorities put forward in H.R. 1540.

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

Ms. FOXX. Mr. Speaker, I thank my colleague from Massachusetts for bringing up some issues that need to be responded to.

First of all, let me say he says that we plan to repeal Medicare. It was the

Democrats who, in voting for the health care act that took over health care in this country to the Federal Government, who cut \$500 billion from Medicare—a half a trillion dollars. Republicans have made no recommendations to cut Medicare at all. Only the Democrats have voted to do that. Not Republicans.

Republicans want to save Medicare, Mr. Speaker. That is what we are doing. We're recommending that we save Medicare for the future. The Democrats are the only ones who want to repeal Medicare by cutting that money from it.

Let me mention a couple of other things that my colleague has spoken about in terms of underlying bills.

□ 1330

In terms of the Patriot Act, I believe it is the Attorney General, the Democrat Attorney General, Mr. Holder, who has recommended not only that the Patriot Act be renewed, but that all three of these provisions be made permanent. It is coming from that side of the aisle that they want the Patriot Act renewed. So their President is pushing for this.

In terms of borrowing for the war, Mr. Speaker, you know, it is the Federal Government and only the Federal Government that provides for the national defense of this country. That is why we have a Federal Government, Mr. Speaker. It's why we became the United States. No other branch of government can provide for our national security. Every other branch of government, however, can handle health care, can handle education, can handle many of the things that the Federal Government has gotten itself into that it has no business being involved in. So if we had to borrow money, we wouldn't be borrowing money if we weren't in these other things. We would have ample resources to provide for the national defense.

But I would also like to point out to my colleague from Massachusetts that it was a Democratic President who took us into a third war, with no authorization from the Congress. And it is not the Republicans who are creating this problem.

Mr. Speaker, the second bill made in order under this rule is H.R. 1540, the National Defense Authorization Act.

Mr. Speaker, this weekend we will all pause to observe Memorial Day, as we should. As we debate this very important bill, we need to keep in mind the men and women of the Armed Forces and their families. We also need to keep in mind those who have made the ultimate sacrifice in defense of all of our freedoms, including this process of freely debating our laws and the idea of the role of government. We could not be here today without the sacrifices of those who served in the military and kept us a free people. I hope that's what everyone keeps on their mind this weekend when they celebrate Memorial Day.

As James Madison wrote in the *Federalist Papers*, "The operations of the Federal Government will be most extensive and important in times of war and danger." Our Founding Fathers had a clear view that the primary and central job of the Federal Government was to "provide for the common defense." Providing for the common defense is the mandate of our Constitution. It's not an issue that should divide us in partisan rancor, but unite us as a country that supports our military and provides them with the tools to do their very important job.

One need not look too far back in history to find words that remind us of our responsibility to provide for the common defense. President Ronald Reagan, in his first inaugural address, promised to "check and reverse the growth of government," but also to "maintain sufficient strength to prevail if need be, knowing that if we do so we will have the best chance of never having to use that strength." That message, Mr. Speaker, still holds true today.

Not only does this bill ensure that our troops are properly equipped, but it also provides the men and women of the military and their families with the resources and support they need, deserve, and have earned. The fiscal year 2012 National Defense Authorization Act takes a detailed approach to ensuring that the investments in our national security are in line with our fiscal priorities and realities.

The bill has a clear mandate of fiscal responsibility, transparency, and accountability within the Department of Defense. It also provides incentives to have competition for every taxpayer dollar associated with funding of defense requirements. The bill addresses a wide range of recent policy changes at the Department of Defense, including the repeal of Don't Ask, Don't Tell; reaffirming the Defense of Marriage Act, which protects one man-one woman marriage; as well as ensuring that our military is properly equipped, trained, and staffed for any future threats to our national security.

Just as our men and women in uniform stand ready to defend our country, Congress must also tackle the fiscal crisis facing our Nation. Nothing, Mr. Speaker, is more dangerous to our national security than the crushing debt that our country is in. Many of my colleagues have come to the floor warning that the sky was going to fall and Armageddon would be upon us if we did not raise the debt ceiling. Well, last week we hit the debt ceiling, and guess what? The sky is still up there and we are paying our bills.

History shows that in 1985, 1995, and 2002, Congress delayed raising the debt ceiling for months without an Armageddon-like economic meltdown. Our intent on this side of the aisle is to pay down the debt with fiscally disciplined and responsible budgets that reduce deficit spending. With a system like that in place, there will be no need to

continue to raise the debt ceiling and create further financial burdens that could cost each American over \$40,000. Imagine a better American future. Imagine what Americans can achieve if we are freed from Washington's debt burden.

On March 16, 2006, a young Senator took the floor in the United States Senate and said, "The fact that we are here today to debate raising America's debt limit is a sign of leadership failure. It is a sign that the U.S. Government can't pay its own bills. It's a sign we now depend on ongoing financial assistance from foreign countries to finance our government's reckless fiscal policy." Mr. Speaker, that Senator voted against raising the debt ceiling, and that Senator was Barack Obama, our current President. As far as that statement goes, I agree with the President that our dependency on foreign funds is reckless and a danger to our national security.

Just as dangerous is the failure to achieve energy security. Republicans strongly believe that energy security depends on domestic energy production. Our friends, the liberal Democrats and President Obama, have actively blocked and delayed American energy production, destroying jobs, raising energy prices, and making the U.S. more reliant on unstable foreign countries for energy. This is hurting American families and small businesses, who are vital to creating the new private sector jobs we so desperately need during this time of high unemployment.

The liberal proposals fail to create jobs in America but help create jobs overseas for the citizens of foreign nations. We need policies that allow us to take advantage of our natural resources and our innovative culture to develop new sources of energy and create jobs here at home.

To date, the Obama administration has pursued an anti-energy agenda, rife with policies that block domestic energy production and destroy jobs. The consequences of this agenda are dire. In the short term, it fuels a rise in gas prices and costs for consumers, and in the long term it limits innovation and stifles economic growth and job creation.

Mr. Speaker, we need to approve this rule which we are debating and the underlying bills so that we can stop the funding of abortions and so that we can fund our military. And we need to look at the other policies that are being promoted by our colleagues on the other side of the aisle and in the White House to see that we can become more secure as a Nation.

I reserve the balance of my time.

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

Mr. Speaker, I feel I need to clarify the record on a couple of things.

My friend from North Carolina said that the Republicans want to protect Medicare. I would suggest that she read the bill that she voted for and other Republicans voted for, the so-called

Ryan budget. The way they protect Medicare is by destroying it. They turn it into a voucher system. And it will mean seniors will pay more and they will get less protection. It is outrageous what they're proposing. And more and more Americans are reading the bill, and they are outraged by what they are seeing.

Democrats, and I hope some thoughtful Republicans, will stand firm and protect Medicare. It is the most important, successful program in our history, along with Social Security. And efforts to dismantle it and to put more burden on our senior citizens for their health care, and basically a major giveaway to the insurance companies, is not protecting Medicare.

□ 1340

The gentlelady talks about the reckless spending in Washington. I will remind all of my colleagues that when Bill Clinton left office, we didn't have a deficit; we were paying down our debt. There was a detailed article in *The Washington Post* not too long ago explaining how we went from no deficit to now a huge deficit. It includes tax giveaways to the wealthiest people in this country that were not paid for, you know.

I find it somewhat sad that one of the first things that was done in terms of addressing some of our economic concerns was to protect the tax cuts for people like Donald Trump but then to go in and cut emergency fuel assistance for poor people and to go after food and nutrition programs and Pell Grants. That's not the way we should be balancing the budget.

But *The Washington Post* talks about these tax cuts for the wealthy that were not paid for; on top of that, two wars that were not paid for. Now, I am against these wars; but if you are for them, you ought to pay for them. That's the way we have done it throughout our history. World War II, we paid for it. There was a war tax. We had war bonds. The Vietnam War was paid for in part by eroding Lyndon Johnson's Great Society. It was paid for. But now we have these wars that are not paid for, \$8.2 billion a month in Afghanistan alone.

So I hope this is not a partisan agenda when we talk about the war in Afghanistan, and I am not here to put the blame on one party or another. I hope that we can have these amendments on the floor and have some thoughtful discussion about ways we could bring this war to an end. I think Democrats, and I know a lot of Republicans, feel that we should bring this war to an end.

In terms of energy policy, I think people are horrified that we continue to protect taxpayer subsidies to Big Oil companies while they are gouging us at the gas pump. It is unbelievable that we can't have a debate on this floor about taking away these taxpayer subsidies to Big Oil that are making record profits. So I hope that we will talk a little bit more about that at the end of this debate.

Mr. Speaker, I yield 2 minutes to a former member of the Rules Committee, the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. I thank the gentleman from Massachusetts for yielding me time.

Mr. Speaker, I rise today in opposition to the rule and the underlying legislation. H.R. 1216 would put the future primary care workforce into question.

The Affordable Care Act included critical funding for several grant programs designed to increase the size of the health care workforce and, specifically, to increase the number of general practice and primary care physicians. Primary care has long been neglected in our country and it has been well documented that our country faces a looming shortage of primary care providers.

The Affordable Care Act will help train and develop 16,000 new primary care providers. That means 16,000 more primary care doctors to help keep our children and families healthy, as studies strongly associate healthier outcomes with regular access to care.

Unfortunately, the bill before us would call all of this into question. If this bill were enacted, we would no longer have the pipeline of primary care providers to meet demand and we would continue the status quo, which for too many is either foregoing care or seeking care in the emergency room. This perpetuates the onset of chronic conditions such as heart disease, diabetes, and cancer. This is increasing costs and costing lives.

I urge my colleagues to reject this rule and to vote down this bill for the future of our physical and fiscal health of our constituents and our country.

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

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Thank you very much, Mr. MCGOVERN.

And to my friend on the other side of the aisle, I want to say that I will be offering an amendment to the defense authorization bill which would defund the war in Libya. The war is unconstitutional. The President did not come to this Congress. He went to the U.N. Security Council. He went to a number of international bodies. He didn't come to the United States Congress. Last week, the President did not observe the tolling of the War Powers Act; so he is in violation of the statute.

The action over in Libya has already exceeded the U.N. mandate. It's in violation of the U.N. mandate, and there have been violations of international law. What are we doing there? What does anyone think we can afford, and why aren't we trying to find a path to peace so we aren't called upon to spend more money there?

I mean, these are questions we have to be asking. That is why Congress should start by saying, look, you are not going to spend any more money

over there. And there are people who are saying, Mr. Speaker, that, well, it's not the United States; it's NATO.

Now, think about this. The Guardian UK did this study where 93 percent of the cruise missiles are paid for by the US; 66 percent of the personnel involved in Libya, against Libya, from the U.S.; 50 percent of the aircraft, 50 percent of all ships. And they're saying this is a NATO operation?

Come on. I mean, we really have to recognize what's going on here, which is an expansion of the war power by the Executive, and it's time that we challenge that. And one thing we certainly shouldn't do is to support the amendment offered by my friend Mr. MCKEON that wants to hand over to the President Congress' constitutional authority to declare an authorized war, substantially altering the delicate balance of power which the Founding Fathers envisioned.

The annual reauthorization of the Department of Defense contains unprecedented and dangerous language, which gives the President virtually unchecked power to take this country to war and to keep us there.

The bill substantially undermines the Constitution, the institution that the Constitution set up, that is, Congress, and sets the United States on a path to permanent war.

Congress has to protect the American people from the overreach of any Chief Executive—Democrat, Republican—any Chief Executive who is enamored with unilateralism, preemption, first strike, and the power to prosecute war without constitutional authority or statutory prescriptions.

Permanent global war isn't the answer. It's not going to increase our national security. Far from ridding the world of terrorism, it will become a terrorist recruitment program. The war in Iraq, based on lies. The war in Afghanistan, based on a misreading of history. Yet in Iraq we will spend over \$3 trillion. In Afghanistan we have already spent over a half trillion dollars.

We have people out of work here. We have people who are losing their homes, losing their health care, losing their retirement security, and all we hear from the White House is they want more war or they want authorization for more war. We have to stop that. And while we're stopping that, we have to stop this national security state and stop the extension of the Patriot Act, which is also in this bill.

Ms. FOXX. Mr. Speaker, I need to point out to my colleague from Massachusetts, as I do almost every time that we are on the floor together, and I do enjoy being on the floor with him, that he always brings up the fact that we had a surplus when President Clinton left office. Well, the reason we had a surplus, Mr. Speaker, when President Clinton left office had nothing to do with President Clinton. It had all to do with the fact that we had Republicans in charge of the Congress.

And just before the Democrats took over the Congress in 2007, as my colleague from Massachusetts so well knows, the CBO projected that there would be a surplus in the United States. However, the Democrats took over in January of 2007 and immediately we began running deficits because of their profligate spending.

I would also like to point out to my colleague from Massachusetts, as he so well knows, that the Democrats who are in control of the Senate held a vote last week on whether or not to change the Tax Code in order to disallow incentives that are given to the oil companies for securing oil for this country. And as he knows, again, it's controlled by the Democrats. It was turned down by the Senate.

So I would like to point out to him that Republicans are not responsible for the deficit and Republicans are not responsible for denying legal tax exemptions to oil companies. It is the Democrats who are responsible for that.

I will allow my colleague to make comments, but I won't allow him to rewrite history.

□ 1350

Mr. Speaker, we have great political unrest in the Middle East, and the growing demand from China threatens our ability to secure long-term reserves of oil from foreign entities. That's why we must pursue an alternative energy policy in this country, one that puts to use our domestic supplies and technologies.

Republicans are going to continue to pursue an all-of-the-above energy plan aimed at increasing our domestic production to bring down energy prices while creating jobs here at home and ending our dependence on foreign sources of oil.

What that means, Mr. Speaker, is we believe in conservation, we believe in alternatives, but we also believe in using the resources that the good Lord gave us here in this country which are being denied to the American people by our colleagues on the other side of the aisle. Mr. Speaker, American families cannot wait any longer for relief at the pump. American families cannot wait any longer for increased jobs.

As we head back to our districts for the Memorial Day holiday, it's fitting that we should all give thanks to those who have given their lives in defense of the freedom that we very much cherish. Every day, courageous young men and women from all over America volunteer to serve our country in the military. They do not join for the great pay, luxurious lifestyle and swanky accommodations. They join the military and serve with dignity and honor because they love this country and they love what we stand for. They serve a much higher purpose than themselves. What our troops provide for us can be summarized in one word: America.

We need now to all come together as supporters of the young men and

women of the Armed Forces and their families as proud Americans and provide them with the tools and resources that these brave volunteers deserve, which is why my colleagues and I all need to vote for the underlying bill, the Defense authorization bill.

But we also need to vote for the rule, which is going to allow for almost an unlimited number of amendments to be offered, Mr. Speaker, unlike what our colleagues did when they were in charge in the 110th and 111th Congresses.

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

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

The late great Daniel Patrick Moynihan once said, you're entitled to your own opinions, but not your own facts. And the fact is, Mr. Speaker, when this record surplus was turned into a record deficit, I will remind the gentlelady that the Republicans controlled the House, they controlled the Senate, and they controlled the White House. And that is when we passed these tax cuts for the richest people in the world, and they were not paid for. And that is when we embarked on two wars that were not paid for.

It appears that the gentlelady wants to continue these wars. I want to end them. But if you're going to continue them, then pay for them, because it is not fair to the men and women who are sacrificing their lives and the men and women who are in harm's way and their families to just accumulate all this debt and pass it on to them, their children and their grandchildren. If we are going to go to war, we all ought to take some responsibility.

And, finally, on the issue of the taxpayer subsidies for oil companies, we have not had a debate on this House floor or a vote on this House floor on this. I don't care what the Senate did or did not do. I'm not a Member of the United States Senate. I'm a Member of the United States House of Representatives. And under this new and open process that we were promised, by the way, not a single open rule yet—not a single open rule—but under this new and open process, we can't bring an amendment to the floor to be able to debate this issue.

So I would respectfully suggest that maybe my colleague from North Carolina and the Rules Committee will once in a while vote for an open rule so we can bring some of these things to the floor.

At this time I would like to yield 3 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, I rise in opposition to the rule and the underlying bill in its current form.

By delaying the repeal of Don't Ask, Don't Tell, this bill will weaken our Armed Forces and further confuse an issue that our country and our military have simply moved past. This bill in its current form says to gay and lesbian servicemembers, you're welcome to

fight and die for our country as long as you live in secret.

Mr. Speaker, Don't Ask, Don't Tell requires brave men and women in our military to live in constant fear of being dismissed for an aspect of their personal lives that has no bearing on their job performance.

It's a law that serves no purpose. It's a law that hinders our military's effectiveness. It's a law that Congress has already voted to appeal. And it's a law, frankly, that's un-American. Yet here we are, again, considering a bill that would continue to codify discrimination. We should not go back to those dark days, and we will not go back.

In April, the service chiefs reported to the House Armed Services Committee that the process of certifying the end of Don't Ask, Don't Tell is moving forward, and the response from servicemembers has been overwhelmingly positive. Vice Admiral Gortney, staff director for the Joint Chiefs of Staff, reported the appeals process was moving ahead without incident. Clifford Stanley, under Secretary of Defense for personnel and readiness, told the committee that training programs to prepare for the repeal are going "extremely well."

So we know the military supports moving forward, as do the vast majority of the American people: 72 percent support the repeal of Don't Ask, Don't Tell.

Don't Ask, Don't Tell hurts military readiness and national security every day. To date, over 13,000 servicemembers who have been trained at taxpayer expense have been forced out of the military under this policy. It's hard to believe that dismissing mission-critical servicemembers or linguists fluent in Arabic, Korean and Farsi will somehow make us more effective or combat ready. The Commander in Chief, the Secretary of Defense, who I might add was originally appointed by President Bush, as well as the Joint Chiefs of Staff, support repeal.

Mr. Speaker, it's time for Don't Ask, Don't Tell to move from the law books to the dustbins of history. Its only value is as a lesson to future generations that our Nation is stronger when we welcome all members of the American family and weaker when we divide and discriminate.

Ms. FOXX. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise in opposition to the rule and support the gentleman's motion to move the previous question. This motion demonstrates we are serious about creating jobs, growing the economy, and lowering gas prices.

My Republican colleagues are instead relitigating an issue that was debated exhaustively over the past year. As I traveled all across my district last week, not surprisingly, not a single one

of my constituents said the health reform should be altered to fund graduate medical education in qualified teaching health centers through direct appropriations. Rather, my constituents want to hear what Congress is doing now to lower the price of a gallon of gas. They want to know how we are responding to turmoil in the Middle East and speculation by Wall Street, which are causing this price spike.

In Montauk Point, the eastern most point of my district, regular unleaded gas cost \$4.89 a gallon yesterday. Recreational and commercial fishermen, small businesses and the whole local economy are all being squeezed by gas prices.

My constituents want to know what Congress is doing in response and how we plan to create jobs and expand our economy. But since the new Republican majority took over this year, we haven't debated a single jobs initiative or any meaningful proposal to reduce the price of gas for consumers—not one. In the 140 days since the 112th Congress began, we have debated zero job bills and only a handful of bills related to energy, most of which focus on reducing the price of gas 10 years from now, maybe.

Mr. Speaker, I urge my colleagues to vote against the previous question so that we can focus on our priorities: Reducing gas prices, creating jobs and helping middle class American keep up in today's economy.

Mr. MCGOVERN. May I ask how much time I have remaining, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts has 10½ minutes remaining. The gentleman from North Carolina has 9 minutes remaining.

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

Mr. Speaker, I want to support the efforts of my colleague from New York (Mr. BISHOP). And let me just say the American people are sending a clear message to Republicans: Show us the jobs. After 140 days of the new GOP majority, they keep pursuing their agenda that destroys jobs and stalls our economic growth.

This week is no different. And today, Republicans are only making matters worse, voting to kill graduate medical education in qualified teaching health care centers.

The previous question, as Mr. BISHOP referred to it, is based on H.R. 964, the Federal Price Gouging Prevention Act. And it takes a stand for working families facing tough times and paying so much more at the pump. During an international oil crisis, as declared by the President, this legislation makes it illegal to sell gasoline at excessive prices and prevents Big Oil from taking advantage of consumers and engaging in price gouging.

□ 1400

The cost of a barrel of oil and a gallon of gas has reached their highest

level in years, with no end in sight, and America's middle class is paying the price.

Republicans must join with Democrats to oppose price gouging and to ease the burden on our middle class. We must work together to create jobs, strengthen the middle class, and responsibly reduce the deficit.

To help consumers at the pump and provide some relief to small businesses and families struggling with high gas prices, this legislation expands the authority of the President to release oil from the Strategic Petroleum Reserve to combat market manipulation and bring down the price, and makes it a Federal crime to sell gasoline at excessive prices.

The legislation also protects taxpayers, holds Big Oil accountable, repeals the largest tax breaks for the Big Five Oil companies, and ensures that oil companies pay billions of dollars owed to taxpayers for drilling on public lands. This is part of our multifaceted effort to lower the price of gas now, bring relief to consumers and taxpayers, strengthen our energy security, reduce our dependence on foreign oil, and hold Big Oil accountable.

Republicans' "drill-only, oil above all" plan is really a boon for Big Oil and does nothing to reduce the pain at the pump for America's middle class families who are facing these prices each and every day. Republicans are simply returning to the Bush policies for Big Oil—continuing to pursue "drill-only" policies with fewer safeguards and no accountability, that has us sending a billion dollars a day overseas for foreign oil.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide that immediately after the House adopts this rule, it will bring up H.R. 964, the Federal Price Gouging Prevention Act introduced by Representative TIM BISHOP of New York.

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

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so we can debate and pass a bill that actually addresses the price of gas. I have tried, Mr. Speaker, on numerous times in the Rules Committee to bring responsible amendments to the floor that would get at this issue of taxpayer subsidies to Big Oil companies, and every single time my Republican friends have voted "no." Every time there has been an opportunity to try to address this issue, they have voted "no."

I urge my colleagues to vote "no" and defeat the previous question, and I urge a "no" vote on the rule.

I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself the balance of my time to close.

I want to bring our attention to the upcoming Memorial Day because we are going to be honoring the fallen and praise their service and sacrifice. We need to remember the families of the fallen and reassure them that their sacrifice and the life of that hero was not lost in vain. We are also very proud of our troops who are currently serving, and we want to make sure that they get that message from us in this body, Mr. Speaker.

I would also like to point out to my colleague from Massachusetts that the unemployment rate was 5 percent when they took over the Congress, or approximately 5 percent when they took over Congress in January 2007. Under their control and President Obama's, it reached 10 percent, and has stayed at around 9 percent while they were in control. So I want to again make it clear that we have worked hard to make the economy work again, and we are going to continue that.

Mr. Speaker, although I have said it also before, it bears repeating: Americans are sick and tired of reckless government spending, creating only government jobs which hurts our overall economy and creates high unemployment. Americans are deeply concerned about the outrageous level of Federal debt. Our constituents are concerned about the piece of our economy that is now owned by other countries like China. They are very concerned about the fact that so much of our tax dollars, the tax dollars they pay, go toward paying interest on the debt instead of using it for the country's immediate needs.

Mr. Speaker, that is why Americans are looking at the new House Republican majority for real answers to their concerns. After 4 years of a complete lack of leadership in Congress under the Democrats, we have rolled up our sleeves and are making the tough decisions to get our economy and fiscal house back in shape. The Federal Government must learn to live within its means and be accountable for how it spends taxpayer money.

House Republicans are continuing to fulfill our pledge to America and keep the promises we made to the American people before the election last November. I urge my colleagues to vote in favor of congressional oversight and against special interests by voting in favor of this rule and the underlying bills.

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

AN AMENDMENT TO H. RES. 269 OFFERED BY  
MR. MCGOVERN

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

SEC. 4. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 964) to protect consumers from price-gouging of gasoline and other fuels, and for other purposes. The first

reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 4 of this resolution.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the resolution.

The vote was taken by electronic device, and there were—yeas 233, nays 179, not voting 19, as follows:

[Roll No. 333]

YEAS—233

Adams	Campbell	Fortenberry
Aderholt	Canese	Fox
Akin	Capito	Franks (AZ)
Alexander	Carter	Gallely
Altmire	Cassidy	Gardner
Amash	Chabot	Garrett
Austria	Chaffetz	Gerlach
Bachmann	Coble	Gibbs
Bachus	Coffman (CO)	Gibson
Barletta	Cole	Gingrey (GA)
Bartlett	Conaway	Gohmert
Barton (TX)	Cravaack	Goodlatte
Bass (NH)	Crawford	Gosar
Benishek	Crenshaw	Gowdy
Berg	Culberson	Granger
Biggart	Davis (KY)	Graves (GA)
Bilbray	Denham	Graves (MO)
Bilirakis	Dent	Griffin (AR)
Bishop (UT)	DesJarlais	Griffith (VA)
Black	Diaz-Balart	Grimm
Blackburn	Dold	Guthrie
Bonner	Dreier	Hall
Bono Mack	Duffy	Hanna
Boren	Duncan (SC)	Harper
Boustany	Duncan (TN)	Harris
Brady (TX)	Ellmers	Hartzler
Brooks	Emerson	Hayworth
Broun (GA)	Farenthold	Heck
Buchanan	Fincher	Hensarling
Buchon	Fitzpatrick	Hergert
Buerkle	Flake	Herrera Beutler
Burgess	Fleischmann	Huelskamp
Burton (IN)	Fleming	Huizenga (MI)
Calvert	Flores	Hultgren
Camp	Forbes	Hunter

Hurt	Mulvaney	Schilling
Issa	Murphy (PA)	Schmidt
Jenkins	Myrick	Schock
Johnson (IL)	Neugebauer	Schweikert
Johnson (OH)	Noem	Scott (SC)
Johnson, Sam	Nugent	Scott, Austin
Jones	Nunes	Sensenbrenner
Jordan	Nunnelee	Sessions
Kelly	Olson	Shimkus
King (NY)	Palazzo	Shuler
Kingston	Paul	Shuster
Kinzinger (IL)	Paulsen	Simpson
Kline	Pearce	Smith (NE)
Labrador	Pence	Smith (NJ)
Lamborn	Petri	Smith (TX)
Lance	Pitts	Southerland
Landry	Platts	Stearns
Lankford	Poe (TX)	Stivers
Latham	Pompeo	Stutzman
LaTourette	Posey	Terry
Latta	Price (GA)	Tipton
Lewis (CA)	Quayle	Thompson (PA)
LoBiondo	Reed	Thornberry
Lucas	Rehberg	Tiberi
Luetkemeyer	Reichert	Upton
Lummis	Renacci	Walberg
Lungren, Daniel	Ribble	Walden
E.	Rigell	Walsh (IL)
Mack	Rivera	Webster
Manzullo	Roby	West
Marino	Roe (TN)	Westmoreland
McCarthy (CA)	Rogers (AL)	Whitfield
McCaul	Rogers (KY)	Wilson (SC)
McClintock	Rogers (MI)	Wittman
McCotter	Rohrabacher	Wolf
McKeon	Rokita	Womack
McKinley	Rooney	Roskam
McMorris	Ros-Lehtinen	Ross (FL)
Rodgers	Roskam	Royce
Meehan	Ross (FL)	Runyan
Mica	Royce	Miller (MI)
Miller (FL)	Runyan	Miller, Gary
Miller (MI)	Ryan (WI)	
Miller, Gary	Scalise	

NAYS—179

Ackerman	Engel	McDermott
Andrews	Eshoo	McGovern
Baca	Farr	McIntyre
Baldwin	Fattah	McNerney
Barrow	Frank (MA)	Meeks
Bass (CA)	Fudge	Michaud
Becerra	Garamendi	Miller (NC)
Berkley	Gonzalez	Miller, George
Berman	Green, Al	Moore
Bishop (GA)	Green, Gene	Moran
Bishop (NY)	Grijalva	Murphy (CT)
Blumenauer	Gutierrez	Nadler
Boswell	Hastings (FL)	Napolitano
Brady (PA)	Heinrich	Neal
Brown (FL)	Higgins	Olver
Butterfield	Himes	Owens
Capps	Hinchee	Pallone
Capuano	Hinojosa	Pascarell
Cardoza	Hirono	Payne
Carnahan	Holden	Pelosi
Carney	Holt	Peters
Carson (IN)	Honda	Peterson
Castor (FL)	Hoyer	Pingree (ME)
Chandler	Inslee	Polis
Chu	Israel	Price (NC)
Ciulline	Jackson (IL)	Quigley
Clarke (MI)	Jackson Lee	Rahall
Clay	(TX)	Rangel
Cleaver	Johnson (GA)	Reyes
Clyburn	Johnson, E. B.	Richardson
Cohen	Kaptur	Richmond
Connolly (VA)	Keating	Ross (AR)
Conyers	Kildee	Rothman (NJ)
Cooper	Kind	Royal-Allard
Costa	Kissell	Ruppersberger
Costello	Kucinich	Rush
Courtney	Langevin	Ryan (OH)
Critz	Larsen (WA)	Sánchez, Linda
Crowley	Larson (CT)	T.
Cuellar	Lee (CA)	Sanchez, Loretta
Davis (CA)	Levin	Sarbanes
Davis (IL)	Lewis (GA)	Schakowsky
DeFazio	Lipinski	Schiff
DeGette	Loeb sack	Schrader
DeLauro	Lofgren, Zoe	Schwartz
Deutch	Lowey	Scott (VA)
Dicks	Luján	Scott, David
Dingell	Lynch	Serrano
Doggett	Maloney	Sewell
Donnelly (IN)	Markey	Sherman
Doyle	Matheson	Sires
Edwards	Matsui	Slaughter
Ellison	McCollum	Smith (WA)

Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns

Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters

Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette

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 (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Myrick  
Neugebauer  
Noem

Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

NOT VOTING—19

Bralley (IA)  
Cantor  
Clarke (NY)  
Cummings  
Filner  
Frelinghuysen  
Giffords

Guinta  
Hanabusa  
Hastings (WA)  
King (IA)  
Long  
Marchant  
McCarthy (NY)

McHenry  
Pastor (AZ)  
Perlmutter  
Sullivan  
Wu

□ 1432

Messrs. KEATING, TONKO, RUSH, SIRES, Ms. SEWELL, and Ms. MOORE changed their vote from “yea” to “nay.”

Mr. ADERHOLT changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 333, I was away from the Capitol region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “nay.”

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

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

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 181, not voting 12, as follows:

[Roll No. 334]

AYES—238

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishak  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
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)  
Eillers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs

Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hayworth  
Heck  
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

Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
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

NOES—181

Ackerman  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Ciilline  
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  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowe  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud

Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Owens  
Pallone  
Pascrell  
Paul  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns

NOT VOTING—12

Bralley (IA)  
Cantor  
Filner  
Frelinghuysen

Giffords  
Hanabusa  
Hastings (WA)  
Hensarling

Long  
Marchant  
McCarthy (NY)  
Pastor (AZ)

□ 1440

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 334, I was away from the Capitol region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “no.”

GENERAL LEAVE

Mr. GUTHRIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on H.R. 1216.

The SPEAKER pro tempore (Mr. BROUN of Georgia). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDUCATION

The SPEAKER pro tempore. Pursuant to House Resolution 269 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. 1216.

□ 1442

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. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

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

The gentleman from Kentucky (Mr. GUTHRIE) and the gentleman from Texas (Mr. GENE GREEN) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

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

Mr. Chairman, I rise today in support of H.R. 1216.

The health care bill that was signed into law last year spent over a trillion dollars and empowered Federal bureaucrats more than it did the American

people. As a member of the Energy and Commerce Committee, I have been working on legislation that takes steps to peel back a few of the many mandatory programs that were instituted in the health care law and limit the Federal Government's unprecedented power.

Section 5508 of the health care law authorizes the Health and Human Services Secretary to award teaching health centers development grants and appropriates \$230 million from 2011 through 2015. H.R. 1216 amends the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

This bill is not about the merits of graduate medical education or teaching health centers.

Everyone agrees that there is a strong need for more primary care physicians in our health care system, but picking and choosing one program over another to receive automatic funding is irresponsible. Making these programs mandatory spending is unfair to all of the other health care programs that have to compete every year to continue to receive funds.

For example, as HHS Secretary Kathleen Sebelius said during her testimony before the House Energy and Commerce Committee earlier this year, the President's fiscal year 2012 budget eliminates Graduate Medical Education for Children's Hospitals. While children's hospitals must go through the regular appropriations process to fight for funding, teaching health centers will receive automatic appropriations.

We are \$14.3 trillion in debt, and our deficit for this year will approach \$1.5 trillion. Congress is making difficult decisions about which programs to fund and which to reduce. We must prioritize, and I find it unfair that some programs are completely shielded and do not have to prove their merit to earn continued funding.

I urge my colleagues to vote "yes."

I reserve the balance of my time.

Mr. GENE GREEN of Texas. I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong opposition to H.R. 1216, legislation to convert mandatory funding authorized under the Affordable Care Act for Teaching Health Centers to authorized funding.

The Affordable Care Act authorized and appropriated \$230 million for a 5-year payment program to support accredited primary care residency training operated by community-based entities, including community-based health centers. This training takes place in community-based settings such as community health centers.

Research shows that CHC-trained physicians, for example, are more than twice as likely as their non-CHC-trained counterparts to work in underserved areas, ensuring that that kind of training takes place, which is what

mandatory spending support for programs does. It will help strengthen the primary care workforce in underserved areas, particularly in areas that struggle to recruit and retain a sufficient workforce.

The Teaching Health Center program supports the training of individuals who will practice family medicine, internal medicine, pediatrics, internal medicine pediatrics, obstetrics and gynecology, psychiatry, general dentistry, pediatric dentistry, and geriatrics—those disciplines where we're experiencing significant physician shortages.

It's hypocritical for my Republican colleagues to take away this funding. They continue to argue that there are not enough physicians to provide care to people who need them in primary care services. This program is designed to help address this very problem. But they keep trying to have it both ways in health reform debate, and this is just another example.

Today, the majority is going to say they have an obligation to ensure this program is subject to the appropriations process due to the need for transparency in our spending process and current budget process. Let me remind the majority that we're not the only party who's directed mandatory funding for programs. The majority must have certainly supported autopilot spending, as Representative FOX described the Teaching Health Center program earlier this afternoon, when they passed the Medicare Modernization Act of 2003, which required mandatory funding for transitional programs. I suppose at that time, the majority certainly felt they knew better than the appropriators that the MMA was a worthy program and deserved mandatory funding, even though they passed it under the cover of night with a lot of arm-twisting.

I can't understand the opposition, particularly from my Republican colleagues. They repeatedly and inaccurately complain that we don't do enough to promote health workforce expansions, and now they're going to cut funding for the health workforce expansion.

Turning the Health Center program into a discretionary one will make it challenging for these 11 programs that have already made the decision to participate in consultation with key stakeholders, like teaching hospitals and their boards, and based on the expectation that continued funding will be available. Converting this program to discretionary funding will also deter other entities from making the business decision necessary to expand residency training, since funding over the next few years could be subject to the annual appropriations fight.

This is yet another political stunt by the majority to attempt to defund health reform—this, through their playing games with funds dedicated to ensure that we have physicians in our country.

Several weeks ago, they couldn't stop talking about how Medicaid will be greatly improved with the Ryan budget because it provides States with block grants to run their Medicaid programs. How great would it be to eliminate Medicare by giving seniors vouchers to purchase health insurance? And this week, we're busy taking away funds to ensure that we train enough physicians to ensure all Americans have access to affordable care. Once again, the majority has their own priorities.

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

Mr. GUTHRIE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS), the chairman of the subcommittee.

□ 1450

Mr. PITTS. I would like to thank the gentleman from Kentucky for his leadership on this issue.

Section 5508 of PPACA authorizes the Secretary to award grants to teaching health centers to establish newly accredited or expanded primary care residency training programs. The new health care law, PPACA, provides a mandatory appropriation of \$230 million for this purpose for the period from FY 2011 through FY 2015.

You may recall that in the President's fiscal year 2012 budget, he eliminated funding for training at children's hospitals. Because of this, I and the ranking member of the Health Subcommittee, the gentleman from New Jersey (Mr. PALLONE) have introduced H.R. 1852, a bill to reauthorize the Children's Hospitals Graduate Medical Education program for an additional 5 years at the current funding levels.

While the administration couldn't find money in its budget for training at children's hospitals, PPACA somehow was able to provide a direct mandatory appropriation of \$230 million for other teaching health centers, with no further action, input, or approval required by Congress. And PPACA did this with a number of funds, mandatory appropriations.

The bill before us today, H.R. 1216, simply converts PPACA's mandatory appropriations to an authorization, subject to the annual appropriations process, just like the Children's Hospital GME program, making it discretionary. Passage of the bill will also save \$215 million over 5 years.

I urge support of the bill.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield 2 minutes to my colleague from the Energy and Commerce Committee, the gentlewoman from California (Mrs. CAPPs).

Mrs. CAPPs. I thank my colleague for yielding.

Mr. Chairman, I rise in strong opposition to this reckless bill. I cannot count the number of times Members on both sides of this aisle have decried shortages in the primary care workforce of our communities, and working, often in a bipartisan manner, to develop ways to increase the primary



care ranks. Yet today, the next victim in the Republican obsession with repealing the Affordable Care Act is a program that does deal with these shortages. It increases our primary care physician ranks, and trains them with special expertise in serving the community.

The bill before us would defund this program, taking many qualified Americans out of the primary care workforce before they even have an opportunity to join it. Moreover, cutting these training programs would also affect already existing jobs at the 11 community-based entities that have already expanded their programs to train these new doctors. Taking away this funding will force possible layoffs and have a chilling effect on other sites developing this type of program.

Yes, it is paid for through mandatory funding. But that is not unheard of or even unusual. In fact, the federally funded Graduate Medical Education program, which has had measured success in strengthening our health care workforce, is a mandatory spending program. The program the Republicans are trying to cut today is simply a complement to this GME program, focused on community-based care and prevention.

The choice on H.R. 1216 is clear: if you believe that we do not have a jobs problem and that we have all the doctors we will ever need, then go ahead and vote for this bill. But if you believe that we need to create good jobs and the professionals to fill them, that we need more primary care providers, you must vote against H.R. 1216 and protect this very important program. We can't have it both ways.

I urge a "no" vote.

Mr. GUTHRIE. Mr. Chairman, I yield 4 minutes to my friend from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman from Kentucky for his leadership on this bill.

Mr. Chairman, it is so interesting to me. We had a 2,700-page health care bill that basically was a government takeover of health care. What we have heard from so many people in this country is gosh, you know, I wish somebody would have read that bill before they passed it. And the former Speaker said we need to pass the bill, and then we can read it and find out what is in it.

One of the things that many of the people did not like that was in that bill was many of these mandatory provisions that were put in place, programs that had been on the books for years that were discretionary programs that all of a sudden became mandatory. And the confusing thing, Mr. Chairman, is there didn't seem to be any consistency. As the subcommittee chairman who spoke before me had said, Mr. PITTS had said, you know, you don't tend to children's hospitals in the same way, you don't tend to nurses and technicians in the same way. But here was this conversion from discretionary to

mandatory for teaching hospitals, a total of \$230 million, over \$40 million a year.

Now, it doesn't matter if you need the money or not. It doesn't matter if you know exactly where you are going to use it or not. The money is going to be appropriated. It's put on autopilot. Doesn't matter what we say is going to happen with the government, if we need to reduce it. They're going to get that money. That is why this bill is so important.

You will notice, Mr. Chairman, that 2,700-page bill, we are able to delete \$230 million of that appropriation, mandatory appropriation with a bill that basically is about 2 pages long. What we do in this 2 pages is responsibly address what the American people want to see us address. They know that the Federal mandates are costing private sector jobs. They know that the Federal Government coming in and taking over health care is costing private sector health care jobs. Indeed, we have study after study that is saying we have already lost over a million jobs.

It seems like every time we turn around, whether it is our health care delivery systems, whether it is our hospitals, whether it is our physicians' offices, we are hearing about the loss of jobs to health care providers and in the health care sector because of the passage of PPACA, or ObamaCare, as many people in our country refer to the bill.

One of the reasons we have to go about repealing these slush funds, Mr. Chairman, is because we simply can't afford this. Every second of every day, every single second of every single day we are borrowing \$40,000. We are borrowing 41 cents of every single dollar that we spend. This government is so overspent, we are spending money we don't have for programs that our constituents don't want. And instead of eliminating, what we are saying is, look, let's eliminate a mandatory program and turn it back to what it was for years, discretionary, so that Members of this body bring their discretion to bear on the issues of the day and bring the opinions of their constituents to bear on how this Chamber spends the taxpayers' money.

Mr. Chairman, it is not Federal money; it is the taxpayers' money. This government is overspent. We cannot afford all these Federal mandates. It is time to move these programs back to the discretion of this Chamber.

Mr. GENE GREEN of Texas. Mr. Chairman, I gladly yield 3 minutes to our ranking member of the full Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, there was so much misinformation just given out by the previous speaker that it's hard to know where to start. The Republicans have said they don't like the Affordable Care Act. But what do they have to replace it with? They said they're going to repeal it and replace

it. What are they going to do about the uninsured in this country, about the high cost of health care, about the people who can't even buy insurance even if they have the money because they have preexisting medical conditions?

We have had no proposal from the Republicans, except in their budget they want to take Medicare away from future seniors by making it a block grant. And they want to cut the Medicaid program, which cuts a big hole in the safety net for the poor to get their health care needs, which means people in nursing homes would be dumped out of those nursing homes.

□ 1500

But the bill before us now is to stop the program that would train primary care physicians. Does anybody disagree with the notion that we need more primary care physicians? Evidently, the Republicans do because as we heard from the last speaker, she wants to make it an appropriated program, not a mandatory spending program.

Well, it's been in the mandatory program in spending in Medicare and Medicaid since 1965. Training physicians should be supported with assured funding that we could rely on. We can't train a doctor in just 1 year. Doctors need a number of years where they are going to be assured of their continuation in medical schools, and that's why we have had a short funding through Medicare and Medicaid. And in the The Affordable Care Act, the purpose was to train physicians for primary care in community settings.

That's what the Republicans want to repeal. And if they can afford it from one year to the next, they will put in funds; but if they can't and their mood is to give another tax break to the wealthy, we won't be able to afford it. With all the costs to go to medical school and all the loans that are required, we ought to ensure spending for primary care doctors.

I urge my colleagues to oppose this bill. It's incomprehensible to me why we even have it on the House floor. It's another one of those efforts that Republicans have been putting up to chip away at health care reform. They want to repeal it, they want to chip away at it, but we don't even know what they want to replace it with.

And the American people and our constituents are entitled to know, are they just going to leave people on their own without the ability to buy health insurance because of preexisting conditions? Are they going to tell the elderly they are on their own and see who they want to insure them?

I urge a "no" vote on this bill.

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

First there were a number of amendments, I think over 100 amendments, to the health care bill that were offered by the Republicans. An alternative was offered by the Republicans as voted on as we went forward.

Block grants, several Governors have come to Washington and talked about

block granting Medicaid to give them the opportunity to not just deal with Medicaid in their States but there was the other part of their budget.

But I can tell in Kentucky, because I used to be a member of the State legislature, as Medicaid has continued to consume more of the State budget, it becomes more difficult to adequately fund. Higher education tuition rates are going up directly because of the pie of Medicaid that's moving forward.

We passed medical liability reform, which saves the Federal Government \$54 billion, as estimated by the Congressional Budget Office. We are going to have the bill tomorrow to purchase health insurance across State lines to make health insurance more affordable instead of more expensive on those who spend money out of their own pocket, as we have seen the estimates for the health care bill.

Now, the one thing about relying on funding for 1 year, we do appropriations for everything from defense to other things on an annual basis. And I will tell you there are not people turning down Federal money because you are only appropriating it for 1 year, we don't want to commit to a long-term program.

But if you buy that argument, you look at what's in the bill. All we are saying is we want the teaching health centers to be treated equally to other parts of the bill. So if the argument is if you don't do it automatically, you are not going to have anybody participating in the program, which I think is what I just heard, then it means training in general in pediatric and public health dentistry, section 5303, is an annual appropriation; geriatric education and training, mental and behavioral health education training; nurse retention, section 5309; section 5316, family nurse practitioner training; section 2821, epidemiology laboratory capacity grants; research and treatment for pain care management, 4305; section 775 investment in tomorrow's pediatric health care workforce.

I mean, obviously, the argument that was made was if we don't have the teaching health centers on a 5-year automatic appropriation, then people aren't going to participate in the program. That argument would have to apply to these directly. And I guarantee you, I would be willing to say, without fear of contradiction, that people will be applying for these programs as this moves forward.

I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield 2 minutes to a classmate and also the vice chair of our Democratic Caucus, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman from Texas for yielding me the time.

Mr. Chairman, to put everything in perspective, we are told by the American Academy of Family Physicians that today, today we can foresee a shortage of some 40,000 primary care

physicians in this country in less than 10 years. Within another 5 years, that shortage will grow to about 42,000 to 46,000 primary care physicians.

Graduate medical education funds does something very simple. It says to some of these clinics, some of these health care providers, that if you guarantee that you will make graduate medical training available to our future doctors, then we will guarantee that there will be money behind that training so that there will be a consistency so that medical students can finish training.

Well, we just heard that this money that's available to these health care providers, these clinics, should no longer be guaranteed. And so the question you have to ask, if you want to become a physician and you are going to medical training, and certainly the question you have to ask if you are one of these clinics throughout the entire country where you want to train someone to be a family medical doctor, an internist, a pediatrician, an obstetrician/gynecologist, a psychiatrist, a dentist, a pediatric dentist, someone who specializes in gerontology, you have to ask yourself, if I am going to try to train someone, but I don't have the resources to fully provide the education, how do I guarantee that medical student that I could be there with the funds to pay them for education, to pay them for the work they are going to be doing? You can't. And that's why GME is so important.

But we were just told a second ago that this is a slush fund pot of money. Furthest thing from the truth. We are told the real truth, when we heard one of the speakers on the Republican side say we are going to delete this money—that's exactly what's going to happen, because if you don't guarantee it, it's gone.

So, Mr. Chairman, the truth is we have to make sure we can train the next generation of medical leaders; and, therefore, I urge my colleagues to vote against this legislation.

Mr. GUTHRIE. Mr. Chairman, I yield myself 1 minute.

The merits of having training in general in pediatric and public health dentistry, I agree that we have to have that training. The issue here is if you do it in a teaching health center, then you guarantee funding for 5 years. If you do it in a children's hospital, if you do it in a regular hospital, profit or nonprofit, then you are subject to the annual appropriations.

Someone came before our committee to testify, a State Senator from New Jersey, said we need this provision because we need more nurses.

I will agree with that. However, this provision doesn't cover nurses. If you are going through a nurse training program, it's authorized in the bill, and you go through an annual appropriations process.

All we are saying here is that we should treat graduate medical education at children's hospitals, hospitals

and teaching health centers exactly the same and not give one an advantage over the other two.

I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself 15 seconds.

I will be glad to cosponsor the bill to make it mandatory funding for children's hospitals. I think if health care is a priority, we ought to do that.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentleman from Texas has 19¼ minutes remaining, and the gentleman from Kentucky has 18½ minutes remaining.

Mr. GENE GREEN of Texas. I yield myself such time as I may consume.

When Congress dealt with The Affordable Care Act last year and the year before, our subcommittee on Energy and Commerce spent exhaustive hearings, late-night hearings, we had markups overnight, and so we knew what we were doing. We knew we were going to make a priority in providing primary care for our country.

That's why it's mandatory spending. I would assume in 2003, when we passed the provision for the prescription drug act for Medicare, my Republican colleagues did the same thing at the time in the majority: they wanted to make sure that that was mandatory spending.

□ 1510

And here we are today trying to take away mandatory spending from primary care physicians in community-based settings. I have a great example of this in our own district, and I know the chairman knows this.

We have a community-based health center in Denver Harbor in east Harris County. They have had a partnership with the Baylor College of Medicine for a number of years, and what they have been able to do is provide those residencies to come out to a non-wealthy area of town so those doctors can learn that they can make a living serving folks that are not wealthy. That's what this is all about. We found out that the statistics showed that if they do their residency through a community-based health center, they will actually be more likely to come back and serve those communities. And that's why there needs to be mandatory spending, Mr. Chairman.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I wasn't planning on addressing this item, but I heard so many of my colleagues, especially those on the other side, talk about the crisis of providing the doctors that are going to be essential for health care, and finally we are talking about health care, not health care insurance.

As somebody who spent 10 years supervising the safety net for a community of 3 million in San Diego County, I just wish my colleagues on the other side, when they're worried about pediatricians and primary health care people, would understand that if you really want to protect those providers, why don't we sit down and talk about true tort reform, especially for the pediatricians. This is a cost that is bearing down. And when you're asking young people to get an education to be a primary health care provider, especially a pediatrician, explain to them why somebody on public assistance, on welfare, has more right to sue their physician than those men and women who are serving in uniform.

The fact is there is no way that we should be sitting up here saying that we really want the next generation to get into health care unless we're willing to tell our friends who are the trial lawyers that we're going to take the physicians off the counter; we're not going to allow lawsuits to be part of the overhead that is driving people out of the health care business.

And I hope to say to both sides, if you really want to make sure there are future doctors, then let's have the bravery to stand up today and do something about the tort that those future doctors are looking at before they go into school.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself as much time as I may consume.

My colleague from California must have this bill confused with medical malpractice. In fact, the State of California and the State of Texas already have medical malpractice reform. That's not what this bill is about. This bill is about training primary care physicians to be able to serve everyone. I want them to serve the military. I want them to serve our veterans.

In fact, again, I have a VA hospital in Houston that has a cooperative arrangement with the Baylor College of Medicine for a residency program. That's great. I want them also to be able to do that in their clinics. But I also want it for community-based health centers. And our statistics show us that if we have that example and it's mandatory spending that they make these agreements, that those folks will come back. They may go back to a military clinic, they may come back to a community-based health center, or they may come back and open up their practice in an area that's not the wealthiest part of town. That's why this mandatory legislation is so important.

If you put a priority on making sure our constituents can go see a doctor, I can't imagine repealing this—voting for this bill.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I yield an additional 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I want the gentleman from Texas to under-

stand that when a physician or a student is planning on getting into a field, they not only look at will the government guarantee that I'll be able to get the tuition, but they're looking at what field am I moving into. And let me just tell you, as a fact, in California, even with our tort reform, somebody who wants to volunteer as a Medicaid volunteer has to file an \$80,000 or \$90,000 insurance policy just for volunteering.

So when the gentleman talks about the educational side, that it's essential that we encourage people to get into the field, my point for being here is you cannot talk about the educational when you ignore the environment that you're asking them to go into. And the fact is: What parent would ask somebody to go into this field and be a physician with all the education and all the expenses when they can tell their kids to be a lawyer and sue those physicians for every cent they have ever been able to earn?

That's why we've got to talk about both of these together. But you can't stand up and say we want these essential services but not be willing to get the trial lawyers off the backs of these physicians so they can provide those essential services.

Mr. GENE GREEN of Texas. Will the gentleman yield?

Mr. BILBRAY. I will yield to the gentleman.

Mr. GENE GREEN of Texas. I thank the gentleman for yielding.

Again, this is not a medical malpractice bill, but I would be glad to offer you to be a cosponsor. We passed the bill out of this House twice and sent it to the Senate which would allow volunteers to go into community-based health centers and be covered under the Federal Tort Claims Act. Congressman MURPHY from Pennsylvania is a lead sponsor of this Congress. I've been the lead sponsor when Democrats have been in control because we need to do that. If I could do it under this bill, I would do it. But this came out of your conference that you want to repeal mandatory spending to try and train primary care doctors to serve in primary care clinics or whatever.

Mr. BILBRAY. Reclaiming my time, look, the fact is these physicians are being held with a liability that is inappropriate, way over the head, and it is not justifiable—

The Acting CHAIR (Mr. FORTENBERRY). The time of the gentleman has expired.

Mr. GUTHRIE. I yield the gentleman 1 additional minute.

Mr. BILBRAY. We're talking about the fact that those who want to stand up and say we'll spend Federal funds to create an environment to provide health care but then are not willing to say, not just the fact that we find special tort coverage—and I know that the gentleman from Texas knows because I was at a county level providing those services. We have Federal programs

that protect those in the community clinic. But we're not just talking about the little bit of protection we get with our Federal protection. We're talking about the whole tort exposure needs to be considered.

And if you want to talk about access and stand up here and have the moral high ground on access, you've got to be willing to take on the big guy, the powerful trial lawyers, and say, look, physicians are going to be held harmless from your lawsuits. We're going to find a reason to encourage young people to go to school not just by providing Federal subsidies to their tuition, but also telling them, once you get your degree, you'll be able to go into a field where you'll be able to practice your art of medicine without having somebody who has never had to make a life-and-death decision drag you before a judge and a jury and attack you for your decisions.

Mr. GENE GREEN of Texas. Mr. Chairman, my colleague from California again is confused. We have H.R. 5 that the majority has to federalize medical malpractice insurance in our country. Some States have taken care of it. The State of Texas has done it by constitutional amendment. And that debate may come up if the majority brings up their H.R. 5.

With that, Mr. Chairman, I yield 2 minutes to my colleague from New York, Congressman TONKO.

Mr. TONKO. Mr. Chair, the underlying legislation guts funding for vital teaching health centers across the country. Teaching health centers are residency programs for primary care physicians. They provide community-based training for doctors who will go on to work in rural and our underserved areas.

Mr. Chair, my amendment is very simple. It requires that we find out exactly how many primary care physicians we will lose if Republicans succeed in cutting teaching health centers across the country. My amendment commissions the Government Accountability Office to report on these findings so that the American people can see how drastically these cuts will eliminate jobs and hurt the quality, access, and affordability of primary care health options.

I'm interested to know, Mr. Chair, if some of my Republican colleagues are aware that if H.R. 1216 is adopted, there will be fewer primary care doctors working in their communities. For example, this bill guts funding for 23 physicians at the teaching health center in the heart of Scranton, Pennsylvania. These 23 individuals are being trained to provide basic health care for constituents in the greater Scranton area. If my Republican colleague from the Scranton area joins the Republican leadership in eliminating this program, his community will lose training for 23 new primary care physicians. That's 23 jobs, jobs that they support, and 23 individuals who help serve constituents with their health care needs.

Again, Mr. Chair, my amendment is a matter of effective oversight. It asks that we find out from a nonpartisan source exactly how many primary care physicians we will lose if the Republican leadership moves forward to cut teaching health centers across the country.

Mr. GUTHRIE. Mr. Chair, I yield myself as much time as I may consume.

I want to point out, as we went through, what we're talking about doing is graduate medical education in teaching health centers will be identical to the graduate medical education in hospitals and children's hospitals.

And I remember, I was not on the Energy and Commerce Committee but in Education and Labor. We worked on the health care bill. And the description that we went in through the night and went through the bill line by line is absolutely true. I think we were 24 or 25 hours direct on that. And I wasn't on Energy and Commerce when you went, but they went through the night, as well, Mr. Chairman. And when this bill passed out of the House of Representatives, the teaching health centers were authorized subject to appropriation.

□ 1520

The change was made in the Senate. So working late into the night and going through the bill, we are just asking and what we are proposing is to treat teaching health centers as the House-passed version of the health care bill did, which is exactly the same as hospitals and children's hospitals and many of the other programs, nurse training and other things as well.

I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

I have no problem with including children's hospitals, and I think we could probably pass it on the suspension calendar if we had legislation that would expand that mandatory funding for teaching hospitals, and particularly children's hospitals, but that is not what this legislation does today. It takes away that help we are providing to train more primary care physicians in our country. That is what this bill does: It takes away the mandatory funding.

Now there have been examples all through history of mandatory funding. We realized during the Affordable Care Act that we need more primary care physicians. We need a lot more health care providers. We need more nurses. We need everything. In fact, it is a great job growth area. But we know we need primary health care providers because we know when somebody needs a doctor, they will see that primary care doctor. They may need a specialist, but they still need to go to that primary care doctor. That is why this mandatory funding is so important, and that is why this bill is the wrong way to deal with it. That is why it shouldn't

be considered today. I would hope everybody would realize that if you support health care and primary care physicians, you would want that mandatory training so we can get those physicians out in the community where they are really needed.

Numbers show that if we have a program like this where primary care physicians will go into a community based health care center, they will go into that area as part of their residency program, they are more likely to come back to that community. That is why that was part of the Health Care Act. We have people who their primary care physicians now are the emergency rooms in hospitals in my district. I would much rather they be able to go see a doctor down the street for their sinus infection than showing up at midnight in an emergency room where we are going to end up having to pay for it, even at a public hospital, where the local taxpayers are paying for it. That is why this mandatory spending is so important. And that is why I think it is so the wrong way to go in health care, to take away mandatory spending for primary care physicians. That is something that is so important in our country, it should be mandatory.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I want to point out again, the mandatory spending was not in the House version of the health care bill that was passed. Teaching health centers were treated exactly like general pediatric and primary care physicians are in hospital settings and in children's hospital settings—general hospitals and children's hospitals. We are saying we are going back to the way it was established in the Affordable Care Act as it was passed out of the House of Representatives.

We are talking about primary care physicians as well. I agree we need more primary care physicians. Their training at children's hospitals and hospitals is in geriatric, pediatric, internal medicine, all the primary care physician specialties that we know. We are just saying one shouldn't be treated differently than the other. They are important, and we should go through the annual appropriations process and present the validity of programs and let the appropriations process determine the level of funding.

Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman from Kentucky for yielding me this time.

As everyone knows, the financial health of this Nation is in a very precarious State. Unfortunately, it was made worse by the spending decisions and actions of this last Congress. Today, the Federal Government borrows 41 cents of every dollar it spends. We are facing a \$1.6 trillion deficit for this fiscal year, the third straight year of trillion-dollar deficits, an all-time record in nominal terms and a new

post-World War II record as a share of the economy.

The reckless spending of the last Congress has only exacerbated this problem. The so-called stimulus bill—that didn't stimulate much besides a lot of wasteful spending—and ObamaCare, the Patient Protection and I think un-Affordable Care Act, are two such examples of legislation that spent recklessly.

Mr. Chairman, among the 2,400 pages of ObamaCare, the last Congress created \$105 billion in secret slush funds that can be used to advance the political goals of President Obama and his administration without our oversight, congressional oversight.

At a time when our country is facing financial ruin, my concern is how much damage to our national budget the White House can do with these funding streams. The time for blank checks is over. The time for leadership is now.

Section 5508 of ObamaCare provides a \$230 million direct appropriation for teaching health centers residency programs. H.R. 1216 would simply convert the direct appropriations into an authorization of appropriations. The legislation allows for teaching health centers to receive funding through the normal appropriations process with proper Congressional oversight.

Mr. Chairman, many Members of this Congress have supported medical education—I certainly count myself among them—including graduate medical education for children's hospital programs. However, in her testimony before the House Energy and Commerce Health Subcommittee earlier this year, HHS Secretary Sebelius stated that the President's fiscal year 2012 budget eliminates children's hospital graduate medical education programs because they duplicate the teaching center funds in ObamaCare.

Mr. Chairman, is this the future of medical education that we want for our children? Teaching our medical professionals in clinics that might not be equipped to properly train them to handle emergency situations versus in hospitals regarded as centers of excellence like Children's Healthcare of Atlanta in my own home State of Georgia. This is why the appropriations process is so important—we need congressional oversight to help decide what the priorities of tomorrow should be.

This Congress, the 112th Congress—is focused on reining in spending and reducing our deficit. We cannot do the job of the American people and make the spending cuts necessary unless the legislative branch has oversight over Federal spending. If this is truly the people's House, give back what the last Congress gave away—control over the budget. If this body is sincere in its wishes to restore fiscal sanity in this country, I see no reason why this body should not be voting in a bipartisan manner to prevent this President—or any President, for that matter—from spending our Nation into insolvency.

So I urge all of my colleagues to support H.R. 1216. I thank the gentleman from Kentucky for his bill and for yielding me this time.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me correct some of the statements that have been made. We have had mandatory hospital training residency programs since 1965. By taking away direct or mandatory spending for community-based residency programs, it is a direct attack on community-based programs. Let me list for you the teaching hospital programs that are under mandatory that was part of the Affordable Care Act. I joked on the floor one night to my colleague from Georgia, I wish they would name it the Green Act, GreenCare instead of ObamaCare, because I am so proud of that law.

The teaching hospital program supports the training of individuals who practice in family medicine, internal medicine, pediatrics, internal medicine pediatrics, obstetrics, gynecology, psychiatry, general dentistry, pediatric dentistry, or geriatrics. These are disciplines where we are experiencing significant physician shortages. That is why we need the mandatory spending. It does cover children.

□ 1530

Now, we have had mandatory spending for hospital training, again, since 1965. All this bill would do would be to take it away from community-based health centers where we know there is a shortage. The statistics show, if you have doctors who do their residencies or residency programs through community-based centers, they are more likely to go back there and practice, whether they be pediatricians, whether they be in family practice, whether they be in internal medicine. That's where we need the growth and to have primary care physicians. This is a direct attack on health care in our own country.

Why wouldn't we want it mandatory for community-based facilities if it's already mandatory for hospital-trained physicians? We need physicians in the community, not just in the hospitals.

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

Mr. GUTHRIE. Again, Mr. Chairman, it is important that we have an adequate supply of primary care physicians, and it is important public policy for this country. It is important that we also have oversight and control over the budget in the way the money is spent, and we do that through the appropriations process.

I just want to point out, in the last Congress, there was great effort in putting together the health care bill. When we passed out of this Congress the House-passed version, this was an authorized "subject to appropriations" section of the bill. I know it has been described as being against health care throughout the country, but that was

the way, through much debate, it passed out of this House of Representatives. It treats it similarly to hospital-based education in primary care and to children's hospital-based. It puts it on an equal footing with nurses' programs, nurse practitioner programs and other programs, which we all agree have shortages. We need more people in those fields.

I just want to reiterate that this does not eliminate the program. It authorizes it. It changes it from a direct appropriation to an authorized appropriation through the regular appropriations process.

Mr. DINGELL. Mr. Chair, I rise today in strong opposition to H.R. 1216. As a declining number of physicians in our Nation are entering into primary care fields, my colleagues on the other side of the aisle are working to pass legislation that will irresponsibly impede critical training of the next generation of primary care physicians.

A primary care physician shortage is a very real and alarming problem looming before us. The Association of American Medical College's Center for Workforce Studies anticipates a shortage of 45,000 primary care physicians and a shortage of 46,000 surgeons and medical specialists in the next decade.

Since 1965, the Medicare Graduate Medical Education program, which has been supported by mandatory funding, has trained the majority of resident trainees across the country in a hospital-based setting. The Teaching Health Center program is the first medical graduate program of its kind to allow future physicians in primary care fields to train in the actual setting they will be practicing in—community-based health centers.

My colleagues claim that converting the Teaching Health Center program from a mandatory appropriation to an authorization—subject to the annual appropriations process—will not endanger the program. We saw during the debate on the fiscal year 2011 budget that could not be further from the truth.

During that dreadful debate it became painstakingly clear that my colleagues know the cost of everything, but the value of nothing.

Subjecting this program to the annual appropriations process will not allow for a predictable and stable funding stream needed to assist community-based health centers and resident trainees in planning and preparing for this training.

We all recognize and agree with the need to reduce federal government spending, but making the Teaching Health Center program a pawn in the appropriations game is foolish at best.

Further, I find it ironic that during debate in the Energy and Commerce Committee my colleagues expounded on their desires for more investment in our health workforce, yet at the first opportunity they are placing the Teaching Health Center program in the vulnerable position of future funding reductions.

Mr. Chair, H.R. 1216 is another plan in the Republicans' repeal health reform platform. Passing this legislation will jeopardize funding for the Teaching Health Center program, further delaying the fundamental training needed for our primary care physicians.

I urge my colleagues to stand up for the training of our primary care physicians and

vote no against this reckless piece of legislation.

Mrs. CHRISTENSEN. Mr. Chair, I rise today, fully disappointed that my colleagues on the other side of the aisle are trying to move forward with this bill. This bill has no merit; in fact, it is little more than a part of a larger, ill-conceived strategy to undermine the progress we have made and will likely continue to make as a result of the historic health care reform bill that was enacted last year.

While on its face it seems harmless, we all know the reality of what this bill will do. And, it is crucial that the very individuals who elected us to represent them—the large majority of whom will be directly and indirectly affected by this and in a very negative way—also know that this bill does nothing to ensure fiscal responsibility or improve the medical education system in health centers, and does even less to ensure that there are trained and qualified health care providers in their communities to serve their communities.

In fact, it jeopardizes ongoing and forthcoming efforts to ensure that there are highly-trained and qualified health care providers practicing in every community—especially those that suffer due to a shortage of health care providers—across the country.

If this bill were to pass and become law, then the already-planned primary care training programs that will be operated by community-based entities, like community health centers, will not likely continue beyond their first planned year because turning this program into a discretionary one offers no guarantee of future funding. Further, making this program discretionary will serve as a disincentive to other community-based entities that are considering launching similar graduate medical education programs for the same reasons.

The unfortunate element in all of this is this: These programs train individuals who will practice in family medicine, internal medicine, pediatrics, obstetrics and gynecology, general dentistry and geriatrics—the very areas of medical care where the provider shortages are the greatest.

Further, the individuals trained by these programs are very likely to serve most underserved communities—a disproportionate number of which are rural, low-income and/or racial and ethnic minority—across the Nation.

Why, I must ask, would we want to end these programs, when provider shortages are not issues that affect only our side of the aisle; it is a public health crisis that touches every district across the Nation. In fact, during the health care reform debates, my friends on the other side of the aisle continually argued that there are not enough physicians in the country to meet our current primary health care needs and to address our current primary health care challenges. So, it seems counterintuitive to, then, seek to compromise and put an end to the very programs that were designed and funded to address this very problem.

We have had and continue to have very serious health care challenges in this country, and our primary care workforce shortages fall into that category. All of these serious health care challenges warrant even more serious solutions—many of which are being implemented thanks to the Patient Protection and Affordable Care Act.

However, this bill—H.R. 1216—is not a serious solution and, if passed, will only become a serious part of a serious problem.

I, therefore, urge my colleagues to vote, “no” on this bill. And, in doing so, you will be voting yes for the improved and strengthened primary health care workforce across the Nation.

Mr. BLUMENAUER. Mr. Chair, I rise in opposition to H.R. 1216, which rescinds funding for graduate medical education in qualified teaching health centers. The Affordable Care Act provides funding for the training of medical residents in qualifying health centers, which will strengthen the health care workforce and support an increased number of primary care medical residents trained in community-based settings across the country. This bill undermines that key objective and in so doing, undermines public health efforts, limits access to doctors in communities around the country, and weakens our medical workforce.

Teaching health centers are community-based patient care centers that operate primary care residency programs, such as family medicine, internal medicine, pediatrics, and general and pediatric dentistry. Physicians trained in health centers are more than three times as likely to work in a health center and more than twice as likely to work in an underserved area than are those not trained at health centers.

Oregon’s community health centers—29 clinics offer care at more than 150 delivery sites—provide high-quality, comprehensive health care to more than a quarter-million people across my state. Services range from medical and dental care to prescription medications to behavioral health care. Many centers also provide such support services as transportation and translation to ensure that everyone who needs healthcare can access it. This legislation, however, would undermine the ability of these centers to attract doctors and other health professionals so vital to providing community-based care.

The Institute of Medicine reports that already there is a need for more than 16,000 new physicians in currently underserved areas. Unless we invest in medical education that closes this shortfall, it will worsen in future years. The Association of American Medical Colleges estimates that, by 2024, we will need 46,000 additional primary care physicians. This legislation makes it more difficult to close this gap.

A recent study by Dartmouth investigators published in the *Journal of the American Medical Association* found that beneficiaries living in areas with better access to primary care physicians had lower mortality and fewer hospitalizations. By eliminating funding to train doctors in community-based settings, this legislation makes it less likely that patients in underserved areas will be able to see a doctor or to get the care that they need. This legislation will worsen health outcomes in underserved areas.

Rather than making refinements to improve the Affordable Care Act, H.R. 1216 merely eliminates funding. It fails to advance the key objectives of the law to improve healthcare while lowering costs and it fails to offer alternative solutions to meet these important objectives. I oppose this legislation.

Mr. GUTHRIE. I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

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

The text of the bill is as follows:

H.R. 1216

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

**SECTION 1. CONVERTING FUNDING FOR GRADUATE MEDICAL EDUCATION IN QUALIFIED TEACHING HEALTH CENTERS FROM DIRECT APPROPRIATIONS TO AN AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—Section 340H of the Public Health Service Act (42 U.S.C. 256h), as added by section 5508(c) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended—

(1) in subsection (b)(2)(A), by striking “under subsection (g)” each place it appears and inserting “pursuant to subsection (g)”;

(2) in subsection (d)(2)(B), by striking “in subsection (g)” and inserting “pursuant to subsection (g)”;

(3) by amending subsection (g) to read as follows:

“(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated \$46,000,000 for each of fiscal years 2012 through 2015.”

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the amounts made available by such section 340H (42 U.S.C. 256h), the unobligated balance is rescinded.

(c) TECHNICAL CORRECTION.—The second subpart XI of part D of title III of the Public Health Service Act (42 U.S.C. 256i), as added by section 10333 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended—

(1) by redesignating subpart XI as subpart XII; and

(2) by redesignating section 340H of the Public Health Service Act (42 U.S.C. 256i) as section 340I.

The Acting CHAIR. No amendment to the bill shall be in order except those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated May 23, 2011, and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered read.

AMENDMENT NO. 2 OFFERED BY MR. TONKO

Mr. TONKO. Mr. Chair, I have an amendment to the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 12, add the following:

(d) GAO STUDY ON IMPACT ON NUMBER OF PRIMARY CARE PHYSICIANS TO BE TRAINED.—The Comptroller General of the United States shall conduct a study to determine—

(1) the impacts that expanding existing and establishing new approved graduate medical residency training programs under section 340H of the Public Health Service Act (42 U.S.C. 256h), using the funding appropriated by subsection (g) of such section, as in effect on the day before the date of the enactment of this Act, would have on the number of primary care physicians that would be trained if such funding were not repealed, rescinded, and made subject to the availability of subsequent appropriations by subsections (a) and (b) of this section; and

(2) the amount by which such number of primary care physicians that would be trained will decrease as a result of the enactment of subsections (a) and (b).

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Mr. Chair, my friends on the other side of the aisle seem steadfast and determined in their attack on access to affordable, quality health care. Couple that with their plan to end Medicare, and our Nation’s seniors are put in quite a bind. Meanwhile, they want to place our health in the hands of Wall Street and Big Insurance, not between doctors and their patients. The seniors in my district and across the country know that vouchers will not cover their health care needs. They see the tax breaks for millionaires and billionaires and handouts for Big Oil, and are vehemently opposed to this plan.

Today, we have yet another assault on affordable access to health care. My Republican colleagues have found their next boogeyman: family practice physicians. This is surprising as we have a dire shortage of primary care physicians in our country.

The American Association of Medical Colleges has estimated that an additional 45,000 primary care physicians are required by 2020 just to meet America’s health care needs. A few short months ago, both sides of the aisle agreed on the need to build our Nation’s primary care workforce. This is a proven way to bend the health care cost curve by decreasing health spending through prevention and early, simple treatment.

Unfortunately, Republicans have since changed their tune. They have declared that the problem is not that we have a shortage of these crucial doctors. Instead, they must believe we have too many primary care physicians, and so we face this call to eliminate training for those on the front lines of the fight for quality care.

The underlying legislation guts funding for vital teaching health centers across our country. Teaching health centers are residency programs for primary care physicians, providing community-based training for doctors who will go on to work in rural and in our underserved areas. From Medicare to high gas prices to tax rates, my friends on the other side have proposed time and time again policies that put middle class Americans on the line and let Wall Street, Big Oil and Big Insurance take over and earn big. The constituents in my home district, in the Capital Region of New York State, need a break. They are looking at the price of gas, at the price of food and at the price of prescription drugs, and are just wondering how they will make it through the month.

Do we need to balance the budget? Yes. Do we need to balance the budget on the backs of hardworking Americans who play by the rules? Absolutely not.

Mr. Chair, my amendment is very simple. It requires that we find out exactly how many primary care physicians we will lose if Republicans succeed in cutting teaching health centers

across the country. My amendment commissions the Government Accountability Office to report on these findings so that the American people can see how drastically these cuts will eliminate jobs and will hurt the quality, access and affordability of primary care health options.

I am interested to know, Mr. Chair, if some of my Republican colleagues are aware that, if H.R. 1216 is adopted, there will be fewer primary care doctors working in their communities. For example, this bill cuts funding for 23 physicians at the teaching health center in the heart of Scranton, Pennsylvania. These 23 individuals are being trained to provide basic health care for constituents in the greater Scranton area.

If my Republican colleague from the Scranton area joins the Republican leadership in eliminating this program, his community will lose training for 23 new primary care physicians. That's 23 jobs, the many jobs they support and 23 individuals who will serve constituents in need.

Mr. Chair, if my colleague from Pennsylvania would like to come to the floor to defend the rights of the teaching health center in Scranton against this shortsighted and unjust attack by the Republican leadership, I would gladly yield him time.

The same challenge is faced by my colleague from the Billings, Montana, area, whose district will lose funding to train seven primary care physicians specifically for the health care needs of rural Montanans. In Idaho, Illinois, Texas, and Washington, it's the same story. All of these communities are seeing good American jobs put at risk—and for what?—to fund handouts to insurance and oil companies? to pay for even more tax breaks to millionaires, billionaires and some of the wealthiest corporations on Earth?

I would gladly yield my Republican colleagues from these districts time to defend their constituents.

Again, Mr. Chair, my amendment is a matter of effective oversight. It asks that we find out from a nonpartisan source exactly how many primary care physicians we will lose if the Republican leadership moves forward to cut teaching health centers across our country.

When it comes to ensuring our constituents have access to basic primary health care, when it comes to protecting Medicare and Social Security for our seniors and to ensuring they have healthy and comfortable retirements, there should be no disagreement.

Please join me in supporting this amendment and in standing with middle class Americans across the country.

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

Mr. GUTHRIE. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. CAMPBELL). The gentleman from Kentucky is recognized for 5 minutes.

Mr. GUTHRIE. Mr. Chairman, first, I want to point out the list that was read of teaching health centers.

The text of the bill is very clear: that we only rescind unobligated funding. If the funding has been obligated, then it continues to move forward. So, as to the list that was read, those will be funded.

The amendment before us directs the GAO to determine the number of physicians who will be trained by this program if funds are not kept mandatory. I oppose the general premise that a program must have mandatory funding in order to be effective. This type of thinking has led us to massive budget deficits as far as the eye can see.

During the debate on the continuing resolution, I can remember more than a few Members complaining that reductions in discretionary spending would have little impact on the deficit. There is some truth to the fact that discretionary spending which Congress has more control over comprises an increasingly smaller share of the Federal budget.

□ 1540

It seems to me that some people's solutions to reining in the discretionary ledger of our Federal budget is to simply shift programs from discretionary to mandatory and let the spending cruise on auto pilot. That is not responsible governing. In a time of \$1.5 trillion annual deficits, we must make spending priorities. However, setting priorities involves tough choices. The people that oppose this bill do so because they are unwilling to make the tough choices on what programs the Federal Government should fund and what they should not.

So let's review what happened. Certain programs for training were made mandatory in the health care act and others were subject to future appropriations. Listening to the debate today, it is apparent that some believe any provision in the health care act that authorized a program subject to appropriations is essentially meaningless and did nothing at all. I have heard Members extol the virtues of dental education programs or training for nurse education contained in the health care act, but they are subject to further appropriations.

Where was the amendment to the health reform bill that asked GAO to look into how the lack of mandatory spending in section 5305 of the health care act would affect geriatric education? There wasn't one, and not a single Member of the other side brought the issue up. The reason the other side didn't bring it up is because the programs were constructed in a way to go through the normal authorization and appropriations process. The underlying bill simply puts teaching health centers on equal footing with a myriad of other programs.

I also oppose the amendment because it is a waste of Federal resources. We are asking the GAO to conduct a study that is almost impossible for it to complete. The GAO cannot determine the number of physicians that will be trained because so much of the program is under the discretion of the Sec-

retary. In fact, the contours of the program have not yet even been set. The Health Resources and Services Administration does not even anticipate issuing a Notice of Proposed Rule-making on the Teaching Health Center Graduate Medical Education Program until December.

Under my bill, supporters of the program will continue to be able to make the case on an annual basis that the program is not duplicative, it is effective, and warrants continued funding over other programs like children's hospitals which the President's budget zeroed out.

I urge my colleagues to vote "no."

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TONKO. 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 New York will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. CARDOZA

Mr. CARDOZA. 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 4, after line 12, add the following:

(d) GAO STUDY AND REPORT ON PHYSICIAN SHORTAGE.—The Comptroller General of the United States shall conduct a study to determine—

(1) the impact that expanding existing and establishing new approved graduate medical residency training programs under section 340H of the Public Health Service Act (42 U.S.C. 256h), using the funding appropriated by subsection (g) of such section, as in effect on the day before the date of the enactment of this Act, would have on the number of physicians that would be trained if such funding were not rescinded and made subject to the availability of subsequent appropriations by subsections (a) and (b) of this section; and

(2) the impact that the enactment of subsections (a) and (b) will have on the number of physicians who will be trained under approved graduate medical residency training programs pursuant to such section 340H.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. CARDOZA. Mr. Chairman, I rise today to offer an amendment that would require the GAO to conduct a study that highlights the impact that elimination of funding would have on the number of physicians that would be trained if this program were allowed to continue as intended.

Countless studies have demonstrated a serious and growing shortage of health professionals facing the United States—most critically a shortage of primary care physicians and dentists. However, where I come from, there is a

shortage of specialties as well. With an existing shortage well established and an aging population increasing, our country desperately needs investments in the health care workforce, not rescissions.

In my home State of California alone there are 567 designated health professional shortage areas, which include a population of more than 3.8 million medically underserved individuals. In California's San Joaquin Valley, there are already fewer than 87 primary care physicians for 100,000 patients of population. The doctor/patient ratio in my region is not getting better; it is getting significantly worse. That is why I have consistently advocated for the need to improve access to care and address this vital shortage.

All eight counties in the San Joaquin Valley have been designated as medically underserved by the Department of Health and Human Services, including Merced, Stanislaus, San Joaquin, Madera, and Fresno Counties. At one point a few years ago, we were down to one pediatrician for the entire county of Merced. With the passage of the Affordable Care Act, we were able to include additional funding for these medical residency programs to help address the mounting health care profession shortage in already established underserved areas.

The new Teaching Health Centers Graduate Medical Education Program is intended to be an investment that helps struggling underserved communities deal with the reality of increasing demands on an already strained health care system. Studies have shown that the most effective way to attract and retain new doctors in underserved areas is to allow medical students to complete their medical residency programs in the communities that are in need. Graduating physicians most often practice in the communities where they have completed their residency training, which is why this program is uniquely important. My wife is a perfect case in point, a primary care physician who stayed in our community and practiced for 18 years after she finished the program.

Without these critical investments, the lack of care will most certainly have a costly price on the health and well-being of many rural underserved communities, including those I represent.

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

Mr. GUTHRIE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. GUTHRIE. Mr. Chairman, this amendment is very similar to the previous amendment we discussed, so I will be brief.

One, as I said before, it is difficult for the Government Accountability Office—almost impossible for them—to perform this study moving forward because there is so much discretion that is given to the Health and Human Services Secretary. And as I said before, the Health Resources and Service Administration does not even anticipate issuing a Notice of Proposed Rulemaking on teaching health graduate centers until December.

And then again, as a lot of the comments today, I don't think that moving an authorized and mandatory spending program to an authorized and discretionary spending program renders that program meaningless. If it does do that, then all the other programs that I have listed earlier in the debate—training in general hospitals, training in children's hospitals, training in behavioral education and health, training in nurse retention, training in nurse practitioners—that means that those programs that were in the health care act would not have as much strength as well. And so the comment that by moving this from one part of the budget to the other makes it meaningless, to me, is just not accurate.

And, second, I also want to stress again that the language of the bill is clear: we do not rescind obligated funds; it is only unobligated funds. So again, it wasn't my friend from California, but someone earlier mentioned that there were programs that have already been in place that would be hurt by that. If the funds have been obligated, those programs move forward.

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

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Chairman and Members, I know there has been talk only about obligated money. I would like to introduce into the RECORD a press release issued on January 25 of this year from Health and Human Services announcing the new Teaching Health Center Graduate Medical Education Program. And of those programs, it lists the ones; and that money is obligated, but there will be no future funding for them. So you get a few months of funding, but you don't get any more funding.

These centers—six of them are in Republican districts, five in Democratic districts—will get a very short 3 months' worth of funding if this bill becomes law. And it doesn't do any good. The graduate medical education pays for the training of that physician. These community centers will only receive a short term funding. So it may only be talking about that obligated

money, but they won't get any more after this year if this bill becomes law. That's why it is so important that this bill be defeated or that we adopt an amendment similar to our colleague from California.

**HHS ANNOUNCES NEW TEACHING HEALTH CENTERS GRADUATE MEDICAL EDUCATION PROGRAM**

**ELEVEN CENTERS WILL SUPPORT PRIMARY CARE RESIDENCY TRAINING IN COMMUNITY-BASED SETTINGS**

HHS Secretary Kathleen Sebelius today announced the designation of 11 new Teaching Health Centers in the Teaching Health Center Graduate Medical Education program, a 5-year program that will support an increased number of primary care medical and dental residents trained in community-based settings across the country. These Teaching Health Centers will be supported by funds made available through the Affordable Care Act and will help address the need to train primary care physicians and dentists in our nation's communities.

With the funds, these Teaching Health Centers can seek additional primary care residents through the National Resident Matching program this month and will train 50 additional resident full-time equivalents beginning in July 2011. While 3 months of funding totaling \$1,900,000 is being awarded this first program year, in future years the annual funding will increase to cover the full-year costs, as well as additional residents. These investments provide an important platform for expanding the primary care workforce and creating more opportunities to prepare physicians to practice primary care in community-based settings, while ensuring primary care services are available to our nation's most underserved communities.

"The Teaching Health Center program is an integral part of our mission to strengthen the nation's primary care workforce and ensure that all Americans have adequate access to care," said Secretary Sebelius.

The new Teaching Health Centers are distributed around the nation and will train residents in family medicine, internal medicine, and general dentistry. Teaching Health Centers will receive up to 5 years of ongoing support for the costs associated with training primary care physicians and dentists. HHS' Health Resources and Services Administration (HRSA) will administer the program.

"Participating in this program not only provides top-notch training to primary care medical and dental residents, but also motivates them to practice in underserved areas after graduation," said HRSA Administrator Mary Wakefield, Ph.D., R.N.

Eligible Teaching Health Centers are community-based ambulatory patient care centers that operate a primary care residency program, including federally-qualified health centers; community mental health centers; rural health clinics; health centers operated by the Indian Health Service, an Indian tribe or tribal organization; and entities receiving funds under Title X of the Public Health Service Act.

For additional information, visit Teaching Health Centers.

**2011 TEACHING HEALTH CENTERS**

Organization	City	State	Award
Valley Consortium for Medical Education	Modesto	Calif.	\$625,000
Family Residency of Idaho	Boise	Idaho	37,500
Northwestern McGaw Erie Family Health Center	Chicago	Ill.	300,000



2011 TEACHING HEALTH CENTERS

Organization	City	State	Award
Penobscot Community Health Center	Bangor	Maine	150,000
Greater Lawrence Family Health Center	Lawrence	Mass.	112,500
Montana Family Medicine Residency	Billings	Mont.	37,500
Institute for Family Health	New York	N.Y.	150,000
Wright Center for Graduate Medical Education	Scranton	Pa.	225,000
Lone Star Community Health Center	Conroe	Texas	37,500
Community Health of Central Washington	Yakima	Wash.	75,000
Community Health Systems	Beckley	W. Va.	150,000
Total			1,900,000

Mr. ELLISON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Mr. Chairman, I rise in opposition to this underlying bill.

As the Senate votes this week on the Republican scheme to end Medicare, I am standing up to protect health care for our seniors. Our seniors, they blazed the trail for all of us. They fought the wars, they've earned the money, they've come and made America a great place; and we have inherited what they've done. We have inherited what our senior citizens have made for us. And now we see our Republican colleagues want to end Medicare for these same seniors. To spend nearly \$1 trillion on handouts to millionaires not only harms American seniors, but threatens our economic future.

□ 1550

Medicare guarantees a healthy and secure retirement for Americans who pay into it their whole lives, Mr. Chairman. It represents the basic American values of fairness, decency and respect for our seniors that all Americans should cherish.

Last month, our Republican colleagues voted to end Medicare as we know it. According to the Congressional Budget Office—and, Mr. Chairman, that's the office that is bipartisan and calls it straight as they see it—this plan, this Republican plan, would raise seniors' health care costs by more than \$6,000 a year—that's a lot of money, Mr. Chairman—more than doubling their costs. Instead of fulfilling a promise to our seniors, a promise that the people who gave everything for us would have something in their golden years, the plan would bring about a corporate takeover of our health care. Insurance company bureaucrats would be able to deny seniors care that they had paid into for their entire lives. The GOP plan no longer guarantees seniors the same level of benefits and choice of a doctor that they have today under Medicare.

Mr. Chairman, this debate is not about the deficit. Only if it were. This debate is about something else, and it is about whether we are going to meet the promises of our seniors, of our children, of our students, of our public employees, or not. It's a choice of whether we're going to put America to work or not. It's a basic choice about how we're going to live together.

Mr. Chairman, this debate is not about a deficit. And as my fellow col-

leagues pound on this idea that we're broke, we're not broke. What we are is unwilling to do the basics for people who have given America so much. This debate is not about a deficit, because we can reduce the deficit by putting America back to work. Two-thirds of American corporations don't pay any taxes, including General Electric, Bank of America, and others. If we ask people to just do their fair share, America's not broke.

By siding with insurance industry lobbyists to raise Medicare costs only increases the burden on our seniors while doing nothing to address the deficit. As I said, this is not about the deficit.

Raising taxes for 95 percent of Americans to pay for a trillion-dollar tax cut for CEOs who ship American jobs overseas sides with the rich at the expense of the middle class.

Spending billions on handouts for corporate special interests, including \$40 billion on Big Oil, only drives up prices at the pump for families who are already hurting the most.

The Progressive Caucus, Mr. Chair, has a plan that puts people's priorities first. Our budget, which we call "The People's Budget," strengthens Medicare and Social Security. It lets Medicare negotiate cheaper drug prices so insurance company bureaucrats can't deny you the medication you need. And it creates jobs by eliminating the deficit by 2021. That's right. The Progressive Caucus eliminates the deficit. That is the fiscally responsible budget. That's a budget that Americans can get behind. Not some budget that rewards the rich at the expense of everybody else and doesn't do anything to end the deficit.

I'll not stand for a vision of America that throws American seniors under the bus. We have a vision of honoring our seniors, honoring those people, the Greatest Generation, the generation that brought us civil rights, women's rights, human rights, the generation that brought us Medicare. We are in a generational fight, Mr. Chairman, and generations in the future will look back on us and ask us why did we let the Republican Caucus take away the basic promises of America, and we will be able to stand now and say, We didn't. We fought them back and we fought for America where everybody does better because everybody does better, including our seniors.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CARDOZA. 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 California will be postponed.

AMENDMENT NO. 7 OFFERED BY MS. FOXX

Ms. FOXX. Mr. Chair, 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 4, after line 12, add the following:

(d) PROHIBITION AGAINST ABORTION.—Section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended by adding at the end the following new subsection:

“(k) PROHIBITION AGAINST ABORTION.—

“(1) None of the funds made available pursuant to subsection (g) shall be used to provide any abortion or training in the provision of abortions.

“(2) Paragraph (1) shall not apply to an abortion—

“(A) if the pregnancy is the result of an act of rape or incest; or

“(B) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed including a life endangering physical condition caused by or arising from the pregnancy itself.

“(3) None of the funds made available pursuant to subsection (g) may be provided to a qualified teaching health center if such center subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

“(4) In this subsection, the term ‘health care entity’ includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.”

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Thank you, Mr. Chairman.

My amendment is designed to protect life and the livelihood of those who defend it.

Since 1973, approximately 50 million children have been aborted in the United States. This is a tragedy. According to a CNN poll last month, more than 60 percent of Americans oppose taxpayer funding for abortion. This number includes many of my constituents and is consistent with my strong

pro-life convictions. I am offering my amendment today to ensure that their hard-earned money will not be used to pay for elective abortions or given to organizations that discriminate against pro-life health care providers.

Earlier this month, the House passed H.R. 3, the No Taxpayer Funding for Abortion Act, which codifies many longstanding pro-life provisions and ensures that taxpayer money is not being used to perform elective abortions. H.R. 3 is now awaiting consideration in the Senate, but I will not cease to fight to protect the unborn children in America at every turn.

This amendment ensures that the grants being provided to teaching health centers are not being used to perform elective abortions and makes it crystal clear that taxpayer money is not being used to train health care providers to perform abortion procedures.

Mr. Chair, when the liberal Democrats rammed through their government takeover of health care, in an unprecedented fashion, they refused to include longstanding pro-life provisions. With this bill, House Republicans are seeking to restore a grant program for residency programs to the regular appropriations process, and my amendment explicitly and permanently ensures that should the appropriations committee fund this program, taxpayer money will not be used to pay for elective abortions or train abortion providers.

In addition to the need for a permanent prohibition of taxpayer funding for elective abortions, it is also important that scarce resources are allocated to the most worthy applicants. An applicant that demands that individuals and institutions provide or refer for abortions is simply not the kind of applicant that should be funded under this program. Numerous doctors, nurses and other health care providers refuse to perform or participate in abortions because they believe it is wrong to kill a child. Congress should ensure that these individuals are not discriminated against because of their beliefs. Any form of discrimination is abhorrent, and individuals should not be forced to act against their convictions. This amendment is similar to previous efforts to protect pro-life health care providers and is consistent with these efforts.

To be eligible for funding under this grant program, centers have to agree that they will not discriminate against pro-life health care providers.

My colleagues across the aisle may argue that we already have the Hyde amendment that prohibits taxpayer funding for elective abortion for programs that are included in the Labor, Health and Human Services and Education appropriations legislation. However, this amendment must be included every year. My amendment ends the uncertainty for this program by providing a permanent prohibition on taxpayer funded elective abortions and protects pro-life health care providers.

Until we have a permanent prohibition on taxpayer funding of elective abortion and protections for health care providers who cherish life, I will continue to offer and support efforts to support taxpayers, families and children from the scourge of abortion.

The unborn are the most innocent and vulnerable members of our society and their right to life must be protected. Therefore, I urge my colleagues to vote in favor of this amendment.

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

Ms. DEGETTE. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Colorado is recognized for 5 minutes.

Ms. DEGETTE. Thank you, Mr. Chairman.

Well, here we are again, forced to stand up again to protecting women's health care against an extreme agenda. I disagree with the whole underlying bill, Mr. Chairman, but even so, even so, how one could tie restricting a woman's right to choose to graduate medical education is sort of beyond me.

□ 1600

Let me explain why this is just an extreme and direct attack on women's health.

What it would mean is that across the country residents would be barred from learning how to perform even a basic medical procedure required for women's health. This amendment would jeopardize both education and women's health care by obliterating funding for a necessary full range of medical training by health care professionals.

And here's the thing. The Hyde amendment is the law of the land right now. I don't like the Hyde amendment. I would repeal the Hyde amendment. But frankly, the Hyde amendment has been in place for over 30 years, and it's not going away. And what it says is no Federal funds shall be used for abortions except in the case of rape, incest, or the life of the mother.

Now, there is nothing in the Hyde amendment about restricting medical doctors' training to legal medical procedures. There's nothing about graduate medical education in the Hyde amendment whatsoever. And if we pass this amendment, we will not allow basic medical training that would even allow doctors to provide the procedures that are allowed under the Hyde amendment—life, rape, or incest.

And let me talk about why this is so incredibly dangerous for women's health.

Ensuring that doctors and nurses are fully trained in abortion procedures is essential to ensuring that they can be providing lifesaving care when abortion is a medically necessary procedure to save the life of a pregnant woman.

Now, most pregnancies, thank goodness, progress safely. But sometimes there's an emergency. And sometimes a

medical abortion is necessary to protect a woman's health or life. For example, Mr. Chairman, in cases of preeclampsia, hemorrhage, and severe pulmonary hypertension, or bleeding placenta previa, which can be fatal if left untreated, an abortion is a life-saving procedure. In addition, in managing a miscarriage, sometimes an abortion procedure is essential to saving the woman's life.

Now, under this amendment, virtually any type of health care facility could face the loss of funding if they needed to provide abortion care in an emergency situation. And moreover, Mr. Chairman, residents need to be trained in how to handle these very complicated conditions that could necessitate an abortion.

I'm afraid to say these examples are tragically real. The case involving a woman experiencing severe hypertension that threatened her life at St. Joseph's Hospital made the news when a nun, Sister McBride, was excommunicated last year for allowing the woman's life to be saved through an abortion.

The Foxx amendment would also greatly expand the reasons why health care entities should give in to refusing care.

So, Mr. Chairman, here's the thing. Maybe we don't like abortions, and all of us wish abortions would be rare. But sadly, even in the case of a wanted child with a loving home and everything else, even in the case of an exception under the Hyde amendment, sometimes abortions are necessary. And if we say we are not going to train doctors how to provide a range of women's health care services, then we are basically allowing women to bleed to death in the emergency rooms of this country. And I don't think that's what this Congress is about. It is certainly not what the medical profession is about.

I would urge just for reasons of mercy for this House to reject this amendment. It's mean-spirited and it's far, far beyond current law.

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

Mr. GARAMENDI. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Chairman, I find myself in opposition to the underlying bill and the amendment.

You just heard a very cogent argument. I don't understand why we ought to have ignorant doctors. It doesn't make any sense to me. Abortions are sometimes necessary for saving the life of a pregnant woman. And to have a medical system in which the doctors don't know about that procedure is really stupid. I won't say this amendment is that, but it's really not wise to have ignorant physicians. And it's really not wise not to have physicians at all.

What in the world are we thinking here? What's the purpose of this

amendment and this particular resolution? To deny American men, women, and children the opportunity to go to a doctor? We know all across this Nation that there is a shortage of primary care physicians. In most every community of California, there is a shortage of primary care physicians. Plenty of dermatologists, but not primary care physicians.

So what are we going to do here? Eliminate the funding to train primary care physicians.

Now, that in itself is bad enough. But this is just one piece of a much larger plan to dismantle health care in America. The repeal of the Affordable Health Care Act will increase the cost of medical services all across this Nation and particularly increase the cost to government. Not my projection. The independent Congressional Budget Office said clearly that the Affordable Health Care Act will reduce the cost of Medicare and Medicaid.

So repeal it. Increase the deficit. Huh? Is that what this is all about? I don't get it guys and women. Makes no sense to me.

And now in your budget, the Republicans go after Medicare and terminate Medicare for every American who is not yet over 55 years of age? Terminate it. And turn it over to the rapacious, greedy, profit-before-people health insurance industry, an industry that I know a great deal about. I was the insurance commissioner in California for 8 years, and I know those characters. It is about profit. It's not about caring for people.

And when you say the government shouldn't make decisions, the government does not make decisions in Medicare. The physicians make decisions. But if you turn Medicare over to the insurance companies, it will be the insurance companies that make decisions about medical services.

And by the way, you also voted to repeal those sections of the Affordable Health Care Act that protect all of us from the rapaciousness of the health insurance industry. Eliminating a law which eliminates such things as pre-existing conditions, age, sex discrimination, and the rest. So you repeal that and give back to the insurance companies the opportunity to discriminate. And now you want to throw tomorrow's seniors into that same pool of sharks.

I don't get it. It makes no sense whatsoever. It perhaps is the worst idea I've heard in the 35 years I have been involved in public health and in public policy. It makes no sense whatsoever.

And this bill on top of it? Come on. We're not going to train primary care physicians? What in the world are you thinking? I don't get it. I don't get the whole strategy. It is a strategy that will put America's health at risk. It is a strategy that will deny benefits. It is a strategy that will provide us, with this latest amendment, doctors that are ignorant about basic women's

health. And it is a strategy that will deny us the necessary primary care physicians.

What in the world are my Republican colleagues doing here about the deficit? Come on now. What you're doing is going to increase the deficit. You're going to increase the deficit. If there are not primary care physicians, then you'll go to the emergency room. And everybody knows that the emergency room is more expensive than a doctor's office.

What are you doing? I don't get it, guys. I don't understand. You're worried about the deficit; yet you take action that increases the deficit? It makes no sense to me.

Madam Chair, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Madam Chair, I move to strike the last word.

The Acting CHAIR (Mrs. CAPITO). The gentleman is recognized for 5 minutes.

Mr. GENE GREEN of Texas. First of all, I have utmost respect for Congresswoman FOXX of North Carolina. But her amendment is a solution in search of a problem. Graduate medical education does not do abortions.

□ 1610

The teaching hospital center program funds training for primary care residents. There is no payment for services in the law. It's about salaries, benefits, and paying faculty. Teaching health centers will pay for abortions no more than Medicare Graduate Medical Education has paid for abortions for the last 45 years.

The President signed the executive order to make all the provisions subject to the Hyde amendment, all the provisions of the Affordable Care Act subject to the Hyde amendment. The executive order establishes a set of policies for all provisions of the Affordable Care Act to "ensure Federal funds are not used for abortion services" consistent with the Hyde amendment. The Presidential order reinforces what we all agree on. No one is here claiming that we should use Federal funds for abortion, except in very limited circumstances, whether they are under this program or elsewhere.

There is another layer of protection codified in permanent law under section 245 of the Public Health Service Act. The Coats amendment clearly prohibits the Federal Government from discriminating against any physician, post-graduate physician training program, or participant in a program of training in the health care professions because the entity refuses to participate in abortion training. That's not an appropriations vehicle; it's not an executive order. It's the law of the land.

That's why I say this amendment is a solution in search of a problem. There is not a problem with Graduate Medical Education, whether they be teaching hospitals, whether they be community-based centers that this bill is subject to.

I yield back the balance of my time. Mrs. CAPPS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. I rise in strong opposition to this dangerous amendment.

Last month, the Republican majority brought us to the brink of government shutdown over its disapproval of Planned Parenthood. But here we are again, a new week, but the same obsession with reopening the culture wars. This time, instead of saying that Congress knows better than a woman and her family about her reproductive health care, this amendment takes one step further. It says that Congress knows better than our medical doctors and medical educators about what our medical training curricula should look like. This is an unprecedented restriction, one that goes against the Accreditation Council for Graduate Medical Education's guidance and against medical ethics themselves.

Medical education is supposed to prepare our future doctors for whatever they may come across in their practice. This includes women whose lives are in danger due to their pregnancy, for whom terminating a pregnancy is the only way that woman will stay alive. Keeping future providers from learning these procedures—and it is an option that they may choose only if they choose to learn it—puts these women at risk. Regardless of what one's views are on women's reproductive rights, I think we can all agree that our future medical providers should be trained and ready for any medical emergency that they might encounter. To play politics with their education and the lives of women is an embarrassment.

Madam Chair, it is time for this Congress to learn to trust the American people, to trust our doctors, to trust our families, and to trust women.

THE AMERICAN CONGRESS OF  
OBSTETRICIANS AND GYNECOLOGISTS,  
*Washington, DC, May 24, 2011.*  
ACOG OPPOSES THE FOXX AMENDMENT TO  
H.R. 1216

The American Congress of Obstetricians and Gynecologists (ACOG), representing 55,000 ob-gyns and partners in women's health, opposes the Foxx amendment to H.R. 1216, an amendment to the Public Health Service Act.

The Foxx amendment would disallow GME funding for abortion training, part of ob-gyn educational curricula in accredited medical residency programs, and unnecessarily duplicate already recognized protections for medical students and teaching hospitals who choose to not participate in abortion training.

Residency education standards are set by the universally recognized Accreditation Council for Graduate Medical Education (ACGME) whose Residency Review Committees (RRCs) accredit residency programs. These standards, supported by the American College of Obstetricians and Gynecologists, require that "experience with induced abortion must be part of residency training."

These standards already fully accommodate institutions, programs, and individuals

who choose not to participate in abortions or abortion training. Every ob-gyn residency program may opt out of providing in-house training, and is required only to offer their residents an opportunity for abortion training at an outside facility. Similarly, residents with religious or moral objections may opt out of receiving abortion training, and are required only to be trained in management of abortion complications—not the provision of abortion, but the care of potential consequent medical complications.

Training in abortion, for those institutions, programs, and individuals who choose to participate, is important to women's health. Federal funds may be used for abortions in cases of rape, incest, or when a woman's life is endangered. Girls and women who are victims of rape or incest, or whose lives are endangered by their pregnancies, must have continued access to this surgical procedure, and this care must be safely provided by trained medical specialists.

The Nation's women's health physicians urge a no-vote on the Foxx amendment. Should you have any questions, please contact Nevena Minor, ACOG Government Affairs Manager, at [nminor@acog.org](mailto:nminor@acog.org) or 202-314-2322.

I yield back the balance of my time.

Mr. TONKO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Madam Chair, I rise in opposition to H.R. 1216, the underlying bill. As a resident of upstate New York, where much attention has been given to today's special election for a congressional seat, people are saying loud and clear, Hands off my Medicare.

Republicans are determined again to put us on the road to ruin with their plans to end Medicare. Despite outcries from their constituents, they are pushing forward to end a program that 46 million seniors and disabled individuals depend on for their health care. This gross injustice is made immeasurably more egregious and offensive by the fact that this is being done not to balance the budget, but to expand and permanently guarantee even bigger tax cuts for millionaires and billionaires, and to give new tax breaks to some of the world's most profitable companies, including oil.

I have heard a lot of talk in the last few months about the need to make tough choices these days. The average senior on Medicare earns just over \$19,000 a year. About one quarter of Medicare beneficiaries suffer from a cognitive or mental impairment, and most have at least one or more chronic medical conditions. So I ask my Republican colleagues, what exactly is it about stripping these Americans bare of their health and economic security that qualifies as tough? There is nothing tough about stealing from the poor or the weak to give to the rich.

Our seniors, on the other hand, know all about tough choices: Do I buy groceries, or do I buy prescriptions? Do I pay rent, or do I pay medical bills? It hurts, but how much will it cost? These are those tough choices. These are life and death choices. With the passage of Medicare in 1965, we entered into a cov-

enant with each and every American citizen.

The Republican voucher plan ends Medicare. Instead, seniors will be on their own with a measly voucher and forced to buy insurance in the private market, where all decisions will be profit-driven. More profits for insurance companies on the backs of seniors. Sounds like a Republican plan to me. This new voucher program amounts to a ration card. The value of the voucher is not linked to increases in health care costs in the private market, yet the costs of private health insurance have risen over 5,000 percent since the creation of Medicare—5,000 percent.

The analysis of the nonpartisan Congressional Budget Office has estimated that in less than 20 years these vouchers would pay just 32 cents on every dollar that a senior would spend on health care premiums. Now, the Republican leadership has repeatedly stated that this budget gives seniors the same coverage as Members of Congress. Well, as a Member of Congress myself, I know that our health plans pay for about 72 cents on every dollar of health coverage, not 32 cents.

America knows that legislation in Congress carries a statement of priorities and values, not purely dollars and cents. And what sense does it make to cut funding for training primary care physicians who are on the front lines not only of keeping our constituents and communities healthy, but also of lowering health care costs with early, simple treatments?

I urge my colleagues to stand with our seniors and stand up for middle class priorities. Let's defend our middle class. Let's defend our working families. I urge my colleagues to oppose this bill.

Madam Chair, I yield back the balance of my time.

Ms. TSONGAS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Massachusetts is recognized for 5 minutes.

Ms. TSONGAS. Madam Chair, I rise in opposition to the underlying bill, H.R. 1216, and to the ongoing efforts by my colleagues across the aisle to undermine our constituents' access to affordable health care.

I recently heard from my constituent from Haverhill, Massachusetts, named Phil Gelinias, who relies on Medicare for his health coverage. His wife's diabetes treatment and prescription drugs are also covered through Medicare, and they have both paid into Medicare all their lives through payroll deductions. He remarked to my office that there was no way that they could meet the cost of health care today without Medicare.

He and his wife are not alone. Each day, thousands of seniors like the Gelinases use Medicare to cover the costs of doctors' appointments, prescription drugs, as well as routine tests and treatments.

Under the budget that House Republicans passed in April and that the Senate is set to consider this week, the Medicare program that seniors have relied on for more than 50 years to meet their medical needs and expenses would be eliminated. In its place would be a voucher system that pays a small lump sum to private insurers to cover seniors. Any costs not covered by that payment would fall to seniors to pay or forego coverage.

My colleagues on the other side of the aisle argue that elimination of Medicare is needed to help reduce the deficit, and that the same benefits that seniors now enjoy under Medicare will be replicated in the private insurance market. Not so. In reality, their plan will result in a far lower standard of care for seniors, while trillions of dollars continue to be added to the national debt. Rather than taking steps to reduce the underlying increases in health care costs, which in turn drive up the cost of Medicare, their plan simply shifts those costs to seniors.

The value of the vouchers that would replace Medicare would not keep pace with rising health care costs, so seniors will be increasingly required to make up the difference. Just 8 years after the program starts, a voucher will cover less than one-third of the cost of a private health insurance package with the same benefits as Medicare currently provides, leaving seniors to cover the rest.

□ 1620

According to the nonpartisan Congressional Budget Office, the average senior will end up spending nearly twice as much of their income on health care than under the current Medicare system. That is why AARP released a statement warning that the budget "would result in a large cost shift to future and current retirees. The Republican proposal, rather than tackling skyrocketing health care costs, would simply shift those costs onto the backs of people in Medicare."

Instead of focusing on cost control measures that would bring down the cost of Medicare, the budget claims cost savings but only by passing those costs directly on to our seniors.

Furthermore, because costs have typically grown faster in the private market than in Medicare, the costs faced by seniors under the Republican plan will be much higher than the costs faced by the Federal Government now.

My colleagues have argued that seniors won't be affected by these costs for years to come, but this is simply not true. For example, the House budget immediately reopens the prescription drug doughnut hole for current seniors that was fixed with passage of last year's health reform law. It also significantly increases costs for seniors now residing in nursing homes and for their adult children who may not be able to afford their parents' care.

Despite being presented as a solution for our deficits, the budget proposal

would still add \$8 trillion to the national debt over the next 10 years. These new debts are incurred in part because their budget proposal also slashes taxes for the wealthiest Americans while continuing to provide billions in tax breaks for oil companies and other preferred industries.

Real deficit reduction will require a blend of spending reductions, new revenue, and additional reforms to control rising health care costs. But simply shifting those costs onto seniors by eliminating Medicare will prove as unsustainable for our Nation's well-being as the current budget crisis we face.

Mr. DAVIS of Illinois. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Chairman, I rise in opposition to the Foxx amendment and to the underlying bill, H.R. 1216, to amend the Public Health Service Act, to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

This bill would eliminate mandatory funding that establishes new or expanding programs for medical residents in teaching health centers and unobligated funds previously appropriated to the grant program.

Under policies currently being considered by some in the House majority, academic medical centers and teaching hospitals face as much as \$60 billion in cuts over the next 10 years to Medicare funding for indirect medical education and direct graduate medical education. These cuts would reduce indirect medical education payments by 60 percent from the current level of 5.5 percent to 2.2 percent, capping direct graduate medical education payments at 120 percent of the national average salary paid to residents.

It would reduce Federal funding for medical residency training, as wrong public policy. Given our present situation with the shortage of primary care and family practice physicians, and the expected future growth of our population, it makes no sense for the Republicans to end the present structure of Medicare. In 2010, 47.5 million people were covered by Medicare. We have 39.6 million at the age of 65 and older and 7.9 million disabled.

The Republican budget plan is a voucher plan that would raise health care costs and would immediately create higher costs for prescription drugs for our seniors and disabled. This plan would end Medicare's entitlement of guaranteed benefits and promote rationing by private insurance companies, who would make decisions on approving or disapproving treatments for our seniors and the disabled.

The Medicare program is efficiently managed, devoting less than 2 percent of its funding to administrative expenses. Medicare has dramatically improved the quality of life for seniors

and the disabled. It is the largest source of health coverage in the Nation. Democrats are committed to strengthening Medicare, not tearing it down.

Under the guise of reform, Republicans desire to end Medicare as we know it today.

Last year, the Republicans promised the American people that jobs would be their number one priority. Well, I ask, where are the jobs? But, instead, they want to make draconian cuts to programs to help seniors and the disabled, the middle class, the poor and the needy, and yet provide tax cuts of over \$1 trillion to millionaires and billionaires.

And so we ask, where are the jobs and where are the opportunities? The estimated 1-year impact of anticipated graduate medical education cuts for Illinois is \$144 million for indirect medical education and \$39 million for graduate and medical education, which totals \$183 million. If there are no doctors, there can be no medical care.

I urge that we vote against these measures.

Ms. WATERS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. I rise in opposition to the underlying bill, H.R. 1216, which would undermine the teaching health centers program, which trains primary care physicians.

Madam Chairman and members, this is just one more trick by Republicans to dismantle health care reform. They are going after the training of primary doctors. We need more primary doctors, even if there was no health care reform. There are many communities throughout this country that have no primary health care physicians.

Our Nation is facing a serious shortage of primary care physicians. Primary care physicians are an essential part of a successful health care system. They are the first point of contact for people of all ages who need basic health care services, whether they are working people with the employer-provided health insurance, low-income children on Medicaid, or seniors on Medicare.

The Republicans have made it clear that they are not concerned about access to basic health care services. The Republican budget for fiscal year 2012 turns Medicare into a voucher program, slashes Medicaid by more than \$700 billion over the next decade, and cancels the expansion of health insurance coverage, which was included in the The Affordable Care Act last year.

The Republican budget cuts to Medicare are especially detrimental to current and future Medicare recipients. Under the Republican budget, individuals who are 54 and younger will not get government-paid Medicare benefits like their parents and grandparents. Instead, they will receive a voucher-like payment to purchase health insurance from a private insurance company.

There will be no oversight to these private programs. We will not be able to contain the cost. We will not be able to mandate what the basic services should be. As a matter of fact, we know the stories about the HMOs and the fact that they had accountants who determined what care you could get, not physicians who had the knowledge and the ability to determine what you need.

When the first of these seniors retire in 2022, they will receive an average of \$8,000 to buy a private insurance plan. That is much less than the amount of the subsidy Members of Congress receive for our health plans today.

The coverage gap in the Medicare prescription drug program will continue indefinitely. Under the Affordable Care Act, this so-called doughnut hole is scheduled to be phased out. The Republican budget will allow seniors to continue to pay exorbitant prices for their prescriptions when they reach the doughnut hole. The Republican budget also gradually increases the age of eligibility for Medicare from 65 to 67 years of age.

Madam Chairman, the Republican budget is also detrimental to Americans who depend again on Medicaid, including low-income children, disabled Americans, and seniors in nursing homes. The budget converts Medicaid into a block grant program and allows States to reduce benefits, cut payments to doctors, even freeze enrollment. Medicaid funding is slashed by more than \$700 billion over the next decade.

□ 1630

That is over one-third of the program's funding.

Meanwhile, the Republican budget extends the Bush-era tax cuts beyond their expiration in 2012 and cuts the top individual tax rate down to 25 percent from 35 percent. According to the Center for Tax Justice, the Republican budget cuts taxes for the richest 1 percent of Americans by 15 percent while raising taxes for the lowest income 20 percent of Americans by 12 percent.

The national shortage of primary care doctors is not a problem for multimillionaires. They will always be able to find a doctor who will treat them and pay them whatever they ask for. But most American seniors need well-trained primary care physicians and Medicare benefits that they can rely on.

I urge my colleagues to oppose the underlying bill, oppose the drastic cuts to Medicaid, and oppose the Republican plan to dismantle Medicare. They're trying to dismantle health care reform piece by piece, inch by inch. Today it's an attack on training needed by primary care physicians. What is it tomorrow?

We know that they have a strategy that includes hundreds of bills that would dismantle, again, piece by piece Medicare reform. It's not fair, Madam Chair and Members. Health care reform

so that all Americans are covered is something that we should all support.

Ms. WOOLSEY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Madam Chair, I rise in opposition to this amendment and the underlying bill, H.R. 1216.

This is just the last attempt, the latest and newest attempt, by the majority to stall health care reform and undermine the health security of the American people. We had barely taken our oaths in January when they voted to repeal the Affordable Care Act; now trying to eliminate title X funding that provides critical primary care for women, and last month they went after the funding for the health care exchanges, and they voted to cut grants for school-based health centers that served young children.

But worst of all is the Republican budget resolution that was passed last month. It rips the heart out of Medicare, eviscerates and disfigures a program that would no longer be recognized. It's one of the more radical proposals I've seen during 18 years in Congress. They want to strip guaranteed benefits and break the Medicare promise that has served our seniors so well for nearly half a century.

And what do they replace it with? A voucher. A voucher that won't be able to keep up with soaring health care costs, a voucher that will give seniors no leverage in the health care marketplace, a voucher that will put older Americans at the mercy of the insurance companies.

Madam Chairwoman, the CBO has concluded that the Republican proposal will double health care costs for seniors. So if you are 54 years old today, you will need to save an additional \$182,000 to make up for the Medicare benefits you will lose under the Republican plan.

And they are not content to destroy Medicare. Medicaid comes in for brutal treatment as well. By converting it to a block grant, they would be throwing as many as 44 million Americans off the insurance rolls, eliminating coverage for the poorest people, most nursing home residents and people with disabilities.

My friends on the other side of the aisle who say we have to do this to balance the budget, they know they're wrong. I say they're dead wrong. We do not need to put seniors and low-income Americans on an austerity program in order to rein in the deficit. We do not need to shred the social safety net or to squeeze the middle class in order to get our fiscal house in order. In fact, we can save taxpayers \$68 billion over 7 years and expand the menu of health care choices by instituting a public option. If you ask the American people, they would rather see some shared sacrifice than cutting spending. They would rather see us eliminate tax breaks for CEOs who have no idea what

it's like to choose between taking their medication or eating their next meal.

Madam Chairwoman, I will vote "no" on H.R. 1216. It's just another example of Republican negligence and callousness on health care. They clearly prefer the broken system that leaves millions uninsured, imposing crippling costs that bankrupt families and bankrupt small businesses. The majority doesn't want to solve the health care crisis. They want to exacerbate it.

Ms. RICHARDSON. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. I rise to speak in opposition to H.R. 1216.

Under the guise of deficit reduction, Republicans, through H.R. 1216, are attempting to attack our Nation's vital support system for our seniors. The Republican budget would deny seniors, and those who are coming forward after those that are currently taking advantage of these benefits, health care, long-term care, and the Social Security benefits that these seniors have earned.

Sunday evening, I just got back from my district where I had an opportunity to have our annual senior briefing, and there were over 900 seniors who were there and they were concerned. I spoke with several of my seniors in my district, and they're worried about how they and even some of their parents who are in their nineties today will be able to get by once RyanCare—which is what I'm going to call it, the attack on Medicare—destroys something we all need. By following RyanCare and turning Medicare into a voucher program, Republicans would gradually eliminate the peace of mind that many of our seniors have grown to be able to count on.

We don't want to go back to the old days of calling seniors "poor" and not having an opportunity to live in dignity in the last years. These fixed value vouchers, which are being suggested in RyanCare, would not only not keep up with the rising costs of health care, but it would cost seniors an additional \$7,000 more per year by 2020.

In California alone, which is where I'm from, under the Republican budget, seniors would pay \$214 million more on prescription drugs in 2012 alone. That's next year.

The Republican budget would return our country to a time when being old was something that people would be afraid of, not look forward to.

The Republican budget would also turn Medicaid into a block grant system. Haven't we seen what that's done with community development block grants? It wouldn't work. Under a block grant system, Medicaid would no longer be able to support the elderly. By converting the current Medicaid system into a block grant index to inflation and population growth, Congress would shift the burdens of rising health care costs and aging populations

to the States. All you have to do is look at the Los Angeles Times to see what's happening to my State, and I don't think we'd be able to help the seniors.

The deficit must be addressed. In fact, I've supported many bills and amendments that have been brought forward on the other side. But it should be done in a fair way. We should not balance the budget on the backs of our Nation's seniors, not after Wall Street and our car manufacturers got a bailout.

I will, and Democrats will, continue to work to protect, strengthen, and save Social Security, Medicare, and Medicaid.

Ms. EDWARDS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. I rise in opposition to the underlying bill.

Madam Chair, Republicans have returned to the Hill after a hard week at work in our districts really trying to explain away the plan to dismantle Medicare to their constituents. But I want to tell it to you really straight, Madam Chair, and that is that the reason that it's hard to explain is because there really is no explanation. The plan that Republicans have under consideration would indeed end Medicare as we know it. It would end Medicare, and it's just that simple. The plan would turn Medicare into a voucher system that would leave seniors paying more and more out of their pockets for health care.

I was out at a town hall meeting at a senior center in my congressional district. It's one where people have gone—they come from every level of the private sector and business—to enjoy their retirement. And they receive Medicare benefits. And I asked them, who in this room, a room of about 100 or so seniors, how many of you would like to go into negotiations with an insurance company about how much you're going to pay for your health care? And no surprise, not a single one of those seniors stood up. But that's exactly what the Ryan plan, the Medicare dismantling plan, would do for seniors. It would say to seniors, we want you to go on your own and negotiate with the big insurance companies.

□ 1640

Well, we know that that can happen for those of us who are younger, but it certainly cannot happen for our seniors. It would shift the burden on to retirees to make the system much less efficient and increase administrative costs that are eventually passed on to all consumers.

According to the Congressional Budget Office, the Republican plan would raise the eligibility age for beneficiaries from 65 to 67. And it repeals provisions of the Affordable Care Act that are actually designed to make the system even more efficient. This just

doesn't make sense. I think seniors have caught on. In fact, I think all Americans have caught on.

The thing about Medicare is it is not just about our seniors, Madam Chair. It is also about the contract that each of us, one generation, makes to the next generation. It is the contract that I have made with my mother and my son makes with me, and it is to make sure that we are taken care of in our old age because we have paid into it and we have paid for it.

According to the Center for Economic and Policy Research, a 54-year-old worker would need to save an additional \$182,000 to pay for the higher cost of private insurance with the government elimination of Medicare; \$182,000, let's just absorb that for all of those 54 year olds. How long is it going to take you to get to age 65 and save \$182,000 to pay for your health care costs? Well, we know that that would be an impossibility.

I want to tell you what is happening in Maryland because it will happen all across this country. It is that our seniors are recognizing that the GOP plan would require seniors to pay an additional \$6,800 out of their own pockets for expenses for health care, and that is not including the fact that they will have to negotiate and probably pay even more than that.

So at a time when our seniors are vulnerable and they are struggling and they have seen a depletion in their savings, it is really not fair to threaten them and to threaten their quality of life by ensuring that they are going to have to pay these out-of-pocket costs.

So I would ask us, Madam Chair, to really examine what it is that we are asking the American people to absorb.

I was up with a group of seniors in New Hampshire, and throughout my congressional district; and our seniors are saying to us, It is not just about us, and don't count on us supporting this plan just because we happen to be over age 55. We support Medicare because we understand what it means for future generations.

So this is a link, a bond between the young people in this country who are working, our seniors and our retirees, to protect Medicare and to protect the benefits that come with it.

I would ask us on this underlying bill—I think some of my colleagues have spoken to this—we need more primary care. Already we are seeing what is happening in our system where 26 year olds, up to 26 year olds, can be covered on their parents' health insurance. Do you know what that is doing? It is actually bringing down the cost. It is making sure that we have more resources to absorb the care that people need as they get older.

And so let's not stomach a dismantling of the Medicare protection that we have known for 46 years in this country, this contract from one generation to the next generation, to ensure that our seniors who have worked so hard are able to enjoy their retire-

ment without sacrificing everything that they have to pay the cost for additional benefits while health insurance companies walk away with record profits, and certainly while oil and gas companies walk away with theirs.

Mr. GUTHRIE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. GUTHRIE. I rise in support of the Foxx amendment. We have been debating the bill throughout the day, and I support the bill.

I just want to comment, I was also back home last week, and I went to a 100th birthday party for a group of people in northern Kentucky in the Louisville area and part of my district who were turning 100 years old. There was a lady there who was 103. She was born during Teddy Roosevelt's Presidency. I went there to thank them. I am one who is a big believer in what the Greatest Generation has done for us. I am a member of the baby boom generation. I was born in 1964. I am 47 years old. From 1946 to 1964, if you were born in 1946, you are in Medicare this year; you are 65 years old. I wanted to thank them and let them know that what we are doing is making a sustained and secure Medicare system for them.

We all know as of the end of last week that 2024 is the date put out that Medicare goes bankrupt. So what we have put together is a real proposal for 10 years to allow people the opportunity to adjust that are 54 and younger because there is not a member of the Greatest Generation—and if anybody says different they are wrong—there is not a member of the Greatest Generation that is affected. As a matter of fact, half the baby boomers are covered, are not affected by the changes that we have to make to make a secure and better future.

I am 47 years old. This means a lot to me because my daughter is 17. And you ask a lot of people my age: Do we have a better life-style than our parents had? Well, the Greatest Generation gave us a better life-style than they had because they wanted us to have a better life-style than they had. You ask a lot of people my age: Do we think our children will have a better life-style? It is amazing and it is disappointing to think how many people think that our children are not going to have the same quality of life that we had.

I didn't come to Washington, D.C. to be part of a government that doesn't address the fact that we want our children to have a better future than we had. In 30 years when my daughter is my age—she graduates from high school in 2 weeks—we can pay off the national debt.

So think about it. I am 47 years old. We have got a \$14.3 trillion debt. You ask a lot of people my age: Do you think our children will have a better future? A lot of people say "no" because they say we keep piling on debt and deficits as far as the eye can see.

Madam Chair, if you ask me now if I thought my daughter at 47 years old is living in a country with zero national debt, do you think my children, grandchildren and her grandchildren will have a better future, they will. That is what we are talking about. We are talking about saving and securing Medicare for the Greatest Generation. We are talking about saving and securing it for people as they become older and more mature.

So anybody that says the Greatest Generation is affected by this is just not saying what was passed out of the House of Representatives. If anybody is saying that seniors are affected by this, they are not saying what was passed out of the House of Representatives. To say that we have to reform the program to make it stronger and better for them, that is accurate. And making it stronger and better for those who come forward, that is what we are talking about doing. That is what the facts are.

People deserve the facts. People are tired of hearing rhetoric. They want facts. And the facts are that we are sustaining and securing it for the Greatest Generation, and reforming it so it will be there as our children mature. And if we pass the budget, if the Senate would pass the budget that we passed out of the House, when my daughter is my age, we will have zero national debt, and we will have a better future. And then ask her if she thinks her children will have a better future than she did, and I guarantee you that she will say that.

Mr. MILLER of North Carolina. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MILLER of North Carolina. I rise to oppose the nonsensical pending amendment and the underlying bill, although the underlying bill doesn't really do all that, but most of all to disagree with the remarks of the gentleman from Kentucky just now, and from other remarks like that, that what the Republicans have done is not going to affect the people on Medicare now or the people who are older than 55, 55 and older.

What it does, in fact, is shift more and more of the cost of health care to people who cannot afford it so that the richest Americans will not have to pay taxes. They will cut taxes for the richest Americans by even more, and they will protect insurance company profits and the profits of everyone else in the health care field who are making vulgar profits that are causing American health care to be twice as expensive as health care anywhere else in the developed world.

The arguments and what the Republican Congress has done in these last few months have made very clear how cynically dishonest everything Republicans said about health care in the last 2 years really was, especially about Medicare.

When Democrats really did find a way to get control of costs without affecting the quality, the availability of care, the access to care, the quality of care, all Republicans would say, even when it was specifically and narrowly targeted at fraud, they said that we were cutting Medicare. Now we see what they really think about Medicare. Now we see how little they really do understand how important Medicare is to the financial security of older Americans, of Americans in retirement.

They say it will not affect you if you are over 55; if you are 55 or older. Well, I just turned 58. It is nice to know that Republicans care that much about me; but let me tell you, that is not the way it is going to work.

□ 1650

Well, when I turn 65, I'll qualify for Medicare. Presumably, I'll get Medicare. My 96-year-old mother, who I also did visit this weekend, will get Medicare. I feel pretty confident she'll get Medicare for the rest of her life and that, when I turn 65, I'll get Medicare. For the guy who is 53 now, which is just 5 years younger than I am, at 60 he'll be paying taxes for my Medicare, and he won't be getting it. He'll never get it. What he will get instead is a coupon, a voucher. He'll get an allowance to go buy private insurance, and private insurance is simply not going to pay for what Medicare pays for. It's going to be far more expensive.

The Congressional Budget Office estimates that in just 10 years those folks will have to pay 60 percent of their own health care costs if this plan goes through, what they call a "path to prosperity," which should be called the "path to insurance company profits." In 20 years, it will be two-thirds of their health care costs. They'll be paying for it. They'll also be paying taxes. Working Americans, people who are still in the workforce, will be paying taxes so that I get Medicare, and they know that's not the deal they're getting. The deal they'll be getting is that little voucher, that puny little voucher, that puts them at the mercy of insurance companies.

Now, Republicans thrive on resentment. All of Republican politics seems to be built around resentment. I don't want to have a Nation so filled with resentment between generations. Ms. EDWARDS spoke just a moment ago about the contract between generations, that just as our parents took care of us in our childhoods, we will take care of our parents and their generation when they retire. We'll take care of them with our Social Security taxes and our Medicare taxes. They will get those benefits. Yet under the Republican plan, the path to insurance company profits, they won't get Medicare. They'll get that little voucher.

How long is that going to go on before that resentment builds up? How long is that going to go on before the people who are paying the taxes for it and who know they'll never get it are

going to say, No, no more of this. We have got to change this?

Madam Chair, what we want is for all Americans to get the same deal. We want the people who are 65 and the people who are 96 to get the same deal, the people who are 70 to get the same deal, the people who are 58 to get the same deal, the people who are 50 and 30 to get the same deal. If this Congress is willing to control costs, even though that means limiting the profits of some of the people who are getting really rich from our dysfunctional health care system, we can do that.

I yield back the balance of my time.  
Mr. CICILLINE. I move to strike the last word.

The Acting CHAIR. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. CICILLINE. I rise in opposition to the amendment and in defense of our Nation's seniors, who are really under attack.

Why is that? Because the current Republican budget proposal passed by this House and up for Senate consideration pulls the rug out from underneath our seniors. It ends Medicare by making huge cuts in benefits and by putting insurance companies in charge of our seniors' health care, letting insurers decide what treatment and what tests our seniors will receive.

Under the Republican plan, Medicare will end. It will not only impact our seniors; it will impact the family members of our seniors, who will now have those responsibilities. It will reopen the doughnut hole, making it more expensive for our seniors to get their prescriptions, the prescriptions they need to keep them healthy; and under their plan, they will slash support for seniors in nursing homes while continuing to give subsidies in the billions of dollars to big oil companies.

And what else? More than 170,000 Rhode Islanders, which is my home State, rely on Medicare; and they will literally be paying to give additional tax breaks to the wealthiest Americans in our country. To make matters worse, the nonpartisan Congressional Budget Office determined that this budget actually adds \$8 trillion to the national debt over the next decade because its cuts in spending are outpaced by the gigantic tax cuts for the richest Americans.

Our seniors cannot afford this Republican budget. It would deny them health care, long-term care, and the benefits that they have earned. The Republicans' choice to end Medicare by cutting benefits and by turning power over to the insurance companies for the important health care decisions of our seniors will result in reduced coverage and an exposure to greater financial risk for Medicare recipients, costing seniors an estimated \$6,000 more each year for their care.

The Congressional Budget Office determined that, under this Republican budget, seniors' out-of-pocket expenses for health care would more than double

and could almost triple. They concluded: "Most elderly people would pay more for their health care under the Republican plan than they would pay under the current Medicare system."

To put that into context, the CBO found that, in 2030, seniors would pay 68 percent of premiums and out-of-pocket costs under the Republican plan compared to only 25 percent under current law; and it found that the Republican plan means seniors will pay more for their prescription drugs because it reopens the doughnut hole, costing each of the 4 million seniors who fall into that coverage gap up to \$9,300 by 2020.

The conservative Wall Street Journal concluded that this plan "would essentially end Medicare, which now pays for 48 million elderly and disabled Americans, as a program that directly pays those bills."

Under the guise of deficit reduction, this Republican plan is recklessly attacking vital support systems for our seniors. We all agree that we have to address the deficit. The issue isn't whether we should reduce it but, rather, how we do it. Let's repeal subsidies to Big Oil. Let's eliminate fraud and waste. Let's end the wars that are costing us more than \$2 billion a week. We should not be balancing the budget on the backs of our Nation's seniors.

The Federal budget is about more than just dollars and cents. It is a statement of our values and our priorities as a country. The Republican budget reflects the wrong priorities. It would rather cut benefits to our seniors than cut subsidies to Big Oil or corporations that ship our jobs overseas.

By ending Medicare, this Republican budget breaks the promise we made to our seniors to protect them in their golden years. We must do better for our seniors. Medicare has met the health care needs of seniors while providing them with financial stability for more than 40 years. Ending Medicare would pull the rug out from underneath the feet of our seniors during their golden years.

So I ask my colleagues, if we can't protect our Greatest Generation, what's next?

I yield back the balance of my time.

Mr. MCHENRY. I move to strike the last word.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Madam Chair, I've heard my colleagues give volumes of words here today, but I've seen little action. In the 4 years they controlled the U.S. House, they proposed nothing in the way of meaningful entitlement reform: nothing to preserve Social Security, nothing to preserve Medicare, nothing to improve Medicaid and ensure that it's there.

Madam Chair, I ask, where is the plan of these House Democrats who are speaking today? Where is their plan for entitlement reform?



Mr. ANDREWS. Will the gentleman yield?

Mr. MCHENRY. I yield to the gentleman from New Jersey.

Madam Chair, I would ask my colleague, where is his plan on entitlement reform?

Mr. ANDREWS. Does the gentleman favor permitting Medicare to negotiate the price of prescription drugs, the way the VA does, and save \$25 billion a year?

Mr. MCHENRY. In reclaiming my time, I would ask, does the gentleman favor the Medicare part D prescription drug benefit, which has a lower cost basis than what your colleagues proposed at the time of enactment?

Mr. ANDREWS. Will the gentleman yield?

Mr. MCHENRY. I'm going to finish up here, my friend.

Madam Chair, in this discussion, there are lots of questions but little substantive action—no policy proposals—to make sure that Medicare is there for the next generation, much less for the end of the Greatest Generation.

I would ask my colleagues to come forward with a substantive plan, not just to take up time here on the U.S. House floor, not to take away time from these important amendments that we have under this open rule here on the House floor. I would ask my colleagues to do something real and substantive rather than to push us to a debt crisis, which their policies and their spending are pushing us towards.

I yield back the balance of my time. Mr. ANDREWS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

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

Mr. ANDREWS. My friend who just spoke asked us where the plan is to reduce the debt and deficit. If he is here, I would be happy to yield to him, but I would ask him to consider these ideas.

□ 1700

One, Medicare pays more than twice as much for a Coumadin pill than the Veterans Administration does because we have a law that the majority supported that says that Medicare can't negotiate prescription drug prices. I favor repealing that law and saving at least \$25 billion a year. I would ask my friend if he supports that, and I would yield if he would like to answer.

Mr. MCHENRY. Will the gentleman yield?

Mr. ANDREWS. Does the gentleman support that idea?

I yield to the gentleman from North Carolina.

Mr. MCHENRY. Why didn't the gentleman do it when he was in the majority? And I would be happy to yield back the balance of my time. Why is this not in ObamaCare? It's just everything else.

Mr. ANDREWS. Reclaiming my time, we did not do so because we couldn't get two Republican Senators to support it on the other side. We would have done it over here.

Second thing; does the gentleman support stopping the spending of \$110 billion a year to occupy Iraq and Afghanistan and instead spend that money here in the United States? Does the gentleman support that? I would ask him if he would like to answer that question.

Mr. MCHENRY. I'm sorry, I didn't hear the question.

Mr. ANDREWS. I'll repeat it. We are spending about \$110 billion a year to help finance the Government of Iraq and Afghanistan. I would rather see that \$110 billion a year reduce our deficit. Would the gentleman support that?

Mr. MCHENRY. Does the gentleman support the President's war on Libya?

Mr. ANDREWS. I, frankly, do not. But reclaiming my time, I especially don't support paying the bills for Baghdad and Kabul that we could be using to reduce our deficit here at home.

Third, we're going to spend at least \$60 billion over the next 10 years to give tax breaks to oil companies that made record profits—\$44 billion last year alone—as our constituents are paying over \$4 a gallon at the pump. I support repealing those giveaways to the oil industry and putting that money toward the deficit. I don't see the gentleman anymore, I'm not sure how he stands on it, but we support that.

Four, I support the idea that people who make more than \$1 million a year might be asked to contribute just a little more in taxes to help reduce this deficit. Now I know the other side is going to say, well, this will hurt the job creators in America. There is an echo in this Chamber. In 1993, President Clinton proposed a modest increase on the highest earning Americans to help reduce the deficit. The former Speaker at the time, or Mr. Gingrich—he wasn't the Speaker at the time, he became the Speaker—said this would cause the worst recession in American history. He was wrong. The gentleman who became the majority leader, Mr. Armev, said that this was a recipe for economic collapse. He was wrong.

When we followed the supply-side trickle down the last 8 years under George W. Bush, the economy created 1 million net new jobs. But when we asked the wealthiest Americans to pay just a little more to reduce the deficit in the 1990s, the economy created 23 million new jobs.

So when they ask, where is the plan, here is the plan: Don't abolish Medicare the way they plan to; negotiate prescription drug prices; stop paying the bills for Iraq and Afghanistan; stop the giveaways to oil companies that make record profits; and ask the wealthiest in this country to pay just a bit more to reduce our deficit. Let's

put that plan on the floor and reduce the deficit that way.

Madam Chair, I yield back the balance of my time.

Ms. LEE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. LEE. Madam Chair, I rise in strong opposition to the underlying, very reckless bill, H.R. 1216.

Republicans, and we've heard this over and over again, want to destroy and to deny seniors long-term affordable health care by eliminating programs that are training the future health workforce of our country.

This legislation is really part of an ongoing Republican attack on Medicare under the guise of deficit reduction and fiscal responsibility. It really is about privatizing Medicare, and of course that means that there will be some winners and there will be some losers. The Republican plan to end Medicare threatens the healthy and secure retirement that we promised American seniors. In fact, an end to Medicare is an end to a lifeline that millions of seniors rely on. Medicare gives peace of mind to millions of Americans who pay into it all their lives.

The Republicans want to give aging Americans a voucher, mind you, that will not come close to covering the cost of health care instead of maintaining and improving Medicare. Sure, waste, fraud and abuse must be addressed wherever we find it, including the Pentagon, but we disagree with the Republican agenda that the program must be killed. The Republicans want to end this program when millions of Medicare beneficiaries are struggling to make ends meet, and when we know that Medicare-eligible beneficiaries will double over the next 20 years.

Republicans have the wrong priorities—focused on letting the rich get richer on the backs of the middle class and the most vulnerable in our Nation. Under the guise of reform, Republicans would increase costs for seniors and cut benefits while giving tax cuts to millionaires, subsidies to oil companies, and sending desperately needed jobs overseas.

If the Republicans get their way, millions of seniors would immediately begin paying higher costs for prescription drugs. The impact of killing Medicare will be the most severe on vulnerable and underserved populations, including our seniors of color, while negatively impacting all seniors who rely on Medicare to protect their health and economic security. An end to Medicare is really an end to a lifeline that millions of seniors rely on.

If Republicans have their way, millionaires will continue to get big bonuses while millions of Americans fall deeper into poverty. Madam Chair, approximately 43.5 million Americans were living in poverty in 2009, but did you know that nearly 4 million of

those are seniors? Given our challenged economy, we can't expect these numbers to have improved since 2009.

Medicare is part of a promise made to hardworking Americans to ensure that they would not lack the security of having health care. And so rather than stand silently while Republicans destroy a program that protects vulnerable populations, we are here to speak up and stand up for our mothers and our fathers, our grandmothers and our grandfathers, our aunts and our uncles, and yes, our young people and our children, to be their voice in the House of Representatives. We are here to declare that Medicare should be protected and improved to protect our Nation's seniors and most vulnerable populations, and we are here to say that we want to secure it for future generations.

Ending Medicare really does end this promise and the security for millions of Americans today and in the future. So we are here today to defend Medicare and the support that it gives to our seniors. We must ensure that those who have worked hard their entire lives strengthening our Nation have the health security that they need and deserve in their later years.

Mr. SESSIONS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS. Madam Chairman, I have seen shameless acts on this floor before, and we are watching another one with the last few speakers that we have seen here today.

The facts of the case are—and people know this—we passed a budget resolution which is a construct to ask this House of Representatives to consider a plan so that we do not bankrupt Medicare—which is exactly what anyone who voted for the health care plan on March 21 or 22 1 year ago did. The plan which President Obama and Speaker PELOSI at that time supported took \$500 billion out of Medicare to support a plan—which could not be sustained either—which cost \$2 trillion for health care. So this year, Republicans have a plan to sustain Medicare that is a market-based plan. It's not a voucher program. Not one person who is presently on Medicare today nor anybody that is 55 years old or older today would be impacted by this plan. It is a plan that says we should challenge the Congress of the United States—including the administration also—to come up with a plan about how we can sustain Medicare, as we do see a doubling over the next 15 years of people who will be expected to participate in that plan.

So that we get this right for once, let me say this: It is not a voucher program. It does not impact anyone that is presently on Medicare. So the shameless things we've heard today about everyone's grandmother and everybody's grandfather and all these people that will be thrown off Medicare, they will be unaffected.

Here's what the plan calls for: It calls for the United States Congress to begin

a process with hearings that would allow people who would be on Medicare, instead of a one-size-fits-all plan of Medicare, to have a plan that looks just like what government employees would have, a realistic opportunity for them to choose among several plans, whether they want a basic plan all the way up to a plan in which they could fully participate themselves.

□ 1710

Today, Medicare is a closed, one-size-fits-all process, just like we heard Mr. MILLER, "We're going to treat everybody the same way." It does not work, because not everybody has the same needs as each other. We will have a plan which is market-based, which does not bankrupt this country nor the system, which will allow the individual an opportunity to come into a process and have their own health care just like somebody who works for the Federal Government. It would allow people who were in that program to take money out of their own pocket, to choose their own doctor if they chose to, and to be allowed to supplement those payments. We would probably set a mark, a bar, that said if you make above a certain amount of money, that's not determined yet, but if you had the ability to pay for yourself, you shouldn't rely upon the government. That is another way to make sure that we support the system, because if people have the ability to pay for their own health care, we should allow them to do that and encourage them to do that.

Then we look at how doctors are paid. Doctors today have not only been mistreated by both sides, but in particular as we see doctors not being compensated, they are not available, and it means seniors are being denied coverage because physicians are not being reimbursed properly. It allows us to have a great system, where doctors would want to serve seniors, a great and better system that is market-based whereby the ability that a person has to pay, if they do, then they would pay their own physician and their own way with the minimum support from the government.

The bottom line is, the gentleman from North Carolina asked a relevant question, and the answer that came back was, when he said, what is your plan, the answer that came back was, what about the war and what about oil companies? Well, the facts of the case are, we're talking about Medicare here today, a system that is draining this country from not only its ability to provide outstanding and excellent health care but also a system that takes away choices from seniors.

I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are reminded not to traffic the well when other Members are under recognition.

Mr. RYAN of Ohio. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. RYAN of Ohio. Madam Chair, I rise in opposition to the underlying bill, and I think it's important for us to go back, as we hear about market-based solutions, to why Medicare was started in the first place. There is no market to provide health care for older people, because there's no money to be made. Insurance companies can't make money off of covering old people who get sick, really, really sick.

What this plan does, Madam Chair, and the analysis was, well, it's just going to be like the Federal employee plan, where Members of Congress and Federal employees get a premium support. Well, the premium support that Federal employees get is about 70 some percent of the health care costs, and that number goes up and down with inflation for health care. So no matter what the health care costs are, the Federal employee has 70 some percent of that covered.

The problem with the Republican plan is that the voucher, or the premium support, is hooked to the CPI, the Consumer Price Index, which is 2½ percent, maybe, so the voucher is going to go up at CPI, say, 2½ percent, while health care costs are usually a percent or two above GDP growth, so say we have 4 percent growth, then health care costs are going to go up at 5 percent, maybe 6 percent. So your premium support, or your voucher, is going to increase every year by 2½ percent, while health care costs are going up at 5½ percent. It doesn't take rocket science to figure out that over the course of several years, that voucher becomes worthless, and it will only probably cover 30 percent, maybe, of the cost of the health care that these seniors are going to get.

So let's not sit here and pretend like the senior citizens in the Medicare program are going to somehow be living large and getting some kind of great health care. This dismantles the Medicare program. Period. Done. At least have the courage to come out and say, we want to dismantle the Medicare program.

If you want to look at how far to the right that the Republican Party has gotten on this issue, I've never seen former Speaker Gingrich do a faster or more complete Potomac two-step in my entire life than when he even insinuated that this may not be good for seniors, because the goal now of the Republican Party, Madam Chair, is to dismantle the Medicare program.

They tried years ago to try to privatize Social Security. This is no surprise. And so my question is, Madam Chair, if you're a 55-year-old guy in Youngstown, Ohio, who statistically, over the last 30 years, your wages have been stagnant with no increase in real wages over the last 30 years, now you're saying to them that they've got to come up with another \$182,000 to be able to pay for their health care.

You can nod your head "no" all you want, Madam Chair. These are the facts. The Congressional Budget Office

says, neutral third party, that the average person going into this Medicare proposal will pay \$6,000 more a year. That's not the Democratic study committee or our policy wonk saying it, it's CBO. Six thousand more a year. While the guy's wages have been stagnant for the last 30 years?

And that's where the issue of the oil companies does come in, because we're giving huge breaks to oil companies. We'll take more arrows to protect, on the other side, to protect even thinking about possibly asking the wealthiest 1 percent to pay just a little bit more to help us address this issue. The sky is falling. The world's ending. It's so bad that we can't even muster up the courage to ask Bill Gates and Warren Buffett to just help us out a little bit while we have all these problems and three wars going on at the same time? I mean, come on, Madam Chair, this is not right. This is not right.

So, at the end of the day, the Democratic plan is for Medicare. We keep it to cover senior citizens and their health care when they get older, and if we've got to make adjustments, we make adjustments. But you don't dismantle the entire plan, and you don't at the same time give tax breaks to the oil companies.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RYAN of Ohio. Don't dismantle Medicare, Madam Chair. Don't do it.

Mr. BURGESS. Madam Chairman, I move to strike the last year.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. I thank the Chair for the recognition.

You know, if we're going to tell stories here, let's start out with "once upon a time" and maybe we can end with "and they lived happily ever after."

Whose budgetary plan puts Medicare at the most risk? Is it the responsible Republican plan that was debated on this floor for hours over a month ago? This was a plan that for the first time we had laid out for us a road map, a pathway, for how to save Medicare for people who are going to enter into the program in 20 years', 30 years' time.

Now what is the plan on the other side? Well, there was no plan from House Democrats. There is no plan from the Senate Democrats. There is a plan from the President. The President laid out his aspirational budget, just as the Republicans laid out their aspirational program which was their budget, and the President's aspirational document laid out a very clear path. The President believes in 15 people, not elected by anyone but appointed by him, and their ability to control costs in the Medicare system. It was written into a bill called the Patient Protection and Affordable Care Act. You may remember it.

I have a great deal of sympathy with those on the other side who do not like the Independent Payment Advisory Board. In fact, one of their number

wrote an editorial for USA Today yesterday decrying the nature of the Independent Payment Advisory Board, but the sad fact of the matter is, this is the Democratic alternative to the Republican plan to save Medicare into the next 50 years.

□ 1720

That plan, the Democrats' plan, the President's plan, with the Independent Payment Advisory Board, says 15 people are going to be picked, they will be paid well, they will then decide where are the cuts going to occur in Medicare.

Now, true enough, Congress gets an opportunity. This 15-member board will come back to the United States Congress and say, "Here is the menu of cuts that we believe are necessary to have this year in order to keep Medicare solvent." By law, they have to come up with a certain dollar number of cuts. But as the President himself said in his speech to Georgetown here earlier this year, that's a floor, not a ceiling. If we need to save more money, we can go back to the Independent Payment Advisory Board and save more money.

Now, Congress looks at the cuts that are brought to them by this unelected independent board and says, We don't like those cuts. Some of those cuts are going to be very damaging to poor seniors on Medicare. Do we have a choice? Yes. We can vote it up or down. If we vote it down, we have to come up with our own menu of cuts to then deliver to the Secretary of Health and Human Services. What if Congress can't agree? I know. When has that ever happened before? But what if we can't agree amongst ourselves? Do we get to do something like the doc fix that we do every year? No, we do not. That's the whole purpose of the Independent Payment Advisory Board. We cannot intervene on behalf of America's patients because the President's board has spoken.

So Congress can't agree on what these cuts should be.

So what do we do? We continue to fight. But guess what happens? April 15 of the next year, the Secretary of Health and Human Services, whoever he or she may be at that time, gets to institute those cuts that were brought to you by the Independent Payment Advisory Board. Now, is that a good idea?

And I've heard discussion here on the floor today about \$6,000. You know what? If you don't fix that sustainable growth rate formula, guess what's going to happen to every senior, rich and poor, who is on the Medicare program? Either they're not going to be able to find a doctor to care for them when they require care, or they're going to have to pay more money. How much money are they likely to pay? About \$6,000 per senior.

But look. The Independent Payment Advisory Board, something like that has never happened in this country. In

a free society, we've got now an unelected board who is going to tell us what kind of medical care we can get, when we can get it, where we can get it, and most importantly, when you have had enough. And when they say you've had enough, that's it. No more. Dialysis, insulin. It doesn't matter. You're full. You've had your share. That is the problem with the Independent Payment Advisory Board.

And Congress then becomes powerless because frequently we do disagree with each other, and if we can't come to a consensus, the Secretary makes that decision for us. And then the next year starts all over again.

I've got a great deal of sympathy with my friends on the other side of the aisle because they did not include this language in their bill. And we all remember a year ago the very bad process that brought us the Patient Protection Affordable Care Act. And what was that process? It was the Senate on Christmas Eve that passed a House-passed bill that then came back over to the United States House and will the House now agree to the Senate amendment to H.R. 3590? You all remember 3590. It was a housing bill when you passed it in the summer of 2009. It was a health care bill when it came back to the House.

You did not include the Independent Payment Advisory Board in H.R. 3200 for a very good reason. The reason is it's un-American, and you know it, but now you're left to defend it.

I yield back the balance of my time.

Mr. MARKEY. I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. You know, this is a crazy debate that we're having here right now because the Republicans, they keep saying to the Democrats, Well, what's the plan? So we say to the Republicans, Well, what's your plan? Your plan just seems to be saying to Grandma and Grandpa that they're taking too much. That they really—they're taking America for a ride, and we have to cut Medicare. Their health care is too good. And Grandma and Grandpa, they didn't do enough for America.

So the Democrats, we turn around and say, Hey, how about looking at it this way: How about before you go after Grandma and her Medicare card and how about you say to Warren Buffet, Hey, how about not taking those extra tax breaks?

And the Republicans say, We can't take away any tax breaks from Warren Buffet and all of the other multi-multi-millionaires and billionaires. Because they've contributed so much to America, we don't want to touch their money, even though that would give us hundreds of billions of dollars.

And then we say to them, Well, how about prescription drugs? How about we negotiate the price for prescription drugs, for Medicare, the way we do

with the VA? That would save about a quarter of a trillion dollars over a 10-year period. They say, That would be unfair to the drug companies. We can't touch them either.

Then we say to them, Well, you know, the war in Iraq, the war in Afghanistan, it's winding down now. Maybe we could look into the defense budget and save a few billion dollars there before we ask Grandma to sacrifice on the health care that she gets from Medicare? And the Republicans say, We can't do that either. We can't look at any cuts in the defense budget. That would be much too hard on those defense contractors.

So then we say to them, How about the oil industry? At least the oil industry, the \$40 billion in tax breaks which they're going to get over the next 10 years? I mean, does anyone in America really believe that they need tax breaks in order to have an incentive to go out and drill for oil when people are paying \$3, \$3.50, \$4 a gallon at the pump?

But the Republicans say, No. You can't touch the oil companies either. You've got to give big tax breaks to the oil industry as well, even as they're tipping Grandma and Grandpa upside down at the pump when they're coming in to put in their unleaded \$4 a gallon gasoline—self-serve, by the way—at the pump.

So what do they do instead? What they do is they put an oil rig on top of the Medicare card so that the oil industry can drill into Grandma's Medicare and pull out the funding in order to provide the tax breaks for Big Oil, for Warren Buffet, for the prescription drug industry, for the wars in Iraq and Afghanistan. It's all off of Grandma. She's the one. We've targeted the person responsible for all of the wasteful spending in the United States. It's all Grandma's fault. Let's cut Medicare. She didn't do enough to build our country through the 1930s, the 1940s, the 1950s, and the 1960s. It's all on Grandma.

So this drill rig that they are building into the pocketbooks of Grandma in order to find that funding, that's what their plan is all about. It's an oil pipeline into the pocketbooks of the seniors. They want to cut checkups for Grandma while they cut checks for the oil companies. They want to cut health care to Grandma and give wealth care to big oil companies and to billionaires and to prescription drug companies.

Their plan is big tax breaks for Big Oil and tough breaks for Grandma and for the seniors in our country.

And the CEO of Chevron? He says it's un-American to think about increasing taxes on the oil industry. You know what I say to him? It's unbelievable that you could make that argument. But even more unbelievable that the Republican Party would accept that argument and cut Medicare for Grandma. To privatize it, to hand it over to the insurance industry, to increase the cost by \$6,000 per year for their costs

even as they say to Warren Buffet, the oil companies, the big drug companies, the arms contractors, Don't worry. We're going to protect your programs. It's just Grandma that's on the cutting block.

So, ladies and gentlemen, this is a debate of historical dimensions. And until the Republicans come forward with a plan—which they don't have in order to make Medicare solvent—by raising the revenues out of these other areas from millionaires, from the oil industry, and from others, do not expect us to say to Grandma it's her fault. It's not her fault. She built this country. She deserves this benefit. And we should not be cutting it.

This Republican plan to end Medicare is just something that wants to turn it over to the insurance industry. Vote "no" on the Republican plan.

Mr. COURTNEY. I move to strike the last word.

The Acting CHAIR. The gentleman from Connecticut is recognized for 5 minutes.

Mr. COURTNEY. I rise in opposition to the underlying bill, which, by the way, is a bill that would repeal a provision of the Affordable Care Act that was aimed at trying to strengthen the primary care infrastructure of this country, which is in fact a huge challenge for the Medicare program, but for some reason over the last couple of months or so, Medicare just seems to be the target.

I think it's important for people to remember that in 1965 when Medicare was passed and signed into law on Harry Truman's front porch, only half of America's seniors had health insurance.

□ 1730

Part of it was because of the cost, but part of it was because the insurance companies would not insure that demographic. It was just simply too high a risk to write insurance policies by individual companies for people who, again, because of nature carried the highest degree of risk in terms of illness and disease. Over time, the genius of Medicare, which was to pool risk, to create a guaranteed benefit, to fund it through payroll taxes, to fund it through Medicare part B premiums, demonstrated that we could raise the dignity and quality of life for people over age 65 and in fact extend life expectancy.

But the Republican Party has been targeting this program over and over again. In the 1990s, they came out with Medicare part C, Medicare Plus Choice, which was again giving insurance companies a set payment who promised to provide a more efficient, lower cost product for seniors. And what happened? Insurance companies enrolled millions of seniors in Medicare Plus Choice products. And realizing in a short space of time that they did not in fact have the funds to create a sustainable product, they canceled coverage for seniors all across the country.

I was at hearings in Norwich, Connecticut, in 1998, where seniors who had signed up for these programs suddenly got notification in mid-policy year that the insurance companies changed their minds, and they dropped them like a hot potato. In many instances, seniors who were in the middle of cancer treatments and chronic disease treatments were left high and dry without coverage. So that program failed.

Later, we had Medicare Advantage. Medicare Advantage was sold on, again, the premise that it would provide coverage for seniors cheaper than regular Medicare. And what in fact happened? The Department of Health and Human Services had to offer insurance companies 120 percent of the baseline costs for Medicare in order to entice insurance companies to participate in the Medicare Advantage program; a ridiculous overpayment, treating unfairly seniors who were in traditional Medicare and paying for Medicare supplemental insurance.

Last year we did something about that unfairness by equalizing the payments to seniors on traditional Medicare and Medicare Advantage. And today what we have is the Ryan Republican plan, which says you get an \$8,000 voucher if you are under age 55, and good luck in terms of trying to find coverage, again, in a market that is going to be very, very careful about not extending actual coverage because of the risk that's attached to it.

Now, the rank unfairness of saying that we are going to create a two-tiered system for people over the age of 55 and people under the age of 55 is obvious even in my own family. I am 58 years old. My wife Audrey, who is a pediatric nurse practitioner, is 51. I get one version of Medicare; she gets stuck with the loser version of Medicare under this proposal. Again, the unfairness of it is so obvious to all families across America. And again, it is one that is why I think the public is turning so quickly against the Republican agenda.

And we are told and we are asked: What's your alternative? Well, look at the trustees' report that came out last week. Look at it. What it said was that the Affordable Care Act in fact extended solvency for the Medicare program by 8 years. We did suffer some reductions, but that was because of the economy. Read the trustees' language. The smart efficiencies which were introduced into the Medicare program through the Affordable Care Act in fact have made the Medicare program healthier.

And if you look at the Ryan Republican budget plan, they took every nickel of those savings from the Affordable Care Act. Even though that caucus demagogued all across the country, campaigning about so-called Medicare cuts in the Affordable Care Act, well, the Ryan Republican plan incorporated every single one of those changes in the Affordable Care Act.

But at the same time, it took away all the benefits of the Affordable Care Act in terms of helping seniors with prescription drug coverage, annual check-ups, cancer screenings, smoking cessation, all of the smart changes which the Affordable Care Act made to provide a better, smarter, more efficient Medicare benefit for seniors.

The fact of the matter is that the Democrats do have an alternative. We have a program which we passed last year which, for the first time in decades, extended the solvency of the Medicare program.

Let's not abandon it. Let's preserve the guaranteed benefit for seniors. Let's reject the Ryan Republican Medicare plan.

Mr. MCDERMOTT. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. MCDERMOTT. Madam Chairman, I rise in opposition to this underlying bill.

It reminds me, as I listen to this debate, of debates around the Vietnam War. I remember a village that was napalmed by a military unit, and the officer who had them do it, he was asked why he did it. He said, well, I destroyed it to save it. Now that's the argument we are hearing today on Medicare. We have to destroy it to save it.

Now ask yourself—and there are a lot of people watching, Madam Chairman. If I were sitting at home trying to figure out what's this all about, well, why would Representative RYAN suggest that a voucher system is the way to save Medicare because of the rising costs? Everyone knows that the costs of Medicare and medication and health care in this country are totally out of control.

Now, President Obama came up with a plan which he brought out here. It wasn't like he created something that nobody had ever thought about before in the whole United States. He looked at the State of Massachusetts. It's been a place where a lot of great things have come from. And he saw what Governor Romney, a Republican, a Republican thought that we ought to have a universal plan for Massachusetts, and so they passed the law and they covered everybody in Massachusetts.

Now, then came the question: Once you have got access for everybody, how do you control the costs? Well, then the problems developed. And the problem was they found in Massachusetts they didn't have enough primary care physicians. Now, what does that have to do with it? That's what this bill is about. This bill is about the training of primary care physicians.

What everybody in this country needs is a physician that knows them and is a medical home. When they get sick, they go to that person. The doctor knows them. If they need some preventive care, the doctor takes care of it. The doctor does it in a very cost efficient way, before the catastrophes.

Now, for the many people in this country who don't have a primary care physician, they sit at home and say, well, I've got to wait until I am really, really sick, and then they go to the emergency room. Now, if you have your blood pressure monitored and you take medication, you can live a long life; but if you don't, you are very likely to wind up with a stroke.

Now, we spend millions of dollars in hospitals on stroke victims that could have been prevented by good primary care. And we say to ourselves, well, why don't we have more primary care physicians? Well, because the health care system is designed to take care of people after the big event. After they have got the cancer, we will spend millions of dollars on cancer treatment. We will spend millions of dollars on heart problems, on all these things where prevention could have prevented it all and cost less. That's what every industrialized country in the world has done.

It's why the Swiss are able to provide universal coverage to everybody in Switzerland for a little over one half of what we spend in the United States. Because they provide good preventive care in the form of general practice, general medicine. That's true in England, in Norway, in Canada, in every other country except the United States, where we are dominated by specialists.

Now, in this country, if you get sick or you have a pain, if you don't have a primary care physician, a doctor who knows you, you call up your friends and you say, I've got a pain in my leg. What should I do? And they say, well, I saw an orthopedic surgeon, and his name is such, and so you go to a specialist. And that specialist looks at your leg. He doesn't look at all the rest of you. He doesn't know what's going on with you. He doesn't know your whole history.

When I started in medical school, the maxim we were taught at the very beginning was: Listen to the patient. He is telling you what's the matter with him. And everybody knows that doctors are running on a conveyor belt today, one right after another, no time to listen because we have not invested in primary care physicians.

□ 1740

Now, the average kid going to medical school would like to take care of people; but when he comes out, or she comes out, they are \$250,000 in debt. This bill is making that problem worse and, therefore, is bad for Grandma and everybody else.

Mr. GINGREY of Georgia. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GINGREY of Georgia. Madam Chairman, sitting in my office and listening to this debate, and I can't help but feel that this is nothing but a bunch of demagoguery on the part of

our colleagues on the Democratic side of the aisle.

I take this opportunity to oppose the amendment, but, more importantly, to ask my colleagues to stop this demagoguery in regard to throwing Grandma under the bus in reference to the Medicare program and what our side of the aisle has proposed in the Republican budget.

You know, the average age of this body is 58 years old. Almost all of us are Grandma and Grandpa, and you are running these ads all across the Nation, I guess, particularly in New York 26, showing a reasonable facsimile of our fantastic chairman of the Budget Committee pushing Grandma in a wheelchair off the cliff.

Look, New York 26 is over. You don't need any more votes. Stop all this demagoguery.

You have done nothing in regard to the Medicare program. What is there in the 2012 budget, in the Obama budget, that does anything toward trying to solve the Medicare program, which will be bankrupt in 2024 if nothing is done? That is the total irresponsibility and the hypocrisy of this side of the aisle, Madam Chairman.

And the responsible side of the aisle is the Republican side of the aisle which says, look, let's save this program for our children and our grandchildren, guarantee, protect and strengthen it for Grandma and Grandpa, our current seniors, and not only the current seniors who are 65 and those who are disabled and already on the Medicare program, but anybody who will come into the Medicare program within the next 10 years.

And, you know, Madam Chairman, at that point, in 2022, you will have about 65 million people on the Medicare program as we know it, traditional Medicare; and they will be on that program until their natural death and many of them, thank God, because of our great health care system in this country, will live to be 90 years old.

So this idea of killing Medicare is an absolute misinterpretation, and you know it. You are misleading the American people.

This program that we are proposing, and it's a proposal, it's something that we can work together on both sides of the aisle, we can negotiate, you know, it's not set in stone—but what we say, what Speaker BOEHNER says, what Chairman RYAN says is, look, let's try this program in 2022 where people who are coming into Medicare at age 65, many of whom are working and in excellent health, we will simply give them a premium support, but not a voucher in their hands, but to send to the insurance company of their choice. Let them get their medical care where Members of Congress get their medical care. Let them have the same options to choose from, Madam Chairman.

That's what's this is about. And the average, if it is \$8,000, it will be adjusted every year for inflation and that average 8,000 will be higher for an individual who comes into the Medicare

program at age 65 that is already sick, that already has heart disease or diabetes or is on dialysis. It's somebody, as they get older, that premium support will increase.

This is the way we save the Medicare program; and, oh, yes, by the way, folks like us, like members of the subcommittee, our premium support will be significantly less because we are not Warren Buffett, but we can afford to pay more, and we should pay more. If that's \$4,000 a year more, so be it. We save the program for those who need it the most, those who are middle- and low-income seniors, and that is the compassionate thing to do.

So, colleagues, stop this demagoguery. Let's get together, let's work together and solve this problem once and for all.

I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are reminded to address their comments to the Chair.

Ms. SCHAKOWSKY. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. I am getting a real kick out of this debate. I really am. You know, we hear one after another of my Republican colleagues coming up here and self-righteously talking about ending the demagoguery and we should end the TV ads.

And I just want to remind you that through the 2010 elections, the Republicans went on television and, yes, how about demagogued, the issue of Medicare, saying that Democrats wanted to cut \$500 billion from Medicare.

Well, let's talk about the truth. We were challenged, just a little while ago: What is your plan? Well, here was our plan to save Medicare and that was to say in The Affordable Care Act, yes, we are going to cut subsidies to the insurance companies that meant that we were bilking the government and the taxpayers, and we were having to overpay them, and, yes, we are going to cut waste and fraud from the Medicare program.

And that's how we are going to save \$500 billion. But not only would we not cut a single penny from benefits, but we were actually able to increase benefits while trimming Medicare.

We, you know—so you scared the heck out of seniors but never mentioned, of course, at the same time we reduced the cost of Medicare.

We improved Medicare by adding to its solvency; we closed the doughnut hole, making prescription drugs more affordable; and we provided a wellness exam every year at no cost; and we provided preventive services with no cost sharing. But nevertheless, on television, those ads warned against those Democrats who didn't cut one thing from Medicare and improve it. And now you are saying, well, we are not going to do anything to people 55 and under. To me that sounds like 55 and under, you better look out.

Now, the ads in New York are working because people love their Medicare. And what they don't want to see, you know, all but four Republicans voted to literally end Medicare.

You can call it something else, but you can't call it Medicare because those guaranteed benefits are gone. It makes huge cuts in Medicare benefits. Seniors that fall under the new plan would have to pay about \$6,000 more a year. That's what the Congressional Budget Office says, \$6,000 more a year out of pocket for their health care, and it would put insurance company bureaucrats in charge of seniors' health care, letting insurers decide what tests and what treatment that seniors get, throwing seniors back into the arms of the insurance companies who have shown no love to them.

And so let's look at what the American people think about Medicare. Well, if you are 65 years and older, 93 percent of Americans say the Medicare program as it is right now is very important or somewhat important to them, actually 83 percent very important.

If they are 55 to 64, 91 percent say Medicare is very important; and if you are 40 to 54, we have got 79 percent of Americans who say the Medicare program is very or somewhat important; and if you are 18 to 39, 75 percent.

□ 1750

People get it. Medicare works. Medicare is efficient. Medicare is good for our country, for people with disabilities and for the seniors. And if we are looking to save Medicare, we do have a plan. We know how to make that more efficient. We have done it in the Affordable Care Act. And we are willing to sit down and talk about how we make Medicare more efficient, but not by ruining, destroying and getting rid of Medicare to the point that you've got to find another name. It won't be Medicare anymore.

And so they've admitted, it seems to me, that people 55 and younger, you better look out. Because that program that will allow our seniors to live perhaps to 90 years old, people who are going to be eligible for Medicare as it is right now will no longer be in place. And we are not talking about rich people—

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. SCHAKOWSKY. We're talking about poor seniors and middle class people.

Don't support this plan.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are reminded to refrain from trafficking the well while another Member is under recognition.

Mr. WOODALL. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. WOODALL. Madam Chair, like my colleague from Georgia, I too was

sitting back in my office. I saw the debate break out on the floor of the House on the Medicare proposal, the proposal to rescue Medicare from certain bankruptcy. And I wondered, because I sit on the Rules Committee, and the Rules Committee has one of the great pleasures of deciding what comes to the floor, how it comes to the floor and what goes on, and I knew that this wasn't Medicare reform day. This was the amendment by my colleague from North Carolina (Ms. Foxx) to protect life. It was an amendment to a bill brought to the floor by my colleague, Mr. GUTHRIE, which restores congressional oversight and regular order through the appropriations process, those things that I ran for Congress to do. And I rise in strong support both of the Foxx amendment and of Mr. GUTHRIE's underlying bill.

But when I heard this talk about Medicare and all the games and what has happened in the past, I have to say, I have only been here—this is, what, month number 5 for me. I'm still brand new, and I'm still optimistic enough to believe that it doesn't have to all be about sound bites, that it really can be about solutions.

And I want to say to my colleagues on the Democratic side of the aisle, when you say that you came up with a proposal in the President's health care bill last year to deal with Medicare, I believe you. I take you at your word. I read through that, too. I saw that Medicare Advantage was removed as an option for seniors. That distressed me. I saw that new benefits, as Ms. CASTOR just referenced, had been added, Madam Chair, added to a program that's already going bankrupt. I saw that that is one direction that you can take the Medicare program.

Now I'm a proud member of the House Budget Committee, the House Budget Committee that worked hard and long to produce the Medicare reform proposal that we're talking about, oddly enough, here today. And it's a program that saves Medicare for everybody 55 years of age and under and provides them with choice.

I just want to tell a personal story. I don't consume a lot of health care. I've been very blessed in that regard. But I had to go in for a chest CT the other day. I have a medical savings account, so I'm responsible for the first couple of thousand dollars of my health care bill. So the first health care I consumed was my chest CT. I got on the Internet and started shopping around. It turns out that the difference between the cheapest chest CT and the most expensive chest CT in my part of Georgia is four times—four times. I got in the car. I drove across town and spent my \$4 a gallon for gas to go get the cheap one. It turns out the really expensive one was right next door. I could have walked right next door.

Folks, when we talk about how we, we the United States Congress, we the U.S. House of Representatives voted to

save Medicare in the 2012 budget proposal, we talked about saving it by providing choice. Again, my colleagues are exactly right. We did that in 1997. That was the debate, can we save Medicare in 1997 by providing more choice? Well, we succeeded with adding Medicare Advantage, but we didn't get much further than that. This is that next step. This is that next step because we know that choice matters. We know that choice matters.

The gentleman who held my seat and has been retired used to tell the story of his mother in upstate Minnesota, and every Tuesday she would go to the doctor with a group of friends just to make sure everything was okay, just to get checked out. She was on Medicare. One day, there was a terrible snowstorm in Minnesota. The winds were blowing and the snow was piling up. They all got together on Tuesday, and Edna wasn't there, and they began to get worried. They called around and they asked around. It turned out Edna just wasn't feeling well. She couldn't be there that day.

You make different choices when you're not responsible for the bills. And we do that over and over and over again. This isn't just a Medicare issue. This is a philosophical difference between these two sides of the aisle about what kind of an America we are going to live in going forward. Are we going to live in one where folks take care of you but they tell you the manner they're going to do it? Or do we live in one where we help you along but you get to make those fundamental choices for you?

It's clear to me why my constituents sent me to Washington as a first-time elected official this year. It's clear to me where the 2012 budget proposal takes this House and takes this country.

I implore my colleagues, we can absolutely argue about your plan as it was introduced in the President's health care bill and our plan as it was introduced in the fiscal year 2012 budget proposal, but let's not, let's not make it anything other than what it is. It's a difference in two visions. Yours saves Medicare for 6 years. Ours saves Medicare for a lifetime. And, Madam Chair, I think we owe the voters no less.

Mr. PERLMUTTER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. PERLMUTTER. I just say to my friend from Georgia, who really is my friend, that this isn't about demagoguery, sir. And what I would say, Madam Chair, the issue before us is: What got our country into a financial pickle? The Republicans want to pick on Medicare, but Americans know.

I had a Government in the Grocery this weekend, and an older gentleman came up to me. He said, Why is there such a focus on Medicare, something that has been working for 50 years? It's

helping seniors have healthier, longer lives. What's the big deal? He said that 10 years ago this country was running a surplus, running a surplus, revenues exceeded expenses. Under Bill Clinton, revenues were exceeding expenses. But then there was a decision under the Bush administration to cut taxes. Okay. If revenues are exceeding expenses, then maybe that's okay. That cost us \$1 trillion over the next 10 years. Then came the decision to prosecute two wars. He said to me that two wars cost us about \$1 trillion, too, didn't it, Mr. Congressman? I said, Yeah. He said, Okay. Medicare 10 years ago was fine, revenues exceed expenses. Now we've got tax cuts for millionaires and billionaires, \$1 trillion dollars; two wars, \$1 trillion; and then there was this big crash on Wall Street where we lost revenues and we had bigger expenses. That was a couple trillion dollars, wasn't it, sir? I said, Yeah, that's about right. And he said, So why—that turned our budget upside down. So now why are we focusing on Medicare? Why blame Medicare for \$4 trillion of losses to the United States? It wasn't Medicare that is harming the financial success of this country. So why all the blame when this program really has been working for seniors for so long?

So I would say to my friends on the Republican side of the aisle, this is a program that my friends haven't liked since its inception. This is a program that Republicans haven't liked from its inception.

So to turn the target into Medicare and not say to have tax cuts for millionaires and billionaires, that that should be part of the whole equation of balancing our budget, or taking away the incentives and all of the tax benefits for oil companies at \$100 a barrel but say, no, we're going to focus on Medicare, in my opinion, that's just wrong.

Mr. GINGREY of Georgia. Will the gentleman yield?

Mr. PERLMUTTER. I yield to the gentleman from Georgia.

Mr. GINGREY of Georgia. I appreciate the gentleman from Colorado, my good friend, for yielding.

I would just rhetorically ask, and maybe he would like to definitively answer, how much of the windfall profit taxes, if you will, against Big Oil, Big Pharma, big anything, are you going to put back into the Medicare program? And, by the way, how much of the Medicare Advantage cuts that came from ObamaCare are actually going back into the Medicare program as we know it?

Mr. PERLMUTTER. Reclaiming my time, I would say to my friend from Georgia, do you know what? If those tax benefits are taken away at \$100 a barrel, we can put them into Medicare. We can use them to balance the budget. But I heard my other friend from Georgia say, well, this is what's causing the bankruptcy.

□ 1800

That is just not true. This country was running a surplus, for goodness

sake, and Americans understand that. They know what got us into trouble financially, and it wasn't Medicare. So now to take it out of Medicare and just take it out of our senior citizens where a program is actually working, the goal of that program is so Americans could live longer, healthier lives in their senior years. It's working. But no, let's go blame that instead of the tax cuts for millionaires and billionaires. Let's forget about those wars and the cost to the country, and let's forget about the fact that we had a crash on Wall Street.

My friends on the Republican side of the aisle say: Hey, this is a perfect time to go after Medicare. We didn't like it before, we still don't like it; let's get it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments—

POINT OF ORDER

Mr. WEINER. Madam Chair, I rise to a point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. WEINER. Madam Chair, under the rule, Members are entitled to 5 minutes to speak to the matter at hand. Members are waiting; principally among them is myself waiting at the microphone to be recognized for that purpose. And now it sounds like you are proceeding to shut down debate. I say that it is in violation of the order of the House, as decided by the Rules Committee, to permit Members to speak for 5 minutes on this matter. It is early in the evening, and many Members are waiting to speak.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the Chair may resume proceedings on a postponed question at any time, even while another amendment is pending.

PARLIAMENTARY INQUIRY

Mr. WEINER. Madam Chair, point of parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. WEINER. So the Chair is deciding, notwithstanding the fact that a Member is standing here to speak about the plan to end Medicare, not to mention Members are here seeking to be recognized, I believe of both parties, the Chair is choosing at this moment that this is the propitious moment to cut off debate, early in the evening when we have plenty of work to do and Members seek to speak and offer amendments?

Is the Chair deciding arbitrarily, or was she given guidance to do this by the Republican leadership who don't want to hear any more critique of their plans to end Medicare?

The Acting CHAIR. The Chair is exercising her discretion to resume proceedings on a postponed question at any time.

Pursuant to clause 6—

Mr. WEINER. \* \* \*

The Acting CHAIR. The gentleman is not recognized.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings—

MOTION TO RISE

Mr. WEINER. Madam Chair, I move that the Committee do now rise.

The Acting CHAIR. The question is on the motion to rise.

The question was taken; and the Acting Chair announced that the noes appeared to have it.

RECORDED VOTE

Mr. WEINER. Madam Chair, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIR. Following this 15-minute vote, proceedings will resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. TONKO of New York.

Amendment No. 9 by Mr. CARDOZA of California.

The Chair will reduce to 5 minutes the minimum time for any electronic vote after the first vote in this series.

The vote was taken by electronic device, and there were—ayes 14, noes 397, not voting 20, as follows:

[Roll No. 335]

AYES—14

Table with 3 columns: Name, State, Name. Lists ayes for Roll No. 335.

NOES—397

Table with 3 columns: Name, State, Name. Lists noes for Roll No. 335.

Table with 3 columns: Name, State, Name. Lists names and states in the second column.

NOT VOTING—20

Table with 3 columns: Name, State, Name. Lists names and states in the second column.

Table with 3 columns: Name, State, Name. Lists names and states in the second column.

□ 1830

Messrs. PERLMUTTER, GOHMERT, ACKERMAN and LEWIS of Georgia, Mrs. HARTZLER, Ms. HERRERA BEUTLER, Ms. GRANGER and Ms. SLAUGHTER changed their vote from ‘aye’ to ‘no.’

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chair, on rollcall 335, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted ‘no.’

AMENDMENT NO. 2 OFFERED BY MR. TONKO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. TONKO) 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 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 231, not voting 14, as follows:

[Roll No. 336]

AYES—186

Table with 3 columns: Name, State, Name. Lists names and states in the second column.



Richmond Scott, David  
 Ross (AR) Serrano  
 Rothman (NJ) Sewell  
 Roybal-Allard Sherman  
 Ruppertsberger Shuler  
 Rush Sires  
 Ryan (OH) Slaughter  
 Sánchez, Linda Smith (WA)  
 T. Speier  
 Sanchez, Loretta Stark  
 Sarbanes Sutton  
 Schakowsky Thompson (CA)  
 Schiff Thompson (MS)  
 Schrader Tierney  
 Schwartz Tonko  
 Scott (VA) Towns

Tsongas  
 Van Hollen  
 Velázquez  
 Vislosky  
 Walz (MN)  
 Wasserman  
 Schultz  
 Waters  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Wilson (FL)  
 Woolsey  
 Wu  
 Yarmuth

NOT VOTING—14  
 Braley (IA) Hanabusa Pastor (AZ)  
 Carnahan Hastings (WA) Preeg (ME)  
 Filner Jackson (IL) Smith (NJ)  
 Frelinghuysen Long Webster  
 Giffords McCarthy (NY)

Reyes  
 Richardson  
 Richmond  
 Ross (AR)  
 Rothman (NJ)  
 Roybal-Allard  
 Ruppertsberger  
 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  
 Vislosky  
 Walz (MN)  
 Wasserman  
 Schultz  
 Waters  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Wilson (FL)  
 Woolsey  
 Wu  
 Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR  
 The Acting CHAIR (during the vote).  
 There are 2 minutes remaining in this vote.

□ 1838

So the amendment was rejected.  
 The result of the vote was announced as above recorded.

Stated for:  
 Mr. FILNER. Madam Chair, on rollcall 336, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 9 OFFERED BY MR. CARDOZA  
 The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CARDOZA) 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 5-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 232, not voting 17, as follows:

[Roll No. 337]  
 AYES—182

NOES—231

Adams  
 Aderholt  
 Akin  
 Alexander  
 Altmire  
 Amash  
 Austria  
 Bachmann  
 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  
 Cooper  
 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)  
 Gallegly  
 Gardner  
 Garrett  
 Gerlach

Gibbs  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Gosar  
 Gowdy  
 Granger  
 Graves (GA)  
 Graves (MO)  
 Griffin (AR)  
 Griffith (VA)  
 Grimm  
 Guinta  
 Guthrie  
 Hall  
 Harper  
 Hartzler  
 Hayworth  
 Heck  
 Hensarling  
 Herger  
 Herrera Beutler  
 Huelskamp  
 Huiזenga (MI)  
 Hultgren  
 Hunter  
 Hurt  
 Issa  
 Jenkins  
 Johnson (IL)  
 Johnson (OH)  
 Johnson, Sam  
 Jordan  
 Kelly  
 King (IA)  
 King (NY)  
 Kingston  
 Scalise  
 Schilling  
 Schmidt  
 Schock  
 Schweikert  
 Scott (SC)  
 Scott, Austin  
 Sensenbrenner  
 Sessions  
 Shimkus  
 Shuster  
 Simpson  
 Smith (NE)  
 Smith (TX)  
 Southerland  
 Stearns  
 Stivers  
 Stutzman  
 Sullivan  
 Terry  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tipton  
 Turner  
 Upton  
 Walberg  
 Walden  
 Walsh (IL)  
 West  
 Westmoreland  
 Whitfield  
 Wilson (SC)  
 Wittman  
 Wolf  
 Womack  
 Woodall  
 Yoder  
 Young (AK)  
 Young (FL)  
 Young (IN)

Ackerman  
 Andrews  
 Baca  
 Baldwin  
 Barrow  
 Bass (CA)  
 Becerra  
 Berkley  
 Berman  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer  
 Boren  
 Boswell  
 Brady (PA)  
 Brown (FL)  
 Butterfield  
 Capps  
 Capuano  
 Cardoza  
 Carnahan  
 Carney  
 Carson (IN)  
 Castor (FL)  
 Chandler  
 Chu  
 Cicilline  
 Clarke (MI)  
 Clarke (NY)  
 Clay  
 Cleaver  
 Clyburn  
 Connolly (VA)  
 Conyers  
 Costa  
 Costello  
 Courtney  
 Critz  
 Crowley  
 Cuellar  
 Cummings  
 Davis (CA)  
 Davis (IL)  
 DeFazio  
 DeGette

DeLauro  
 Denham  
 Deutch  
 Dicks  
 Dingell  
 Doggett  
 Donnelly (IN)  
 Doyle  
 Edwards  
 Ellison  
 Engel  
 Eshoo  
 Farr  
 Fattah  
 Frank (MA)  
 Fudge  
 Garamendi  
 Gonzalez  
 Green, Al  
 Green, Gene  
 Grijalva  
 Gutierrez  
 Harris  
 Hastings (FL)  
 Heinrich  
 Higgins  
 Himes  
 Hinchey  
 Hinojosa  
 Hiroo  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Inslee  
 Jackson Lee  
 (TX)  
 Johnson (GA)  
 Johnson, E. B.  
 Kaptur  
 Keating  
 Kildee  
 Kind  
 Kissell  
 Kucinich

Langevin  
 Larsen (WA)  
 Larson (CT)  
 Lee (CA)  
 Levin  
 Lewis (GA)  
 Lipinski  
 Loeb sack  
 Lofgren, Zoe  
 Lowey  
 Luján  
 Lynch  
 Maloney  
 Markey  
 Matheson  
 Matsui  
 McCollum  
 McDermott  
 McGovern  
 McIntyre  
 Mc Nerney  
 Meeks  
 Michaud  
 Miller (NC)  
 Miller, George  
 Moore  
 Moran  
 Murphy (CT)  
 Nadler  
 Napolitano  
 Neal  
 Olver  
 Owens  
 Pallone  
 Pascrell  
 Payne  
 Pelosi  
 Perlmutter  
 Peters  
 Peterson  
 Polis  
 Price (NC)  
 Quigley  
 Rahall  
 Rangel

NOES—232

Adams  
 Aderholt  
 Akin  
 Alexander  
 Altmire  
 Amash  
 Austria  
 Bachmann  
 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)  
 Cohen  
 Cole  
 Conaway  
 Cooper  
 Cravaack  
 Crawford  
 Crenshaw  
 Culberson  
 Davis (KY)  
 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)  
 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  
 Hartzler  
 Hayworth  
 Heck  
 Hensarling  
 Herger  
 Herrera Beutler  
 Huelskamp  
 Huiזenga (MI)  
 Hultgren  
 Hunter  
 Hurt  
 Issa  
 Jenkins  
 Johnson (IL)  
 Johnson (OH)  
 Jordan  
 Kelly  
 King (IA)  
 King (NY)  
 Kingston  
 Kinzinger (IL)  
 Kline  
 Labrador  
 Lamborn  
 Schock  
 Schweikert  
 Scott (SC)  
 Scott, Austin  
 Sensenbrenner  
 Sessions  
 Shimkus  
 Shuster  
 Simpson  
 Smith (NE)  
 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, Gary  
 Miller (MI)  
 Miller, Gary  
 Mulvaney  
 Murphy (PA)  
 Myrick  
 Neugebauer  
 Noem  
 Nugent  
 Nunes

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

## NOT VOTING—17

Braley (IA)	Hastings (WA)	McCarthy (NY)
Duncan (TN)	Israel	Pastor (AZ)
Filner	Jackson (IL)	Pingree (ME)
Frelinghuysen	Johnson, Sam	Turner
Giffords	Jones	Whitfield
Hanabusa	Long	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1845

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Chair, on rollcall 337, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

Stated against:

Mr. TURNER. Madam Chair, on rollcall No. 337, I was unavoidably detained and did not vote. Had I been present, I would have voted "no."

Mr. GUTHRIE. Madam Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mrs. CAPITO, 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. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, had come to no resolution thereon.

## GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1540.

The SPEAKER pro tempore (Mr. COFFMAN of Colorado). Is there objection to the request of the gentleman from California?

There was no objection.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. Pursuant to House Resolution 269 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. 1540.

□ 1849

## 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. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military per-

sonnel strengths for fiscal year 2012, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

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

The gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, I rise in support of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, which overwhelmingly passed the Committee on Armed Services on a vote of 60-1. In keeping with the committee's tradition of bipartisanship, Ranking Member SMITH and I worked collaboratively to produce the bill and solicited input from each of our Members.

The legislation will advance our national security aims, provide the proper care and logistical support for our fighting forces and help us meet the defense challenges of the 21st century. The bill authorizes \$553 billion for the Department of Defense base budget, consistent with the President's budget request and the allocation provided by the House Budget Committee. It also authorizes \$18 billion for the development of the Department of Energy's defense programs and \$118.9 billion for overseas contingency operations.

The legislation we will consider today also makes good on my promise, when I was selected to lead the Armed Services Committee, that this committee would scrutinize the Department of Defense's budget and identify inefficiencies to invest those savings into higher national security priorities. We examined every aspect of the defense enterprise, not as a target for arbitrary funding reductions, as the current administration has proposed, but to find ways that we can accomplish the mission of providing for the common defense more effectively.

The National Defense Authorization Act for Fiscal Year 2012 achieves these goals by working to:

Ensure our troops deployed in Afghanistan, Iraq and around the world have the equipment, resources, authorities, training and time they need to successfully complete their missions and return home safely;

Provide our warfighters and their families with the resources and support they need, deserve and have earned;

Invest in the capabilities and force structure needed to protect the United States from current and future threats, mandate physical responsibility, transparency and accountability within the Department of Defense; and

Incentivize competition for every taxpayer dollar associated with funding Department of Defense requirements.

Mr. Chairman, I know there have been many questions raised by the ACLU and others relating to a provi-

sion in our bill dealing with the 2001 authorization for use of military force. I would like to address some of those concerns now.

Section 1034 of the NDAA affirms that the President is authorized to use all necessary and appropriate force against nations, organizations, and persons who are part of or are substantially supporting al Qaeda, the Taliban and associated forces.

It also explicitly affirms the President's authority to detain certain belligerents who qualify under this standard I just described, which Congress has never explicitly stated. It's important to note that the U.S. Supreme Court has accepted the President's authority to detain belligerents as within the powers granted by the AUMF.

Moreover, the language in section 1034 is very similar to the Obama administration's interpretation of the authorities provided pursuant to AUMF, in particular, a March 13, 2009, filing in the U.S. District Court for the District of Columbia. While U.S. courts have accepted the administration's interpretation of the AUMF, it is under constant attack in litigation relating to the petitions filed by Guantanamo detainees.

Because of these ongoing challenges, the administration's interpretation may receive less favorable treatment over time if Congress refuses to affirm it. Section 1034 is not intended to alter the President's existing authority pursuant to the AUMF in any way. It's intended only to reinforce it. I believe that our men and women in uniform deserve to be on solid legal footing as they risk their lives in defense of the United States.

Finally, some have suggested section 1034 was included in the dark of night. I note that this language was originally included in the Detainee Security Act of 2011 introduced on March 9 and was discussed during a committee hearing on March 17. We have sought input from the administration, as well as Ranking Member SMITH, his staff and numerous outside experts. Moreover, the process used to craft this legislation is historic in its transparency. In fact, a copy of my mark was distributed to committee members' offices 5 days before our markup. The legislation, including funding tables, was posted online nearly 48 hours in advance of our markup.

It's also noteworthy that there are no earmarks in the National Defense Authorization Act for Fiscal Year 2012. Every Member request to fund a defense capability was voted on and includes language requiring merit-based or competitive selection procedures. To those who are concerned that members may unduly influence the Department of Defense to direct funds to a particular entity, I can only recall the words of my good friend, the former chairman of the Armed Services Committee, Ike Skelton, who would say, Read the amendment. What does it say? If DOD chooses to violate the law and the text of a provision in the

NDAA requiring merit-based selection, the Armed Services Committee will take them to task.

Finally, I thank the chairman and the ranking member of the Rules Committee for working with us to bring this measure to the floor. I urge all of my colleagues to support passage of this bill. In partnership with you, we look forward to passing the 50th consecutive National Defense Authorization Act.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

I too rise in support of this bill, the 2012 National Defense Authorization Act. I want to begin by thanking the chairman and our staffs for the outstanding work that they have done putting together this bill.

I think Mr. MCKEON has more than risen to the level of the bipartisan tradition of our committee. He has upheld the tradition held by our predecessors that this committee should work together, Republicans and Democrats, that it should be an open and transparent process.

I can say that I and my staff feel very, very good about the open process that we have had, although we have not agreed on everything—we do not agree on everything—that is in the bill; but where there were disagreements, we had an open and honest dialogue. We had votes in the committee, and now we will have votes on the floor.

And overall I think the chairman and the members of both parties and staffs have put together a very strong bill that will protect our national defense and meet the primary duty of this Congress, and that is provide for the national defense and the national security of our country. So I thank the chairman and his staff for that work, and I look forward to continuing to work with him throughout this process.

I also want to note one of our members, who was not able to be there during the course of our markup as she usually is, but nonetheless contributed greatly to the process. We all miss Congresswoman GABRIEL GIFFORDS' presence on the committee, but we work very closely with her staff on issues and priorities that have been important to her during her time on the committee, and she and her staff are still doing an outstanding job with the committee in contributing to this process. So I thank them, and we all look forward to GABBY coming back to this body and continuing her work.

In putting together this bill, there are five main areas of priorities that I think we should focus on. First and foremost, whenever we have troops out in the battlefield, as they are in Afghanistan and Iraq, and also spread out in a whole lot of other countries, priority number one has to be to make sure that we give them the support, the equipment and the means necessary to carry out the mission that we have given them.

I believe that this bill prioritizes that, both within the base bill and within the overseas contingency operations funding to make sure that our troops in Afghanistan and Iraq, elsewhere, have the equipment they need to carry out the mission that we have given them.

Second, I believe the counterterrorism in the fight against al Qaeda must continue to be a top priority of this committee, and I believe that we strongly support that once again. We all learned as a Nation and the world, with the killing of Osama bin Laden, how effective our Special Operations Command and other elements of our counterterrorism policy can be, but we also need to be mindful that the job is not done, and we continue to fund those priorities.

I do want to specifically commend the folks at the Special Operations Command. I had the great privilege of chairing the subcommittee that has had jurisdiction over the Special Operations Command for 3 years. They do a fantastic job for our Nation. Certainly, everybody saw that in the case of getting bin Laden; but they do it every day in many, many ways that many people do not know and do not recognize, so I thank them for their outstanding work.

We also have a huge challenge with the budget. As the chairman mentioned, finding efficiencies in the Defense budget is going to be critical. As we have heard on this floor over and over in many contexts, we have a massive deficit. We have a deficit that is over 33 percent of what we spend. The Defense budget is 20 percent of the overall budget. You cannot take 20 percent of the overall budget off the table and effectively deal with a deficit of that size.

□ 1900

We are going to have to look carefully at where we spend our money in defense, just like everywhere else, to make sure that we're getting the most for our dollar. I believe we have done that effectively in this bill, but I also believe that going forward that task is going to get harder, not easier. We must find ways to save money and spend it more efficiently within the Department of Defense. I also believe that our policy in Afghanistan is going to be critical.

As I mentioned, we certainly fund our troops in the effort that they are performing right now in Afghanistan, but going forward, we are going to really need to begin to bring those troops home to complete that mission. We will have some amendments that address that issue during the course of this bill. I look forward to that debate because I think that Congress needs to play a strong role in concluding our mission successfully in Afghanistan.

Lastly, the issue that the chairman mentioned that I think is very important in this bill is detainee policy and the AUMF. The chairman very early on

identified this as a clear priority, and I think he is absolutely right that Congress' voice should be heard on these very, very important issues. We've worked closely on that. We have reached some agreement. We have some areas of disagreement. The biggest one we're going to have an amendment on this is the idea of whether or not article 3 courts should continue to be available for Guantanamo Bay detainees and those who would be captured in similar situations in the future. I believe that it should. We shouldn't always have them in article 3 courts. Military commissions have their place. Indefinite detention of enemy combatants has its place. But article 3 courts have effectively served this country for over 200 years. We have tried and convicted over 400 terrorists in article 3 Federal courts. Right now in the United States of America, we have over 300 of them safely locked up. We can do it. It's an option we should not take away from the President.

So, again, I want to thank the chairman for a very open process. Bipartisanship is the tradition of this committee. He has upheld that very well. I look forward to working with him as we go forward in this process.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the chairman of the Subcommittee on Tactical Air and Land Forces, the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. I rise in support of H.R. 1540, the National Defense Authorization Act of 2012. I have the privilege of serving as the chairman of the Armed Services Committee's Tactical Air and Land Forces Subcommittee. Our jurisdiction includes approximately \$78 billion of selected programs within the Army, Navy, Marine Corps, Air Force, and Office of the Secretary of Defense procurement and research and development accounts.

I first want to thank the subcommittee's ranking member, SILVESTRE REYES from Texas, for his support this year in putting the bill together. Ours is a truly bipartisan effort, as it is for the full committee under the leadership of Chairman MCKEON and Ranking Member SMITH. The committee's focus is on supporting the men and women of the Armed Forces and their families, providing them the equipment they need and the support they deserve.

Our first priority, of course, is in providing the equipment to support our military personnel serving in Iraq and Afghanistan. The bill adds no additional funding for the Department of Defense programs within the subcommittee's jurisdiction. The bill, however, reallocates approximately \$1.5 billion from canceled, delayed, or otherwise lower priority programs to higher priority requirements.

First, an additional \$425 million is provided for modernization of Abrams tanks and Bradley fighting vehicles. The Army budget request would result

in a costly production break for these two programs in 2013, which could last anywhere from 1 to 3 years. These production lines cannot be turned on and off like a light switch. The unique skills of the workforce cannot be just put on the shelf to be retrieved several years down the road. For the Abrams tank production alone, there are almost 900 suppliers. Seventy-five percent of these suppliers are small businesses. Based on the information we have received to date, it is more efficient to keep these lines warm than it would be to shut them down and start them up again.

Second, an additional \$325 million is provided for the National Guard and Reserve Equipment Account for equipment shortfalls.

Thirdly, the bill increases funding at Army and Air Force test ranges by \$209 million. The Pentagon has recently acknowledged its proposed large fiscal year 2012 reductions in Test and Evaluation in the Army and Air Force could lead to “unintended consequences” and acknowledged the need to readdress this issue, especially in regards to complying with the Acquisition Reform Act.

Finally, acquisition and sustainment of the engine for the F-35 aircraft over its lifetime is estimated to cost well over \$100 billion. The Armed Services Committee has believed and continues to believe that the F-35 engine acquisition and sustainment should be done on a competitive basis. That is why, on a bipartisan basis, the committee has strongly supported the final development phase of the F-35 competitive engine program since it began nearly 6 years ago. Although the committee’s bill provides no additional funding for the F-35 aircraft competitive engine program, the bill takes strong bipartisan action that was supported by a recent vote of 55-5 by the committee to enable the competitive engine contractor to continue development of the competitive engine at no expense to the government or the taxpayer.

I strongly urge all of our colleagues on both sides of the aisle to support this bill’s innovative approach to continue the F-35 competitive engine development program.

Mr. Chairman, I want to thank a truly superlative staff, and again want to thank the chairman and ranking member for assistance on a really good bill.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from Texas, the ranking member on the Air and Land Subcommittee, Mr. REYES.

Mr. REYES. I would like to thank the gentleman for yielding and compliment both the chairman and the ranking member for setting the tone to once again work in a bipartisan basis, as has been mentioned by all three of my colleagues that have spoken here this evening.

Mr. Chairman, each year the Tactical Air and Land Forces Subcommittee is

charged with conducting oversight of hundreds of thousands of dollars in Department of Defense programs that total more than \$135 billion. All of the members of this subcommittee take this task very seriously because the troops in the field depend on Congress to provide them with what they need.

Conducting this oversight is a challenge because the budget, as we get it from the Department of Defense, is often far from perfect. It is the subcommittee’s responsibility, therefore, to identify any wasteful spending, very critical at a time when the budget is under stress, find unexecutable funding and also find redundant programs. In addition, the subcommittee must also consider pressing DOD needs that are not addressed in the budget. That’s the role of Congress. Doing all of that while making sure that equipment continues to flow to the troops in the field therefore is sometimes no easy task.

Despite these challenges, I am pleased to report again this year, under the leadership of our chairman, Chairman BARTLETT, the subcommittee has put together a very well balanced product that cuts waste, reallocates funding for more critical priorities, and ensures that our troops will continue to have the very best equipment available.

I am also pleased with how the bill supports the Army and Marine Corps in particular. These two armed services have borne the heaviest burden over the past 10 years of war. And this mark does an excellent job, I believe, of helping them to rebuild combat power and prepare for the future.

H.R. 1540 fully supports and funds the Army’s number one development program, the ground combat vehicle. This bill provides an increase of \$425 million for additional M1 Abrams tanks and M2 Bradley fighting vehicles and keeps the production line open. The budget request assumed that a 3-year shutdown of both the Abrams and the Bradley production lines that would cost the taxpayer \$1 billion, eliminate thousands of jobs, and diminish the United States defense industrial base was the way to go. We changed that. So rather than spending money to lose American jobs, this bill provides funding that will protect those American jobs while it also provides the Army with better and more modern equipment.

While this issue will not be fully dealt with in one budget year, I do believe that this bill lays down a better and smarter way that will maintain the Army’s ground combat vehicle critical to the needs of both the Army and the Marine Corps. Finally, the bill fully funds the Marine Corps’ \$2.6 billion request for procurement of ground combat vehicle and support equipment.

For those reasons and many more, Mr. Chairman, I urge all Members to support H.R. 1540. It’s the right balance and a great bipartisan product.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the vice chairman of the Armed Serv-

ices Committee and chairman of the Subcommittee on Emerging Threats and Capabilities, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I thank the chairman for yielding. And, Mr. Chairman, I first want to commend the chairman of the committee and Ranking Member SMITH for their leadership in shepherding a complex and important bill to this stage of the process. A 60-1 vote coming out of committee is a significant achievement and is a testament to the attitude of putting the national security interests of the whole country first, which has been the hallmark of this committee, and their leadership exemplifies the best of that in my opinion.

□ 1910

Mr. Chairman, the Emerging Threats and Capabilities Subcommittee is charged with looking ahead at those national security threats that are coming at us, and also helping to develop new capabilities to meet those threats. We oversee the Special Operations Command and counterterrorism efforts. Now, throughout the country, there is a greater appreciation, I think, for the capabilities within the Special Operations Command after the successful raid on Osama bin Laden, but I think it is important to emphasize that those folks in that command conduct that sort of raid just about every night somewhere with the same sort of precision and professionalism that the country now appreciates from the Osama bin Laden raid that got all of the attention. But they do much more.

They are also responsible for helping train and advise other militaries, building up the capacities of those governments to defend themselves, and they are doing very impressive work in all parts of the world, including Afghanistan where, among other things, they are helping to train the military and train local police to help provide security for individual villages. Our bill provides a modest funding increase for this command, as well as meeting some real unmet needs that they have.

Our part of the bill also deals with research that leads to future capabilities. In tight budgets, it is always tempting to cut research and development, science and technology programs, but it is a mistake to do so. In this budget, the funding for such programs at least holds steady with some added emphasis in some key areas that are important.

The largest dollar amount in this subcommittee’s portion of the bill is with DOD IT and cyber. This area may actually be the preeminent area of emerging threats in warfare. This mark takes some important steps forward in dollars and policies. But, Mr. Chairman, I think we should all acknowledge that there is a lot more work for this Congress and for this country to do in the area of cybersecurity. Not all of it is military; most of it is not. But yet the military is affected, as are we all.

Mr. Chairman, a lot has changed since September 11, 2001. Al Qaeda is a changed organization; and with the death of Osama bin Laden, it will change further. But I think it is important to emphasize that this Congress must fulfill its responsibilities to affirm and update the authorization for the use of military force to deal with al Qaeda. There have been some wild exaggerations about the attempt to do so in that bill. I think if Members read the exact language and look at exactly what we are doing and why, that they will support it and agree that it is a fulfillment of our responsibility.

Mr. SMITH of Washington. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ), the ranking member on the Strategic Forces Subcommittee.

Ms. LORETTA SANCHEZ of California. I would like to thank my ranking member and Chairman MCKEON for really a great bipartisan bill. I am feeling pretty good about this one.

Actually, in my subcommittee with Chairman TURNER and all our subcommittee members, we were really able to come together and make a very good contribution. I thank Mr. TURNER for his leadership. It is pretty exciting to have a subcommittee like this in the new session of the Congress.

Overall, we agree on so many of the provisions, encouraging fiscal responsibility and protecting national security. We have come together on a lot of issues on this subcommittee, including: improving satellite acquisition; encouraging efficiencies; ensuring efficient development, testing, production and sustainment schedules for missile defense and for our nuclear enterprise; for conducting oversight of very large-scale construction sites that we have; building on good progress related to improving efficiencies at nuclear sites; and, of course, implementation of the New START nuclear reductions.

I also want to highlight the work that our subcommittee did with respect to nonproliferation programs and working on this. This is so incredibly important to our security. It is not just about how many weapons people have, but really about what old weapons, what weapons need to be turned in, where weapons are, and how we safeguard weapons around the world. So we really came together on that.

One of the areas where we disagree, and you will see some amendments along the way, is this whole area of our ground-based missile defense. Quite frankly, the Pentagon's and the President's budget we feel was enough money to continue our work of research and development and testing in that arena. Unfortunately, the Republican side of the committee wants to put more unnecessary funding into that. And of course I oppose the provisions which restrict the President's authority over nuclear weapons, including implementing reductions in the number of nuclear weapons and restricting U.S. nuclear employment

strategy, which I personally believe undermine our efforts to reduce the danger of nuclear weapons. The statement of administration policy has noted a potential veto threat because of those provisions that we could not agree upon.

But again, I would like to reiterate my thank you to Chairman TURNER and to all of the members of our subcommittee. I look forward to this debate.

Mr. MCKEON. I yield 2 minutes to my friend and colleague, the gentleman from Missouri (Mr. AKIN), the chairman of the Subcommittee on Seapower and Projection Forces.

Mr. AKIN. Mr. Chairman, I rise in support of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012.

In review of the portions of the President's budget request relevant to Seapower and Projection Forces, the subcommittee this year held hearings on the Navy shipbuilding plan and on amphibious warfare, along with briefings on the replacement for the *Ohio* class ballistic missile submarine, the Expeditionary Fighting Vehicle, and the new long-range strike bomber.

Being a maritime nation, we must support our troops with supplies delivered by sea and by air, while maintaining the global reach to do so. Protection of the sea lanes of communication, projection of credible combat power, forward presence, and humanitarian assistance are all capabilities supplied by forces for which the subcommittee has oversight and where it must focus.

This bill provides for a multiyear procurement of *Arleigh Burke* class destroyers. It funds 10 ships which were in the President's budget request. It also has provisions which would inject some discipline in programs just starting, such as the amphibious vehicle which will replace the cancelled Expeditionary Fighting Vehicle and the Navy's unmanned carrier-launched airborne surveillance and strike system.

I urge my colleagues to support this bill.

I wish to thank the members of the subcommittee, particularly my ranking member, the gentleman from North Carolina (Mr. MCINTYRE).

Mr. SMITH of Washington. Mr. Chairman, I yield 2½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN), ranking member on the Terrorism Subcommittee.

Mr. LANGEVIN. I thank the gentleman for yielding.

I first want to begin by thanking Chairman MCKEON and Ranking Member SMITH, as well as the chairman of my subcommittee, the Subcommittee on Emerging Threats and Capabilities, Chairman MAC THORBERRY, for putting forward a bill that truly supports our men and women in combat, enhances our national security, and is in keeping with the true bipartisan history of the House Armed Services Committee.

While I don't agree with every provision in the bill, I am proud that both

parties worked together to reach compromises on many measures that support our national defense. As the ranking member of the Emerging Threats and Capabilities Subcommittee, I am especially pleased to support our Armed Forces. You need global reach around the world and in cyberspace.

I have also been a long-time supporter of our Special Operations Forces, and the incredible raid on the Osama bin Laden compound several weeks ago is a true testament to their patriotism, their training, their strength and dedication, and I commend them for their incredible work. These brave men and women are a critically unique asset to our national security, and this bill affirms our commitment to supporting their efforts.

□ 1920

This mark also prioritizes the department's cybersecurity efforts, which have long been a chief focus of mine, by strengthening provisions to protect our Nation from insider threats, analyzing threats to military readiness, highlighting vulnerabilities in critical infrastructure, and increasing cooperation with international allies and domestic partners.

Regrettably, there are also several provisions included that deeply concern me—from attempts to derail the successful repeal of DOD's Don't Ask, Don't Tell policy to measures tying the President's hands over decisions about our nuclear arsenal and the closure of Guantanamo Bay. It is my hope that these issues will be further considered and improved upon by the conference committee.

However, overall, this bill reflects the recognition of the Congress of the incredible sacrifices that our brave men and women in uniform make for our country every day. I am certainly honored to be a part of this process, and I certainly look forward to supporting this bill as it moves through the legislative process and moves into law.

Again, I want to thank Chairman MCKEON and Ranking Member SMITH for their leadership, as well as the chairman of my subcommittee, MAC THORBERRY. We work, truly, in a bipartisan fashion.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the chairman of the Subcommittee on Readiness, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. I would like to first thank the gentleman for yielding and for his leadership in bringing this very bipartisan bill to the floor.

Mr. Chairman, over the last several months, the Armed Services Readiness Subcommittee has attempted to answer one question: Are we ready? I believe this bill makes several significant improvements to the readiness posture of our Armed Forces and remedies many of the shortfalls that we found.

The bill takes several steps to ensure that U.S. troops are properly trained

and their equipment is properly maintained so they can succeed in their missions and have the facilities and services they deserve when they return home.

It also makes needed adjustments to civilian personnel policies and service contracting, and promotes energy security, and ensures that projects offer the best return on investment to the taxpayer.

The bill fully supports the President's request for expanded training as dwell times increase, the continued reset of combat-damaged Army and Marine Corps equipment, and military construction and family housing.

The legislation also makes notable investments in Navy ship and aircraft depot maintenance, facility sustainment and modernization, Army base operations, Guard and Reserve flight training, and Air Force weapon systems sustainment.

To increase the readiness of our depots, the bill includes several of the recommendations included in the study on the future capability of the Department of Defense maintenance depots, directed by the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

Mr. Chairman, we have no greater responsibility than to ensure our men and women in uniform are fully trained, equipped and ready for the challenges they face every day. I believe this bill fulfills that commitment, and I thank the chairman and the ranking member for their work.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MCINTYRE), ranking member of the Seapower Subcommittee.

Mr. MCINTYRE. I thank my friend, Ranking Member SMITH, as well as full committee Chairman MCKEON, and also thanks to the subcommittee chairman and my good friend, TODD AKIN, for all of their hard work in helping us not only on this full armed services bill but also, in particular, on the Seapower and Projection Forces portion of this bill, which passed with strong bipartisan support in our subcommittee and in the full subcommittee.

The work of the subcommittee continues the long tradition of providing strong support for our men and women in uniform. The projects authorized in this bill are critical to our country's ability to project power anywhere in the world at any time.

This bill includes \$14.9 billion for shipbuilding that would authorize a total of 10 new ships, including two Virginia class submarines, one Arleigh Burke class destroyer, four Littoral Combat Ships, one San Antonio class amphibious ship, one Mobile Landing Platform Ship, and one Joint High Speed Vessel. This mark also authorizes \$1.1 billion for the National Defense Sealift Fund.

There are a number of legislative provisions included in this bill which are aimed at providing a more efficient

way to procure ships and weapons systems. In addition, this bill includes several provisions that require increased oversight over critical programs that will ensure they stay on schedule and on cost. In particular, this bill requires the Comptroller General to conduct an annual review and report on the progress of the KC-46 tanker program.

All of these provisions, plus others, represent the subcommittee's commitment to ensuring that all major programs receive the proper oversight to ensure that taxpayer dollars are spent wisely and effectively. This bill is a balanced authorization of programs under the jurisdiction of the subcommittee, and it meets the needs of our men and women in uniform.

Again, I want to thank Chairman AKIN for his hard work, and I strongly urge all of my colleagues to support this bill.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Military Personnel, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I thank the gentleman for yielding me time.

Congratulations, Mr. Chairman, on your leadership—achieving a 60-1 favorable vote on the bill that we are considering this evening.

As we begin, we are grateful for the professionalism of our military forces in killing the mass murderer Osama bin Laden. It was a proud day for all Americans, especially for our military, their families and veterans, that justice was achieved.

The military personnel provisions of the National Defense Authorization Act of 2012 are the product of an open, bipartisan process. Some of the more important personnel provisions are the following:

A 1.6 percent increase in military basic pay;

A revised policy for measuring and reporting unit operations tempo and personnel tempo, reflecting the committee's continuing concern about stresses on the force, especially at a time when we must continue our resolve for victory in the current mission requirements.

Another important initiative is the reform of the military recruiting system to include graduates of home schooling, charter schools and virtual schools. I see military service as opportunity and fulfilling, and these are extraordinary patriots.

The bill also clarifies the legal authority for the administration and oversight of Arlington National Cemetery. I believe the bill is strong in the multiple provisions dealing with sexual assault, child custody, mental health, traumatic brain injury, and posttraumatic stress disorder.

In conclusion, I want to thank Ranking Member SUSAN DAVIS and her staff for their contributions and support of this process. We have benefited from an

active and informed and dedicated set of subcommittee members. Their recommendations and priorities are clearly reflected in the bill.

Additionally, I appreciate the dedicated Military Personnel Subcommittee staff: John Chapla, Jeanette James, Mike Higgins, Craig Greene, Debra Wada, and Jim Weiss. I also want to thank congressional Military Legislative Assistant Brian Eisele and Military Fellow Marine Captain Sam Cunningham.

Mr. SMITH of Washington. Mr. Chairman, I now yield 3 minutes to the gentlelady from Guam (Ms. BORDALLO), who is the ranking member on the Readiness Subcommittee.

Ms. BORDALLO. I rise today in support of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012.

This bill works to ensure our men and women in uniform are well trained and equipped. I am proud that the House Armed Services Committee, through this bill, continues to close the readiness gaps that have been created in our Armed Forces by a decade of continuous deployments.

This bill authorizes \$23 billion for the training of all active duty and reserve forces to increase readiness as troops experience longer periods at home following the Iraq drawdown, including \$1 billion to support the Army's planned return to full-spectrum training, also funding for the Navy ship and aircraft depot-level maintenance, and for the upkeep of the Department of Defense facilities. We fully fund the President's budget request for the reset of Army and Marine Corps equipment and for the sustainment of Air Force weapons systems. We provide additional funding to meet the full requirement for the upkeep of our military facilities, increased funding to operate Army bases, and authorize \$14.7 billion in military construction.

I am pleased that this bill includes a number of initiatives that focus on reducing operational and installation energy consumption while improving military capabilities.

□ 1930

It also reflects the priorities in the area of energy conservation of our colleague, GABRIELLE GIFFORDS, who has been a champion of these issues through the Readiness Subcommittee.

The bill supports environmental leadership while putting defense capabilities and missions first. I also note we have included a provision that extends the SIKES Act coverage to state-owned National Guard facilities and enables development and implementation of integrated natural resources management plans for state-owned National Guard installations.

The bill continues our committee's tradition of providing stringent and comprehensive oversight of the military buildup on Guam. The committee remains committed to understanding the importance of the realignment of military forces in the Pacific demonstrated through a full authorization

of military construction funding. And further, this bill continues to demonstrate its keen understanding of the strategic importance of Guam in responding to the growth of traditional threats in the Pacific region and the freedom of movement Guam provides our military forces in responding to regional nontraditional threats.

Mr. Chairman, I'd like to take this opportunity to thank our chairman, Mr. MCKEON, and our ranking member, Mr. SMITH, of the Armed Services Committee, and also to the chairman of my subcommittee, Mr. RANDY FORBES, for conducting the meetings in a very bipartisan manner.

I ask my colleagues to support this very important measure.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the chairman of the Subcommittee on Strategic Forces, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. I thank the gentleman from California, our chairman, Mr. MCKEON, for his leadership on this bill as it's moving through the House, and Ranking Member SMITH. I would also like to thank all of my colleagues on the Strategic Forces Subcommittee, and in particular my ranking member, LORETTA SANCHEZ, and the staff for their work on this year's Strategic Forces mark. And particularly I would like to thank our director, Kari Bingen.

This bill builds off a strong bipartisan and bicameral consensus and fully funds the NNSA, the National Nuclear Security Administration, and supports continued modernization of our nuclear forces and infrastructure. It also supports robust oversight of the administration's implementation of the New START Treaty and establishes prudent measures to slow down the rush towards nuclear disarmament.

The bill responds to the effects of prior cuts by this administration to missile defense, providing an increase of \$110 million above the President's request. It adds these funds to fix the system that protects the United States homeland from long-range ballistic missile threats. It also provides an increase in funds to support the implementation of the administration's Phased Adaptive Approach and important cooperative efforts with Japan and Israel, while recommending reductions in future capabilities that are less viable.

Equally important, this bill advocates on behalf of servicemembers and their families. I want to thank Chairman WILSON and Ranking Member DAVIS for incorporating bipartisan language from the Tsongas-Turner Defense STRONG Act that seeks to enhance sexual assault protections as well as improved training requirements to better protect servicemembers.

I also want to thank Chairman WILSON for his support for this bill, which includes a provision that would protect the fundamental child custody rights of military parents and ensures that

servicemembers do not lose custody of their children as a consequence of their service to the Nation. This provision corrects an unconscionable injustice and has the full endorsement of Secretary Gates and the Department of Defense. And I would like to thank Lieutenant Eva Slusher from Kentucky, who has been working diligently in this fight.

Lastly, I would like to note that earlier today the President issued a veto threat on several provisions contained in the NDAA related to nuclear modernization and objections to provisions relating to missile defense. This is curious because these provisions are consistent with the administration's own stated policies and that of our NATO allies. By this threat, is the President saying he does not intend to implement the nuclear modernization guarantees that were part of the New START Treaty? Does the President intend to unilaterally withdraw nuclear forces from Europe? Does the President want to share sensitive data of missile defense technology with Russia? And does the President intend to strike deals with Russia to limit our missile defense capabilities? If the answer to these questions is no, then the administration should have no objections to these provisions. If, on the other hand, the answer to these questions is yes, then it is all the more reason to make these provisions law.

I urge the passage of the National Defense Authorization Act for 2012.

Mr. SMITH of Washington. Mr. Chairman, I now yield 2½ minutes to the gentlewoman from California (Mrs. DAVIS), ranking member on the Personnel Subcommittee.

Mrs. DAVIS of California. Mr. Chairman, I join my colleagues on the House Armed Services Committee in support of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012.

As the ranking member of the Military Personnel Subcommittee, I want to recognize Chairman MCKEON and Ranking Member SMITH for their leadership, as well as subcommittee Chairman WILSON for his bipartisan work to enhance the quality of life for our servicemembers, retirees, survivors and their families.

As Americans, it is our responsibility and our privilege to support our men and women in uniform and their families given the enormous sacrifices they make to ensure the security of our Nation. These men and women have volunteered to give their lives to protect and defend what we hold dear, liberty and freedom. Nothing can substitute for their commitment and sacrifice.

I am proud to support a 1.6 percent pay raise in our bill. Our servicemembers have earned this pay raise and deserve no less. I am also pleased that this bill includes authority for the Secretary of Defense to establish apprenticeship programs to help servicemembers transition out of the military. Far too many of our brave men and women are returning home and finding it a

challenge to become or remain employed. The number of homeless veterans in our younger generations continues to grow, and apprenticeship programs could provide these individuals the skills they need to succeed.

While this bill allows for a modest increase in TRICARE fees, it does protect military retirees and their dependents from future significant hikes by limiting increases to military retiree cost of living allowances.

And lastly, this bill continues the efforts by this subcommittee over the last several years to reduce sexual assaults and harassment within the services. This is an important issue that has a direct impact on military readiness, and I want to thank Congresswomen SLAUGHTER, SANCHEZ, and TSONGAS for their hard work.

Mr. Chairman, while there are many good provisions in this bill, I must raise my extreme disappointment with several sections that were included by the majority that seek to delay and prevent gays and lesbians from serving in uniform. One of the liberties that we as Americans hold dear is that we are all created equal. These individuals should be entitled to serve their Nation in uniform and should not be denied the opportunity.

The CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. Mr. Chairman, I yield the gentlewoman an additional 30 seconds.

Mrs. DAVIS of California. A Nation that values democracy cannot discriminate against an individual because of their sexual orientation.

But I must say, Mr. Chairman, that ultimately I do support this bill, and I encourage my colleagues to do the same. I want to thank the many staff members who have worked very hard on this legislation, and we look forward to this being signed into law.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Oversight and Investigations, the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Chairman, I would like to thank Chairman MCKEON for his leadership on the National Defense Authorization Act, and also recognize Ranking Member SMITH for his efforts on what I believe is an extraordinarily good bill.

I am pleased today to support H.R. 1540. It recognizes the need for fiscal constraint while at the same time ensuring our Nation's security and fulfills our sacred obligations to our brave men and women in uniform. The bill also strengthens protections against ill-considered efforts to release detainees held at the Guantanamo Bay detention facility.

In December, the Director of National Intelligence reported that 25 percent of those formerly held at Gitmo were confirmed or suspected of returning to the fight against us and our allies. This rate is alarming and unacceptable. I am concerned that the government did not conduct significant

due diligence when identifying detainees for release and that this failure has potentially grave ramifications for our troops serving on the battlefield.

H.R. 1540 strengthens our protections in several important ways. First, it prohibits transfers to foreign countries where there are known cases of re-engagement; it requires careful consideration of established criteria before other transfers are accomplished; and it mandates that government agencies provide Congress the information we need to properly assess the threats our Nation and our troops face from detainees who have rejoined the fight and continue to commit terrorist acts.

H.R. 1540 also ensures continued oversight of Arlington National Cemetery. It directs the timely establishment of the Oversight Council and creates a date certain for record digitization.

Mr. Chairman, I urge my colleagues to support H.R. 1540. I would like to end with thanking the staff, including Michelle Pearce, for their great work on the Oversight and Investigations Subcommittee.

Mr. SMITH of Washington. Mr. Chairman, I am now pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

□ 1940

Mr. ANDREWS. Twenty-three nights ago, a focused and brave group of young Americans climbed into helicopters and focused on their mission. Over 3 weeks ago, a group of American leaders met in the Situation Room of the White House focused on their mission. And over a 10-year period, a group of intelligence analysts and signal intelligence specialists and brave Americans all over the world focused on their mission to eliminate the menace of Osama bin Laden from this Earth. They succeeded in eliminating that menace, they succeeded in capturing valuable intelligence that will help us track down his coconspirators and stop them, and they sent a powerful message to any other evil rich person that wants to target the United States of America that such targeting is an act of suicide.

We should salute those with that focus here tonight and reflect on the fact that our focus as Republicans and Democrats in passing this bill is to give other focused Americans in the military, our intelligence community, and those who support them the tools they need to do their job.

I'm proud of the work that Chairman MCKEON, Ranking Member SMITH, and all of the subcommittee chairs and ranking members did on this bill. There are controversial aspects of this bill, but this is a work that is focused on the defense of our country in the same tradition of those who so nobly served us 23 days ago.

We should all join in a "yes" vote for this bill because it continues that tradition of our national security in a bipartisan sense. I urge a "yes" vote.

Mr. MCKEON. I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I rise to engage the distinguished chairman of the Armed Services Committee in a colloquy to discuss an issue that I believe is imperative to financial accountability in the defense intelligence community.

I have been working with my colleagues in various congressional committees on language that would improve the ability of the defense intelligence elements to be appropriately audited. While we are not quite to the finish line on final language, I want my colleagues to be aware of this issue as we work on the NDAA this week.

Mr. MCKEON. I thank the gentleman from Texas for raising this important issue.

As the gentleman is well aware, oversight of DOD financial accountability issues is of high importance for our committee. We continue to work with the department to ensure they continue aggressive measures to get the department to a point where we have confidence in their financial statements.

Mr. CONAWAY is a CPA and brings great expertise to the Congress.

Mr. CONAWAY. Thank you, Mr. Chairman, for those kind words.

While I'm disappointed that we were not able to work out an agreement that would include this language in the NDAA, I do understand that there have been issues raised with the amendment, as currently written, that may not provide the focused solution that we need to track disbursements and provide better accounting in the intelligence community.

I look forward to continuing our work on this and other provisions to provide sufficient, yet directed authority that will improve the financial accountability in the Department of Defense.

It is our responsibility, Mr. Chairman, to the American taxpayer to ensure that the intelligence community has the proper management tools to manage our precious resources that we provide to them.

Mr. MCKEON. I applaud the gentleman from Texas on his continued efforts to shine light on financial responsibility at the Pentagon. The language he's working on is certainly needed by the intelligence community to meet the financial accounting standards we require of the rest of the Federal Government. If all committees can agree upon language, I would welcome the opportunity to support such an amendment.

Mr. CONAWAY. I want to thank the chairman for the colloquy and urge adoption of the underlying NDAA.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, while I support the underlying bill, I rise in opposition to language in the National Defense Authorization Act that exempts the Department of Defense from section 526 of the Energy Independence and Security Act, a critical energy security provision which also supports the development of domestic alternative fuels.

This exemption, Mr. Chairman, will derail the DOD's efforts to strengthen national security through reducing dangerous greenhouse gases. The current Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, recently warned that climate change will have a significant effect on increasing competition for water and food, potentially causing humanitarian crises that could lead to failed states.

Further, this concern is not new to DOD. In 2008, the Defense Science Board recommended to avoid investing in processes that exceed the carbon footprint of petroleum. This provision proposes to do exactly that.

I would hope that we would remove this language and allow the department to experiment and use alternatives that would not exceed the current limit on the current carbon footprint on greenhouse gases.

Mr. MCKEON. Mr. Chairman, I yield 1½ minutes to my friend and colleague, a distinguished member of the Armed Services Committee, the gentleman from New Jersey (Mr. RUNYAN).

Mr. RUNYAN. Thank you, Chairman MCKEON and Ranking Member SMITH, for your leadership on this important legislation for our men and women in uniform. It is an honor to serve with the both of you.

Mr. Chairman, as a result of the 2005 BRAC, Joint Base McGuire-Dix-Lakehurst in my home district was combined into one installation from three separate military installations, which caused a problem. One issue this bill addresses is pay parity.

Currently at Joint Base MDL, which used to be the separate Fort Dix and McGuire bases, wage grade system employees are paid at the Philadelphia locality pay rate, while at the Lakehurst side, the people doing the same jobs are paid at the New York locality rate.

While OPM has indicated they want to resolve this situation, no change has yet been made.

The language in the bill will work towards fixing this inequity by requiring OPM to work with the DOD to implement OPM's recommendation with respect to the Department of Defense Federal Wage System employees working at all joint military installations.

Additionally, I want to recognize my colleagues on the House Armed Services Committee, Congressman ROB ANDREWS and Congressman FRANK LOBIONDO, for their work on this issue, as well as Congressman CHRIS SMITH of New Jersey, who also has been active in assisting the employees at the joint base.



Again, I thank you, Chairman MCKEON and Ranking Member SMITH, for your support on this, and I want to express my strong support for H.R. 1540 and our Nation's war fighters.

Mr. SMITH of Washington. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. I thank the gentleman for yielding.

I rise for the purpose of entering into a colloquy with my colleague from New Jersey, Congressman ANDREWS.

During the full committee markup of the defense authorization bill, you offered, and the committee supported, an amendment which would "ensure that the Secretary, at no cost to the Federal Government, provide support and allows for the use of such property by the contractor under such contract to conduct research, development, testing, and evaluation of the F136 engine, if such activities are self-funded by the contractor."

Mr. ANDREWS. If the gentleman will yield, that is correct.

Mr. COURTNEY. Thank you, Mr. ANDREWS.

I simply would like to reiterate that it is your intention and understanding that there is no government funding provided to the F136 contractors by your amendment in any section of this bill.

Mr. ANDREWS. If the gentleman will further yield, it is my understanding and intent that there be no FY12 government funding for the F136 contractor.

Mr. COURTNEY. I thank my colleague.

Mr. MCKEON. I yield 1 minute to my friend and colleague, a distinguished member of the Armed Services Committee, the gentleman from Indiana (Mr. YOUNG).

Mr. YOUNG of Indiana. Mr. Chairman, as a former U.S. Marine, I understand the importance of a strong national defense, especially during this time of war.

That's why I'm glad to rise in support of this National Defense Authorization Act of 2012. It provides our troops with the resources they need and enables them to carry out the missions we've asked of them.

Now, I'd like to especially thank our chairman, Chairman MCKEON, for his leadership in this process. In particular I can say as a freshman, he's taken great time and attention to the issue of reforming how we do our quadrennial defense review. He said that we need to take a further look at this in the future.

□ 1950

This, I believe, is the key to ensuring that we efficiently spend our defense dollars as we look to next year's bill. But this bill addresses the military issues we face today. It does so in a responsible manner. And it's being offered with an eye to improving the process in the future. So that's why I

am supporting this National Defense Authorization Act.

I urge my colleagues to vote "yes" on this bill.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. There is much in this bill to recommend, particularly the way in which it deals with the men and women that are in arms, the support that they need, the benefits that they require, and the care that they require following their missions.

However, there is in this bill a missed opportunity, and I must therefore oppose the bill, the opportunity to change the direction of the war in Afghanistan, a war that seems without end, and a war that seems to be perpetual. A successful raid and the successful taking of bin Laden is an opportunity to pivot, and we are missing that opportunity in this bill, and continuing to spend over \$100 billion on that war in Afghanistan.

Also in this bill is section 1034, the continued authorization for the use of force. That too must be eliminated. For those reasons, I oppose this legislation.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Thank you, Chairman MCKEON, for allowing me to speak today.

Mr. Chairman, I rise today in support of the B-1 bomber. My district, the 19th Congressional District of Texas, is home to 5,000 military and 1,000 civilian personnel at Dyess Air Force Base, located in Abilene, Texas. The Dyess houses, among other missions, the 7th Bomb Wing, representing 36 of the 66 remaining B-1 Lancer bombers.

As I testified before the Armed Services Committee last month, I am concerned about the proposed cuts to the B-1 fleet. Let me tell you why. Since 2001, the B-1 has flown over 70 percent of the bomber combat missions, while representing only 40 percent of the bomber fleet. Before combat in Libya, the B-1 bomber was the only bomber to be used in combat since May of 2006, and was used heavily at that. In fact, the B-1 is in the air, supporting troops deployed to the Middle East, almost every day.

The B-1 has flown over 8,000 sorties for the past several years, and it has logged over 93,000 hours of operation over Iraq and Afghanistan in the last decade. Last year alone, it flew 1,253 missions and dropped 741 bombs. By any measure, the B-1 is the backbone of the bomber fleet.

I am very pleased that the committee has decided to change the recommendation of the administration. And I look forward to working with the chairman to make sure that America's bomber fleet is at the cutting edge in the future. We don't have a replacement for the B-1; and it's important until such time we get a replacement

bomber that we make sure that we maintain the fleet that we have today, because particularly the B-1 is one of our most used weapons systems currently in Iraq and Afghanistan.

I look forward to working with the chairman and the committee as we make sure that America's security is never compromised.

Mr. SMITH of Washington. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentleman is recognized for 4½ minutes.

Mr. SMITH of Washington. Again, I just want to thank the chairman and the staff for putting together an outstanding bill. This is no small enterprise. It is \$691 billion. It is critical policy to provide for the national security for our country, critical policy to make sure that our troops and their families are properly taken care of, they have the equipment and support that they need to do the job that we ask them to do. And I think Mr. MCKEON, the members of the committee, and the staff have done an outstanding job.

I do want to also recognize our past chairman, Mr. Skelton. As I mentioned in my opening remarks, there is a strong bipartisan tradition on this committee. Mr. Skelton upheld that very well, and Mr. MCKEON has done so as well. It was an honor to work with Mr. Skelton. I appreciate his leadership and guidance for all of us on the committee.

I do just want to mention one issue that I neglected to mention in my opening remarks, and that is to associate myself with the remarks of Mr. LANGEVIN with regard to the energy amendment that was contained in this bill. I think it's critical that we give the Department of Defense the ability to pursue alternative sources of energy that actually do improve our position in terms of greenhouse gases, and improve our position in terms of reducing our dependency—well, sorry, increasing our ability to use clean-burning sources of fuel.

The amendment that was attached to this would allow to be considered alternative the use of fuels that really aren't. They are not clean burning or renewable. So I think that it is imperative that we strike that provision from this bill. But overall I am very supportive of the bill. I appreciate the chairman's leadership. I look forward to working with him over the course of the next couple of days as we deal with the amendments that are coming our way, and as we go into conference with the Senate to hopefully get this bill done, to the President for signature. It is critical to our national security interests that we do that.

I thank the chairman again for his leadership.

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

Mr. MCKEON. I yield myself such time as I have remaining.

Mr. Chairman, one of the great things on serving on this committee,

the experience that I have had, is getting to know Mr. SMITH during these last few months much better than previously and the members of the staff who have worked so hard and so diligently to get us to this point. Last week, or week before, when we marked this up in full committee, we went from 10 in the morning until 2:30 the next morning. And everybody was at work again the next day ready to go.

We get to meet with the troops, we get to see the young people, and some that are not so young, serving us around the world to preserve our freedoms and freedoms of other peoples. And our job is to do all we can to help make their job easier, to help make their job—to help, as I said earlier, give them the equipment, the training, the leadership, the time, all the resources that they need to return home safely to their families.

I think this bill does that. I feel very good about all of the members of the committee, the hard work that they have done to get us to this point. I look forward to the next few days working on the amendments and turning out a final finished product; and, hopefully, then we can encourage the other body to get their work done, and we can get this bill as our 50th bill to the President for his signature.

Mr. KUCINICH. Mr. Chair, to my friends on the other side of the aisle, I am offering an amendment to the Defense Authorization Bill which would defund the war in Libya.

The war is unconstitutional. The President did not come to this Congress, he went to the U.N. Security Council, he went to a number of international bodies, but he didn't come to the United States Congress. Last week, the President did not observe the tolling of the War Powers Act, so he's in violation of the statute.

The action over in Libya has already exceeded the U.N. mandate; it's in violation of the U.N. mandate and there have been violations of international law.

What are we doing there? Why does anyone think we can afford it? Why aren't we trying to find a path to peace so we aren't called upon to spend more money there? These are questions we have to be asking; that's why Congress needs to say we're not going to spend more money there.

People are saying it's not the United States, it's NATO. The Guardian in the U.K. did a study which showed that 90 percent of the cruise missiles are paid for by the U.S. Sixty-six percent of the personnel working against Libya are from the U.S., 50 percent of aircraft, 50 percent of all ships—and our government is saying this is a NATO operation? We have to recognize what's going on here, which is an expansion of the war power by the Executive and it's time we challenge that.

One thing we certainly shouldn't do is to support the amendment offered by my friend, Mr. MCKEON, which will hand over to the President Congress' constitutional authority to declare and authorize war, substantially altering the delicate balance of power the Founding Fathers envisioned.

The annual re-authorization contains unprecedented and dangerous language which gives the President virtually unchecked power to take this country to war and to keep us

there. The bill substantially undermines the Constitution, the institution that the Constitution set up that is Congress and sets the United States on a path to permanent war. Congress has to protect the American people from the overreach of any Chief Executive—Democrat, Republican—any Chief Executive who's enamored with unilateralism, preemption, first strike and the power to prosecute war without constitutional authority or statutory prescriptions.

Permanent global war isn't the answer. It's not going to increase our national security. Far from ridding the world of terrorism, it will become a terrorist recruitment program. The war in Iraq is based on lies; the war in Afghanistan is based on a misreading of history.

Yet in Iraq we'll spend over \$3 trillion. In Afghanistan we've spent over half a trillion dollars.

We have people out of work here. We have people losing their homes, losing their health care, losing their retirement security. All we hear from the White House is "we want more war or more authorization for more war." We have to stop that and while stopping that we have to stop this national security state and stop the extension of the Patriot Act which is also in this bill.

Mr. MCKEON. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Under the rule, the Committee rises. Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. WOMACK, 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. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, had come to no resolution thereon.

#### REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDUCATION

The SPEAKER pro tempore. Pursuant to House Resolution 269 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1216.

□ 2001

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, with Mr. WOMACK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, pending was amendment No. 7 printed

in the CONGRESSIONAL RECORD, offered by the gentlewoman from North Carolina (Ms. FOX).  
 Mr. WEINER. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. Mr. Chairman, you may recall, I was standing here approximately 2 hours ago waiting to speak with several other Members on the efforts of my Republican friends to eliminate Medicare as we know it, and for reasons that are known only to the Chair, I was denied the ability to do that. Well, I am back.

And just to review the bidding, here is where it was before that order was made. We had the chairman of the Republican Congressional Campaign Committee, a good man, a guy I like, stand down in the well and say, oh, no—and this, by the way, is someone who was elected by the Republican Members to represent him in races all around the country, saying that the Ryan plan wasn't a plan. It was—and I am quoting here—a construct to develop a plan. And he said that the proposal was not a voucher program. And then he said it was a one-size-fits-all, that Medicare was draining our economy is what he said.

Well, ladies and gentlemen, that might be the rationale for our Republican friends wanting to eliminate Medicare, but none of those things are true. It is not a construct to develop a plan. It is the proposal of the Republican Party of the United States of America to eliminate Medicare as a guaranteed entitlement. If you don't believe me, go get the book that they wrote. Go get the budget that they wrote, go get the bill that they wrote.

And if you believe that it's not a voucher program, listen to their own Members talk about it. The Medicare program today is not, I say to my friends, one size fits all. My good friend from Georgia (Mr. GINGREY) was on the floor before talking about how it's one size fits all. How can it possibly be you can be a Member of the United States House of Representatives and not understand how Medicare works?

Each individual senior gets to go to the doctor of their choosing, gets to go to the clinic of their choosing, gets to decide for themselves where they go, and then the doctor and the patient make decisions.

The only question is: Are we going to say to citizens who are 65 and older, Here is a coupon. Go buy private insurance at 25 and 30 percent overhead rather than the Medicare program, which the actuaries say cost 1.05 percent in overhead?

We have also heard them say, You are demagogueing. We don't really want to get rid of it. You do.

Now, there is a saying here in Washington that a gaffe is when the Republicans actually say what they think. So there have been plenty of opportunities to see this gaffe in full play. Now, they

have been tying themselves in intellectual knots trying to get out from under the basic facts.

By the way, I hope your insurance plan, the Ryan plan, covers the twisted arms and limbs you get tying yourselves in knots explaining this.

It is a radical departure from where we are today. Mr. Gingrich was right, even the blind squirrel can find a nut once in a while. He was right. It's a radical departure, but it's yours. Own it. Show a little gumption. Show that you are prepared to own your own proposals. But now that you want to do it and the American people are seeing the difference between Democrats and Republicans, now you are trying to squirrel your way out of it, with no disrespect to squirrels.

You say we don't have a plan. Not only did we pass a health care plan a year ago that extended 10 years the life expectancy of Medicare, but I will go one better. I will give you a plan. How about Medicare not starting at 65? What about 55 or 45 or 35? What is it that health insurance companies do in this country?

Now, I know that my Republican friends are wholly owned subsidiaries of the insurance industry, but that should not mean that our seniors lose their Medicare because of it. So, my friends Mr. SESSIONS and Mr. GINGREY were trying desperately to try to figure out how to get out from under your own beliefs. We believe in Medicare. We created it. We believe in Social Security. We created it. We believe in the health care act. We created it.

As a matter of fact, every improvement to health care in this country, Democrats propose, Republicans oppose. And now they have a chance to get rid of it, and they are doing it. But at least if you are going to do it, at least if you are going to try to do it, don't try to silence people who point it out.

And I think the lesson here is it might be later. If you had me come back at midnight, I would have said it. If I came back at 2 a.m., I would have said it, because the American people are going to see what's going on here.

You have a proposal to eliminate Medicare, a proposal to privatize a portion of Social Security by investing in the stock market, a proposal to roll back the expansion of prescription drug coverage for seniors. You have a proposal to take away the benefits of those 25 and younger to be able to get health insurance. That is your proposal. Own it. Live with it. Embrace it, because we are not going to let you get out from under it.

And you may delay me, you may gavel me, you may tell me you have got to come back at 2 o'clock in the morning. It's not going to change the fundamentals of this debate, that if you believe fundamentally in Medicare, at this point you have got two choices: Tear up your Republican Party membership or give up control of Congress, and, frankly, some of you are going to have to do both.

Mr. PALLONE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. I want to continue this debate on the Medicare issue because I do believe, from looking at the Republican budget, that they do intend to end Medicare, it's quite clear. And, you know, the irony of this is that, when the Democrats were in the majority, we were trying to expand health care options, provide everybody with health insurance. And now what we see is just the Republicans, when they take the majority, are trying to get rid of, really, the best health insurance program that the Nation has ever seen, and that's Medicare.

No one would argue that Medicare has not been successful. The fact of the matter is that before we had Medicare—which, as my colleague from New York mentioned, was a Democratic initiative—what would seniors do? Well, seniors couldn't get health insurance because, as you know, when you get to be over 65, or if you are disabled, people don't want to give you health insurance because it costs too much. You are in the hospital too much. You have too many health care needs. And so seniors basically couldn't find health insurance. They were really at the mercy, if you will, of whatever they could find, or if they got sick, they had to go to a hospital or they had to go to a doctor and pay out of pocket in many cases.

And so when the Democrats came along and Lyndon Johnson said, look, this is something that we need because seniors can't get health insurance, well, they initiated Medicare. And the fact of the matter is that almost every Republican voted against Medicare then, and they have never liked it because they know it's a government program. They don't like government programs.

So if anyone on the other side of the aisle is trying to tell me, I don't know that they are, but if they are trying to suggest that if somehow by voting for this budget that ends Medicare that they didn't really mean it, I would say look at their history, look at the history of opposing Medicare, of opposing Medicaid, of opposing even Social Security when Franklin Roosevelt and the Democratic Congress put it together.

□ 2010

Now, I want to point out what happens when seniors don't have Medicare anymore and they have to go buy insurance on the private market. Well, basically, what that does is it puts the insurance companies back in charge again. And that's no surprise. This is what the Republicans want. They always stand with the special interests—Big Oil, big banks, Wall Street and, of course, the insurance companies.

And the insurance companies don't like Medicare because they can't make

any money. They want to be able to make money. They want to take, cherry-pick, if you will. If you're over 65 and they figure you're in good health, then maybe they'll give you insurance if you want to go and buy it because they figure you might be a good risk and they can charge you a lot of money and they can give you a barebones policy that doesn't cover anything.

Remember that Medicare not only provides a guaranteed insurance policy that you can buy, that you get, I should say, from the government when you are over 65 regardless of your health status or of your income, but you also get a pretty generous insurance plan that covers a lot of things. You put the insurance companies back in charge, and not only will they not offer insurance to a lot of seniors at a decent price, but for those who they do sell the insurance to, it's not going to be a package that covers what most seniors are going to need. So it's not only that Medicare is important because it guarantees you coverage, but it also guarantees you a pretty generous coverage which you need when you're 65 or when you're disabled.

Some of the Republicans I hear say, well, don't worry senior citizens, we may be ending Medicare, but it's only going to be ending for those who are now 55. If you're 65 years old, you can continue to have it. But if you're 55 or under, when you get to be 65, it's no longer going to be available. So if you're a senior citizen now, don't worry about it. Well, I don't know too many seniors who think that way, because I know they worry about everybody including not just themselves, but their children and their grandchildren.

But besides that, I would also point out that this Republican budget eliminates two other things. First of all, we, as Democrats, when we were in charge of the House, we put in place a program to close the prescription drug doughnut hole. So that if you reach the doughnut hole now, as of January 1, 50 percent of your costs are covered, and eventually you are going to have no costs in the doughnut hole. It's going to be eliminated completely.

Well, the Republican budget repeals that. So it goes back to leaving this gaping hole; whereas, if your out-of-pocket drug costs in the course of a year are \$2,500 or more, then you're not going to get your prescription drugs covered. So, also for current Medicare holders, senior citizens, it opens up that doughnut hole again so you are going to pay all this money out of pocket.

In addition to that, it repeals a Democratic provision that's now law that says that you don't have copays for preventative care. So if you're a senior or disabled and you need a mammogram, you need a certain kind of testing done, you don't pay a copay. The Republican budget also abolishes that. This is devastating for senior citizens, current and future.

Mr. THOMPSON of Pennsylvania. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I do support the Foxx amendment.

I've listened to all the discussion on the floor, much of it dealing, most recently, with not the Foxx amendment, but actually with Medicare, which always catches my attention. You see, Mr. Chairman, I actually have, before I came into this position in Congress just a little over 2 years ago, 3 years ago now, I actually worked in the health care field. I worked specifically serving individuals that utilize Medicare. I was a therapist, a licensed nursing home administrator and manager of rehabilitative services.

At the time of the Balanced Budget Act of 1997, I actually was recruited by the Medicare agency—it was the Health Care Financing Administration then. Now it is the Centers for Medicare and Medicaid Services—to serve on the technical expert panel. So that's why, when I hear this rhetoric on the other side that the Republicans are trying to end Medicare, I find that just not accurate. And that's based on 30 years of experience of working with Medicare and developing an expertise with the Medicare policy, to be invited to be a part of the technical expert panel on Medicare.

The fact is, when I came to Washington in January 2009, I thought all 435 Members of Congress understood that the looming crisis in Washington was Medicare, Medicare was one of them, and that Medicare, frankly, was going to go bankrupt. It was going to become insolvent, and if we didn't reform Medicare, it would go away. And how immoral is that, for all the Americans out there that contribute to Medicare, pay for their Medicare, invest in their Medicare, and that it would not be there when it came time for them to get Medicare?

And so I'm actually just a little shocked, Mr. Chairman, by the rhetoric.

And the fact is, if we want to save Medicare, we need to do exactly what the Republicans are proposing, and that is to reform it, to save it. Even the Medicare trustees just 2 weeks ago came out and they said that the Medicare program was going to be insolvent 5 years sooner than what they originally predicted.

Now, what does insolvent mean, Mr. Chairman? Insolvent means going bankrupt. Insolvent means going away. Insolvent means that for all the seniors that have paid into the system, it won't be there for them.

We have a duty and an obligation, a fiduciary responsibility to make sure that Medicare is there. This side of the aisle is the only one that is working on keeping Medicare for our seniors. What we're proposing, really, is premium support. It's not vouchers. It's not privatizing. It's premium support. And premium support is the best model that you can look at, for that is Medi-

care part D, the pharmaceutical program.

Medicare part D gives seniors the opportunity to pick from plans that work for them that are customized to their needs. Medicare part D, for those who don't know it, has to do with prescriptions for pharmaceuticals. And we provide premium support so that they can pick the plans that work for them, so they can make sure they get the prescriptions that they need to have.

Frankly, it is one of the few government plans that has ever come in under budget. Most government plans don't come in under budget. They come in way over budget. Medicare part D did.

It also speaks to me as Medicare part C, which is Medicare managed care. Medicare managed care, Medicare Advantage, which unfortunately the Patient Protection Affordable Care Act attacked and went after, that Medicare part C program provides for wellness and prevention. Medicare part C has been a program that has been allowed to emphasize prevention and wellness. And the statistics show that the people engaged in that program have been hospitalized fewer times and that those hospitalizations have been for fewer days. And do you know what? It keeps them well. It keeps them healthy. And that's what health care should be all about, keeping people healthy. And the other thing it does is it saves taxpayer dollars. That's a win-win, as far as I'm concerned.

So we're talking about premium supports that take concepts from Medicare part D and Medicare part C, and we're going to apply those premium supports to the Medicare program.

Mr. Chairman, I think it is important that people understand that if we do not reform Medicare, Medicare will go bankrupt, Medicare will be insolvent, and Medicare won't be there. If we don't do this, the fact is that Medicare will go bankrupt. Medicare will be insolvent. And in the end, that is just immoral.

We have a great opportunity here, and we need to address Medicare. I think premium supports are a great way to do that. And I appreciate the opportunity to be able to speak.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PALLONE. 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 North Carolina will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. WEINER

Mr. WEINER. I rise as the designee of the gentlelady from Florida (Ms. CAS-TOR) to offer an amendment that is satisfied by the preprinting requirement.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 12, add the following:

(d) EFFECTIVE DATE.—Subsections (a), (b), and (c) shall not take effect until the date that the Comptroller General of the United States determines there is no primary care physician shortage in the United States.

Mr. GUTHRIE. Mr. Chairman, I reserve a point of order against the amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. Mr. Chairman, I support this amendment and hope we all vote for it.

I just do want to take an opportunity to respond to the gentleman who was just at the microphone. It is one thing to say you're saving Medicare, but if you leave a different Medicare when you're done than today, if it is entirely different, how have you saved it?

□ 2020

I know "premium support" or "price support" is the term of art that is now trying to take hold as you desperately try to figure out how to explain what you are doing, but let me make it very clear, and if I say anything incorrect, the gentleman can rise and I will permit him to correct me.

Under the proposal of the gentleman from Wisconsin, under the proposal of the Republicans in Congress, that at a certain point in the future, Medicare as we have it today, as a guaranteed entitlement safety net program for seniors, will cease to exist. That is the Ryan plan. I will pause while anyone seeks to correct that.

That silence you hear, ladies and gentlemen of the United States of America, is because I just said something that is factually correct. The Ryan plan, which is now the Republican plan, which is now the plan that has passed the House, would end Medicare as we know it. Now, that has never been something that they have hidden from before. They even had a book, "The Young Guns," or something. Does the gentleman from New Jersey remember what it was called? It was like "The Young Guns." They were parading them all around the country with this book that explained it, this is the way Medicare is going to look.

You say it is price support. Okay. It is price support unless you can't be supported by the price of the voucher. If you are a senior citizen, I say to the previous speaker, if you are a senior citizen and you are given this thing, call it what you want, a coupon, a voucher, a price support document, and you go around and look for insurance in your neighborhood and you can't find it, under the law that you passed, you are out of luck. But you are not entirely out of luck. Your family can go pay out of their own pocket and may be able to buy insurance.

Now, you are a good, fit, healthy man, God bless you, and you should be

so for many years to come. But the fact is that many senior citizens cannot go into the private market and buy insurance with a price support document or voucher or coupon. They won't be able to get it, which is why Medicare was created in the first place, because the conventional way of saying, "You know what; each and every person for themselves is the way we are going to get health care" was leaving senior citizens out.

I want to explain to my Republican colleagues a little something about economics. When we join together as a society, as a large buying pool, we get better treatment as consumers. We get a lower price. Fewer people buying car insurance, prices go up. All of us in a pari-mutuel relationship, prices come down. That is basic economics, but it is being violated by the Ryan plan, which is the Republican plan, which is the plan you now own and have to defend.

But to say, you know, We don't really want to defend it because we are uncomfortable with it, it is yours now. And you say, We are trying to save Medicare. We are trying to save it. If you want to save it, then it has to be a Medicare program. It can't just be some kind of a coupon.

But I want to talk very briefly in my remaining time about this idea that we don't have plans. I have a plan that I want you all to consider. It is taking the efficient program of Medicare, which has managed to keep administrative costs far below any insurance plan in the country, any one of them. If any one of them can come even close to Medicare efficiency, then I would say let's go get that one, but they can't.

Why is it that we say that only people 65 and above should get that efficiency? Why don't we say to the roughly 30 percent profits and overhead insurance companies are taking, Who needs you guys? You are taking our money.

We are giving it to insurance companies. They are not doing any exams. They are not doing any checkups. They are not operating on any people. All they are doing is taking our money, taking 20 percent off the top and then passing some of it along to doctors and hospitals. What are they performing in the economy? Let's take them out of the formula.

Now, we didn't go this way in the ObamaCare plan, which I proudly call it. But I have to tell you, there is a competition going on in this country right now between the for-profit, employer-based model with a 30 percent overhead and Medicare with 1.05 percent overhead. I say Medicare for all Americans. It is an American Democratic plan that we should extend to more people. You want efficiency? Get more people into that buying pool. Let's take advantage of the large numbers of people that we have and cover them with insurance at a lower rate.

But we didn't go that way. We went a Republican way. In the Obama proposal, it was essentially a Republican

proposal that said let's give them all health insurance. Now what you are saying is let's see if we can do that for senior citizens and still call it Medicare. You can't. You can't.

You say you are saving Medicare. You are destroying Medicare, and we Democrats and the people of this country are going to stop you.

POINT OF ORDER

Mr. GUTHRIE. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman from Kentucky may state his point of order.

Mr. GUTHRIE. The amendment violates clause 10 of rule XXI of the rules of the House because it has the net effect of increasing mandatory spending.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Mr. WEINER. I ask to be heard on the point of order.

The Acting CHAIR. The gentleman from New York is recognized.

Mr. WEINER. It is arguable whether or not this does increase spending because all this does is change the effective date. But I can tell you this: This is the exact same argument we heard today from Mr. CANTOR, who said they would not authorize any spending to help the people who were the victims of that horrible tornado recently because that, too, would need to be paid for.

Sometimes you have things that are emergencies in this country. Sometimes you have things that, frankly, under the emergency powers of this Congress, we should be able to implement.

I believe that while it is arguable that the effective date changes the net expense of this bill, because all this really does, the fact of the matter is that we have a responsibility to seniors in this country. We have a responsibility to those on Medicare to try to save it, just the same way I would say we have a responsibility to the citizens of this country who were ravaged by storm. And to hear your leadership say we would not allocate any funds for that purpose without going through a budget debate is outrageous.

The Acting CHAIR. The Chair is prepared to rule.

The gentleman from Kentucky makes a point of order that the amendment offered by the gentleman from New York violates clause 10 of rule XXI by proposing an increase in mandatory spending over a relevant period of time.

Pursuant to clause 10 of rule XXI and clause 4 of rule XXIX, the Chair is authoritatively guided by estimates from the chair of the Committee on the Budget that the net effect of the provisions in the amendment would increase mandatory spending over a relevant period as compared to the bill.

Accordingly, the point of order is sustained and the amendment is not in order.

Mr. PALLONE. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Mr. Chairman, I wanted to go back to the issue of Medicare, but I also wanted to respond to the gentleman from Pennsylvania because he also brought up the issue of Medicaid. I would point out that the Republican budget not only devastates and ends Medicare, but it essentially does the same thing to Medicaid because of the level of cuts that are put in place for Medicaid.

Now, senior citizens are very much aware of the fact, I think, that if Medicare ends, then they are thrown out in the private insurance market, and if they have to buy insurance on the private market at the whim of the insurance companies, that they will be in bad shape. They may not be able to get insurance. If they get it, it will be a very skeletal package. It won't cover and guarantee their benefits.

I think they also realize that the budget, if it repeals the health care reform, will go back to having this huge doughnut hole, which will cause them to pay a lot out of pocket and also will eliminate the lack of copays that now exist for preventive care, such as mammograms and other diagnostic tests that now are free without a copay. So they will pay a huge amount of money out of pocket if the Republicans get their way by ending Medicare.

But the gentleman from Pennsylvania also brought up Medicaid, and I would point out that many seniors are not aware of the fact that most of the money spent on Medicaid actually pays for nursing home care because Medicare doesn't cover nursing home care. Seniors, when they pay out of pocket for nursing home care, usually run out of their money very quickly and end up staying in the nursing home because of Medicaid.

Well, what this budget does is to basically cut Medicaid by almost \$800 billion over the next decade and essentially in half by 2022. That is not sustainable. What that is going to mean is, as I said before, when we didn't have Medicare, seniors couldn't get insurance and they just basically got no health care unless they went to an emergency room. But if you cut Medicaid in half, what is going to happen is there isn't going to be money for the States to pay for nursing home care, and either seniors won't be able to find a nursing home or, if they get one, it is going to be a nursing home that, because it is not getting an adequate payment rate, it is going to be really awful.

In my home State of New Jersey, I remember in the 1970s, going back 30 years ago, when nursing homes were just awful. We had fires. We had people with horrible bedsores.

□ 2030

The bottom line is that, if you really devastate Medicaid, which pays for nursing home care, you're going to also

go back to the days when seniors couldn't find nursing homes.

Mr. WEINER. Will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from New York.

Mr. WEINER. I just want to point out something else. Who is going to be left to pay for it?

Obviously, localities in New Jersey, Pennsylvania, and New York are not going to let people lie sick in the streets. It's just going to mean local taxes are going to get raised and that State taxes are going to get raised because, ultimately, it's not whether people get health care; it's just how it's paid for. Frankly, by cutting it off, it doesn't mean that. It just means that we're passing it along in an unfunded mandate to localities.

I thank the gentleman for yielding.

Mr. PALLONE. I agree.

I also would point out that, many times, the localities, because they have budget problems, may not even pay for it at all, and so we'll end up with awful nursing homes or we'll not even have nursing homes.

The other thing, too, is that Medicaid also has waivers that pay for a lot of senior citizens to stay home and that pay for their personal care when they stay home: for somebody to come in and dress them, to cook meals, to clean the house, that type of thing. That would also be gone or it would be cut in half when you cut Medicaid in half.

Again, as Mr. WEINER said, unless the States stepped in and paid for that, a lot of those senior citizens who don't have to go to nursing homes end up staying home and getting the personal care in their homes or apartments, and those programs are going to be eliminated as well.

So it is amazing what the Republicans are doing in this budget: ending Medicare and cutting Medicaid. What that means for senior citizens is just an awful thing. These cuts to Medicaid go into effect immediately, so they impact seniors immediately, and just get worse and worse over the next 10 years. It also applies to the disabled because these are programs that are paying for the disabled. Everything that I said about people over 65, whether it's regarding Medicare or Medicaid, also applies to people who have disabilities.

I just don't understand. Again, Medicare, Medicaid, Social Security, these are programs that the Republicans never liked, never voted for, never supported, and I'll mention one more. Because of the cuts in Medicaid and also because of the cuts in the SCHIP, which is the family care premium, the budget also makes it so a lot of children who now get health care coverage are not going to get health care coverage.

Again, the Republicans are walking away from the seniors, walking away from the disabled, and walking away from the children.

Mr. WEINER. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. I say to the Chair, when I was here at 6 o'clock and was cut off by the Chair and was taken off my feet and lost my ability to speak for reasons that are only known to the Chair, I was prepared to make my 5-minute remarks, and the other Members were prepared to do the same.

I want to say that, just as a matter of comity and as a matter of our all getting along, this is an important debate, and if the effort were to try to figure out a way to stymie the debate and to silence some of us, I just want to remind you that it's not going to work and that we're going to find a way to make this debate happen even if it's late into the evening. But I just want to continue on a point that the gentleman from New Jersey made, and I want us to understand a little bit about the basic tenets of how Medicare works.

Many Members on the other side of the aisle came to the floor today and talked about Medicare as being a one-size-fits-all plan. Medicare works because of its flexibility. My father is a member of an HMO. He chose that option. People can go to individual pay-per-service doctors.

Now, there is no disputing that health care—all health care—is on a rising arc that is unsustainable. That's why the Republican strategy of doing nothing and drilling its head into the sand for years was no longer sustainable, and that's why we Democrats, without a single Republican vote, had to do something about it. The arc of cost is strangling our economy. The arc of cost of not having people insured and of passing along the bills to all of us was an unsustainable model. That's why we made changes that made Medicare more efficient.

For example, one of the things that my friends want to eliminate is the idea that, under Medicare now, under the Affordable Care Act, under ObamaCare, preventative services for seniors are reimbursed 100 percent—no copayment. Why do we do that, and how does that save money? It's because of what our parents and grandparents have taught us time immemorial, that an ounce of prevention is worth a pound of cure, and that by providing coverage for that you actually save money in Medicare. How did we extend Medicare by 10 years? That's one of the ways that we did it.

What my colleagues fail to understand is that we acted just last year. You ask, Where is your plan? We acted just last year to extend the life of Medicare; to expand services provided under Medicare; to reduce the cost to the economy; to provide coverage for the uninsured; to reduce the burden on localities and cities that have to pay for the uninsured now. That's what we did.

What are you doing? You're saying let's take not only the Affordable Care

Act and eliminate all of those protections, but let's go back 40-some-odd years, and let's eliminate the Medicare Act, and let's replace it with something that, oh, lo and behold, takes taxpayer dollars and gives it to insurance companies.

Now, anyone watching this movie from the beginning knows that that's your basic modus operandi, that that's what you always seek to do—to enrich insurance companies. But if you want to provide care for seniors—Democrat seniors, Republican seniors, seniors with no party affiliation—Medicare has turned out to be a very efficient way to do it. Does that mean there are not rising health care costs across the board? Yes, but I'm going to tell you something. Here's this for an interesting little fact:

Medicare's rising cost is actually less than that of the private insurance market. Well, how can that be? Because, as I said, Medicare doesn't take money for profits. Medicare doesn't take money for shareholders. Medicare doesn't take money for advertisements. Medicare doesn't take money for giant call centers, where you call them, and they put you on hold and then ultimately don't give you their service. They don't give giant bonuses to their CEOs. Medicare is an efficient program that's well run because that's how we roll, we Democrats. We do efficient programs that are well run.

What do you do? You want to eliminate them. You like that.

That's how they roll. They want to eliminate these programs. We're standing in the way, but we're not standing alone because seniors of all stripes and even people who are young people who want to someday become seniors understand a program that works when they see it. They also understand a party in retreat when they see it, I say to my good friend. We see how you guys are coming down here. Well, it's not a voucher; it's a coupon. It's not a coupon; it's a price support. Earlier in the day, someone said you're draining the Federal Government. One size fits all.

You guys, I have not seen so much defensive talk in years. But you ought to be a little bit defensive about this because we found out what you believe in. You campaigned on what you were against, and this is apparently it. But here it is. Now you've got to defend it. You should do a better job than simply saying, Oh, no, no, no, no. We love this Democratic program. We're not trying to hurt it.

The American people are much too smart for this. They know if you say we're taking away a guaranteed protection and we're replacing it with a price support document, or whatever euphemism you're going to work, that we Democrats are going to stand up and call you on it every day. You can huff and you can puff, but eventually, it's going to be us blowing your house down. Ultimately, it's going to be the citizens of this country saying, You

know what? I remember now why we put Democrats in charge when we wanted to take care of people, because they create programs like Medicare, and Republicans want to eliminate them.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GUTHRIE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CANSECO) having assumed the chair, Mr. WOMACK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, had come to no resolution thereon.

#### THE WINNERS OF THE NASA AERONAUTICS SCHOLARSHIP AWARD

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize two individuals from my district who were recently selected to receive NASA's Aeronautics Scholarship Award—Khalil Ramadi and Robert Schroeder, both of whom are students of Penn State University.

The Aeronautics Scholarships Program, which is in its fourth year, aids students enrolled in fields related to aeronautics and aviation studies. These gentlemen are two of 25 undergraduates and graduate students selected from hundreds of applicants from across the country to receive aeronautics scholarships.

Robert and Khalil will have the opportunity to intern with NASA researchers and to directly work on projects such as managing air traffic more efficiently and improving safety. They will be part of a nationwide team of researchers that is pursuing an ambitious set of aeronautics technology development goals.

Their hard work has gotten them to this point, and through this award, they will now play an even bigger part in contributing to our Nation's pursuit of solutions for some of the most pressing challenges facing the air transportation systems today.

I want to thank Khalil and Robert for their hard work and dedication. Congratulations on receiving this honored distinction.

□ 2040

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Mary-

land (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT. Mr. Speaker, I would like to spend just a few moments putting the debate that we are having on Medicare in perspective.

This year, our budget deficit will be close to \$1.6 trillion. That is a really big number. Well, what does it mean? Well, it means that about every 6 hours—as a matter of fact, a little less than that—we accumulate another \$1 billion deficit that adds another \$1 billion to our debt.

This \$1.6 trillion is, as a matter of fact, about a half trillion dollars more than all the money that we come here to vote to spend. We spend the better part of 12 months debating a large number of authorizing bills and voting the appropriations bills to spend just a little over \$1 trillion. Our deficit is \$1.6 trillion. That means it's about a half trillion dollars more than all the money we vote to spend. What that means, Mr. Speaker, is that if we had no military—just don't fund it, send all the service people home—if we had no Department of Education, no Department of Commerce, if we emptied all of those large buildings full of government bureaucrats, we would still have about a half trillion dollar deficit. What that means of course is that there is no chance, no opportunity of balancing the budget by cutting spending in all of those programs that we spend the better part of a year debating here.

Well, if that wouldn't balance a budget, what then must we do? It's very clear that if the deficit is about a half trillion dollars more than all the money we vote to spend, that a lot of the spending that accumulates this deficit is in programs that we don't vote to spend money on. These are programs that pay the interest on the debt, that's kind of mandatory spending—if you don't do that you're in big trouble—and it's Medicare and Medicaid and Social Security.

And so in this debate on Medicare, it's not just the Medicare Trust Fund that we're talking about that will go bankrupt—it will because today and every day, with no time out for holidays or weekends, 10,000 of our baby boomers retire and they stop paying into these funds and they start drawing from these funds. And so as we debate this subject, we need to remember that it's bigger than Medicare, that even if you could agree that Medicare will somehow magically be solvent, it really won't matter if we have a country that's bankrupt, will it? Because you can't have a Medicare program in a country that has no government because it has gone bankrupt, and that's what is going to happen if we don't get a handle on this debt. And it's a huge problem.

Our leadership on our side of the aisle worked very hard to keep the promise that was made during the campaign of cutting \$100 billion from

spending this year. That's a lot of money to cut. But even if we had cut the \$100 billion, that would have been one-sixteenth of the deficit. But it turned out to be an amazing disappearing \$100 billion. It shrunk to \$61 billion, then it shrunk to \$38 billion, and then when CBO looked at the actual outlays this year of how much we would save, it shrunk to \$352 million. That is, Mr. Speaker, about one-third of 1 percent of what we promised. And even if we had delivered what we promised, \$100 billion, that would have been roughly 6 percent of the deficit, one-sixteenth of the deficit.

So when we talk about these individual programs, it's nice to keep in perspective the overall picture of where we are. If you are excited by challenges, you will be exhilarated by this challenge because this is a huge, huge challenge that our country faces.

We now are about a decade into a new century and a new millennium. And it's interesting to look back at the last century and ask ourselves what was probably the most important speech given in the last century. Now if you were to ask that question of 100 people, probably not one of them would cite the speech that I'm going to tell you tonight was the most important speech of the last century, but I think that if you were to ask that question 10 or 15 years from now, that almost all of those 100 people would tell you that this speech is probably the most important speech of the last century. It was given on the eighth day of March in 1956 by a man named Marion King Hubbert—generally known as M. King Hubbert—to a group of oil people in San Antonio, Texas.

At that time, the United States was king of oil. We were the first major industrialized nation in the world. We were pumping more oil, we were using more oil, we were exporting more oil than any other country in the world. And M. King Hubbert told this group of oil specialists that in just 14 years—by 1970—the United States would reach its maximum oil production, that no matter what they did after that, oil production in this country would fall off. That was audacious, it was unbelievable—as a matter of fact, it wasn't believed. M. King Hubbert was relegated to the lunatic fringe. How could it be that a country that had discovered this much oil, was king of oil, producing more oil, consuming more oil, exporting more oil than any other country in 14 years is going to reach its maximum production and then fall off?

You know, if you stop to think about it, oil one day will run out, won't it? I started asking myself that question a lot of years ago when I was teaching school, and I taught a class in biology, and all of the publishers would send me their textbook hoping that I would use it in my class and they could sell it to the members of the class.

□ 2050

And I remember I was asking myself the question, you know, oil can't be

forever. When will there be a problem? Next year? Ten years? A hundred years? Maybe it is a thousand years. I had no idea. I had no idea when this crisis would occur. But obviously there had to be a time in which oil would run out. And if there's such a time when oil will run out, there has to be a time when you've reached your maximum ability to produce oil.

Well, the chart that I have here shows what happened. He made that prediction here in 1956. We were here. He said in 1970—that's the peak up there—that we would reach our maximum oil production. This chart shows where that oil was coming from—from Texas, from the rest of the United States, from natural gas, liquids.

And then we made two big oil discoveries. He hadn't included Alaska and he hadn't included the Gulf of Mexico. You can see Alaska there, just a little blip in the slide down the other side of Hubbert's peak, and there you could see the fabled Gulf of Mexico in yellow there, the fabled Gulf of Mexico oil discoveries. It hardly made a difference, did it?

The United States now produces about half the oil that it produced in 1970, and that's in spite of the fact that finding oil that M. King Hubbert did not include in his prediction. He included the lower 48. He did not include Alaska. He did not include the Gulf of Mexico.

But in spite of finding a fair amount of oil there, today we still produce half the oil we did in 1970.

Now, by 1980 if you look on the charts—but in 1980 you could look back and you could say gee, M. King Hubbert was right, wasn't he? The United States did reach its maximum oil production 10 years ago. Wow.

What that means, of course, is that won't the world at some time reach its maximum oil production? How could you argue that the United States is not a microcosm of the world? If the United States reached its maximum oil production in 1970, when would the world reach its maximum oil production? As a matter of fact, M. King Hubbert predicted that the world would be reaching its maximum oil production just about now.

Well, if M. King Hubbert's speech was the most important speech of the last century, one might ask the question, "What was the most insightful speech of the last century?"

Now, I don't know if these two men even knew each other. I don't know if Hyman Rickover, who I think gave the most insightful speech of the last century, don't know if he even knew that M. King Hubbert existed. He was going to talk about the same phenomenon from a very different perspective.

His speech was given the 15th day of May, just a little over a year later, in 1957. The audience was irrelevant, but the audience was a group of physicians in St. Paul, Minnesota. For many years his speech was lost. And just a few years ago it was found, and it's on the

Internet now. And if you'll just Google for "Rickover" and "energy speech," it will come up. And I'm sure that you will agree that it is probably the most prophetic speech that you have ever read.

I'm sure you will agree that it might very well be the most insightful speech of the last century. I have some quotes here from Hyman Rickover's speech. And you know, I'm sure that speech was still around in 1980 when you could look back and see, gee, in 1970, we really did peak in oil production in this country, didn't we?

And looking at what Hyman Rickover said there really should have been some pause, shouldn't there? There is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy. Oh, it's really interesting. Almost all of the energy we use today came from or comes from the sun. It was the sun that made the plants and so forth grow that produced our gas and oil. It's the sun that, with differential heating, makes the winds blow. It's the sun that lifts the water and the clouds, then drops it on the mountains, it runs down to produce hydroelectric power. No wonder many of the ancients worshipped the sun. They kind of understood how important it was to their economy, didn't they?

They were thinking about solar energy 500 million years ago that took eons to grow to its present volume. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect. Wow, what a profound statement he makes here: "The longer they last, the more time do we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift."

Now, this speech was given in 1957. That's more than a half century ago.

This next quote, I love this next quote. "Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare."

You know, I think of that statement when I notice how eager we are to "drill, baby, drill." Drill more, pay less. I have 10 kids, 17 grandkids, and 2 great grandkids. When the Vice President came here to try to get me to vote to drill in ANWR, I told him I'd be happy to vote to drill in ANWR when he promised me they were going to use all the revenues we got from ANWR to invest in alternatives. Because more than a half century ago, Hyman Rickover said that's precisely what we should be doing. And we had not been doing any of it.

I noted to the Vice President that we were going to leave our kids a huge debt. I had no idea then how really

huge it would be because that was several years ago. I said wouldn't it be nice to leave them a little oil so that they might have something to work with that huge debt?

The next chart is another quote from Hyman Rickover. "Whether this golden age," as he referred to it—and wow, what a golden age it's been—"Whether this Golden Age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population." Nearly 7 billion people in the world and energy from fossil fuels, particularly oil, is absolutely essential to their survival. "Possession of surplus energy is, of course, a requisite for any kind of civilization, for if man possesses merely the energy of his own muscles, he must expend all his strength—mental and physical—to obtain the bare necessities of life."

When I first got some statistics on oil and the energy density of oil, I could not believe them. One barrel of oil has the energy equivalent of 25,000 man hours of work. I saw that number and I said, That's incredible. That means it has as much energy in one barrel of oil, 42 gallons. That's 12 people working all year long.

I drive a Prius. And then I thought, you know, a gallon, not very big, a gallon of gasoline will take my Prius—the most recent mileage is 53 miles per gallon. Now, I could pull my Prius 53 miles, but it would take me a spell, wouldn't it? I would have to use come-alongs hooked to the guardrail or trees off to the side and pull the Prius, but it would take me quite a while to pull my Prius 50 miles, and that's just one of those 42 gallons in a barrel of oil. So I guess that 25,000 man hours of effort is really the energy equivalent of a barrel of oil.

And of course what that incredibly cheap energy has done has permitted us to develop a really great quality of life. And Hyman Rickover referred to that as this Golden Age.

The next chart, and he kind of missed it a little here as you will see, in the 8,000 years from the beginning of history to the year 2000, world population will have grown from 10 million to 4 billion with 90 percent. Well, we kind of passed that, didn't we? We're not quite double that, but we're past that. So growth exceeded what he thought it would be.

□ 2100

It took the first 3,000 years of recorded history to accomplish the first doubling of population, 100 years for the last doubling. The next doubling will require only 50 years. As a matter of fact, it required less than that. And the path we are on, you know, we're just going to have increasing numbers of people while we have decreasing supplies of energy to support them.

The next chart, another quote from Hyman Rickover. You know, reading this, after 1980, when you could look back and see that M. King Hubbert was



really right about the United States, shouldn't our leaders have sat down and said, gee, what are we going to do about that?

One final thought I should like to leave with you. "High energy consumption has always been a prerequisite of political power. The tendency is for political power to be concentrated in an ever-smaller number of countries. Ultimately, the nation which controls the largest energy resources will become dominant. If we give thought to the problem of energy resources, if we act wisely and in time to conserve what we have and prepare well for necessary future changes, we shall ensure this dominant position for our own country." Have we done any of that? This is the father of our nuclear submarine, Hyman Rickover. Great advice.

The next chart gives a perspective that Hyman Rickover talked about, and this looks at the age of oil. It goes back to 1630. It could go back to the time of Christ and the chart wouldn't change because the amount of energy the world was using was so small that it wouldn't show above the baseline here. And then we entered the Industrial Age. The brown line there is wood. We started with steam engines and fueling them with wood. And then we found coal, and that's the black line there. And then we found gas and oil. Wow, look what happened when we found gas and oil.

Now, we are going to see this curve again. And we are going to see it again and again. A very steep rise. With this very long time in the abscissa, that rise is really very steep. We will see some other charts where we have stretched out the time and the rise is not so steep. But notice what happens at the very top up there. It fell off and then rose again. That's the recession of the seventies, the Arab oil embargo. You know, you need to thank them for doing that because we woke up. Look what would have happened if that hadn't happened and that exponential curve kept on rising. It would be off the top of the chart.

Our next chart shows that in a different perspective. This is called the oil chart. And if you had only one chart to look at to inform you, this would probably be the one that you would want to look at. The curve that we saw in the last one, that red curve, I said you would see it again and again, and here it is. This is the curve. Now, it was very steep there because they had compressed this time, and so it went up. This is that drop-off in the seventies. Notice what would happen if we hadn't become more efficient as a result of that. This curve would be off the chart by the year 2011.

The vertical bars here show the discovery of oil, and we started discovering it in the forties. And, boy, in the fifties, and sixties, and seventies, huge peak in the seventies. And then by 1980—the black line here represents the use of oil—by 1980 we were using as much oil as we were finding. And after

1980, we always have used more oil than we found that year. But no matter, because there is a huge reserve back here. So we are now filling this space between what we found and what we use by dipping into those reserves that we have.

How long will they last? This chart indicates the future discoveries will be on an ever-decreasing slope. It won't be smooth like that because this has been up and down. That will be up and down. I want you to make your own judgment as to how much of that we're going to find.

By the way, this chart was what, '04 was when this chart was created, and they were predicting that the world was going to reach its maximum oil production probably about what, '10 or so there. As a matter of fact, they were somewhat optimistic, as we'll see a bit later, the peak oil production. Oh, the next chart shows some of that. And we will look at the next chart.

There are two entities in the world that do a very good job of keeping track of how much oil we pump and use. Of course we use all we pump. There is no big reservoir of oil anywhere. And this is the EIA and the IEA. One of them is a creature of the OECD in Europe, and the other is a part of our own Department of Energy. And these are their records of how much oil we have produced.

And notice that for about the last 6 years now we have been plateaued in oil production at about 84 million barrels a day. We are stuck there for about the last 6 years at 84 million barrels a day.

When demand goes up—and the increasing economies in China and India and the developing world, the demand is really going up. When demand goes up and there is a constant supply, what happens to prices? You know, \$50, \$80, \$100, \$147 finally. And that high price of oil combined with a silly housing bubble that we produced in this country, and the world's economy is kind of near collapse. And then oil fell to a bit under \$40 a barrel. But as soon as the economies picked up again, the price of oil increased, and now it's roughly \$100 a barrel.

The next chart looks at the world's picture, and the dark blue on the bottom here is conventional oil. Notice that it increases. They have it at about 2006. There is now general recognition by experts all over the world, even the naysayers like ExxonMobil and CERA, Cambridge Energy Research Associates, now concede that oil peaked in about 2006. But we have had unconventional oil, and we have had natural gas liquids. We are finding more and more natural gas. And there is natural gas liquids. You won't probably put that in your fuel tank because it's propane and butane and that kind of energy source. This chart admits that we have reached the peak, and it's going to fall off. Doesn't this look very much like Hubbert's curve for our country, falling off?

Now, I am sorry I don't have the next chart that they created just 2 years after this, but let me tell you the differences. The chart they created 2 years after this has two main differences. One, it went out to 2035 instead of 2030. Notice that the total oil production, adding up all of these various sources of oil, came to 106 million barrels a day, they thought, by 2030. Now, just 2 years later—this was an '08 chart—by '10, they had produced a chart that said that the peak production 5 years later was going to be only 96 million barrels a day. They had lowered their expectations. They also had lowered their expectations of how much oil we are going to be getting from our current fields, because this line had dropped off considerably lower in their chart just 2 years later.

Now, they have our availability of oil ever going up and up, down to only 96 million barrels a day in 2035 in their next chart. But the contribution to that is very little of it comes from our conventional oil. Most of it is going to come from oil from fields that we have discovered and not developed. That's the light blue. And the red there is from fields yet to be discovered. And that disparity is even more acute in the chart that they developed just 2 years later.

I will tell you with considerable confidence that those two wedges are not going to occur in anything like that magnitude. The world inevitably will follow the same curve that the United States followed.

□ 2110

We reached the peak in 1970. We have been falling off ever since. In spite of finding oil in Alaska and the Gulf of Mexico, in spite of drilling more oil wells than all of the rest of the world put together, today we produce half the oil we did in 1970. This relates to the discussion that we are having about the budget and about Medicare.

PAUL RYAN had a bill which he called the "roadmap," and it was a way to get at the problem of our debt and deficit, and it was pretty tough. It was so tough that only about 12 or 13 of us signed onto that roadmap.

Then we came to the budget debate, and all but four Republicans voted for that budget. I was almost the fifth one not to because I didn't think that it was going to solve our problem. It didn't cut enough. We weren't going to balance the budget.

PAUL says that his budget pays down the debt, but it doesn't balance for 25 years. And to make it balance in 25 years, he projects fairly robust growth. That robust growth will not occur because, as soon as the world's economy picks up and the demand for oil picks up, since we have done nothing that we were advised to do by Hyman Rickover more than 50 years ago in planning an orderly transition to other sources of energy, when the price of oil goes up again to \$125, \$150 a barrel, even if you believe that our economy is going to

pick up—and it won't—it still takes 25 years to balance the budget. So what we are talking about tonight in this energy thing really, really is important in our budget debate as well.

The next chart is an interesting one. This was from several years ago, before the peaking of oil. It shows the exports in the world and when they thought oil would peak. Here is the year they thought it would peak—and some of them a very long time from now. Well, Deffeyes said before 2009, and it certainly was before 2009, but it occurred earlier—well, 2006 and 2007. It occurred in 2006.

The next chart shows exactly these same things in a pictorial form so that you can see some of them. They weren't going to miss the bet, were they? They could occur any time during those many, many years there, but there is almost unanimous agreement now that oil did peak in 2006.

The next chart shows four studies. There are five reports, but there were only four studies because two reports came from the same study.

Your government paid for four different studies, two of them issued in 2005 and two of them issued in 2007. There was a second iteration of the DOE report here that occurred a little later, in '05 and '07. They all said essentially the same thing, that the peaking of oil was either present or imminent with potentially devastating consequences.

Now, why did your government pay for four reports? Because they didn't like what the first report said. Then they got the second one that said the same thing, and they didn't like that either. So they ordered a third one, and they didn't like what that report said either. The President finally ordered the National Petroleum Council report.

The next chart is one of the quotes from the first report, which is a big SAIC report. Dr. Robert Hirsch was the leading investigator, so it's frequently called the "Hirsch report," and I have a couple of quotes from this.

The peaking of world oil production presents the U.S. and the world with an unprecedented risk management problem. As peaking is approached, liquid fuel prices and price volatility will increase dramatically, up to \$149 a barrel; and without timely mitigation, the economic, social and political cost will be unprecedented.

On the next chart—and this was all out there since 2005—world production of conventional oil will reach a maximum and will decline thereafter.

They said that with quite some confidence because it happened in the United States, unquestionably, and the United States has to be a microcosm of the world. That maxim is called the "peak." A number of confident forecasters projected peaking within a decade. Others contend it will occur later. Well, it occurred well within the decade.

The world has never faced a problem like this. It is unprecedented. Without

massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions—wood to coal and coal to oil—were gradual and evolutionary. Oil peaking will be abrupt and revolutionary. This was in 2005. Your government didn't like what that report said, so they just ignored it.

In the same year was another report by the Army Corps of Engineers, and I have several quotes: The current price of oil is \$45 to \$57 a barrel and is expected to stay that way for several years.

Wow, even the experts get it wrong sometimes, don't they?

Oil prices may go significantly higher, and some have predicted prices ranging up to \$180 a barrel in a few years.

Well, it reached \$147, but it didn't reach \$180 because the economy collapsed, and the demand for oil went down. With the demand down, the price went down.

The next chart is another quote from this same study. Petroleum experts Colin Campbell, Jean Laherrere, Brian Fleay, Roger Blanchard, Richard Duncan, Youngquist, Albert Bartlett—my namesake. I wish I had some of his genes. He has given a great speech on energy. Google for "Albert Bartlett, an energy speech." He has probably given his speech about 2,000 times now. It is the best speech I have heard on energy—have estimated that a peak in conventional oil production will occur around 2005. It occurred in 2006. They didn't miss it very much.

The next statement isn't from the Corps of Engineers. It's a statement from Condoleezza Rice, which I thought was a very insightful statement:

We do have to do something about the energy problem. I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is—I will use the word—"warping" diplomacy around the world. We have simply got to do something about the warping now, a diplomatic effort by the all-out rush for energy supply.

Good advice. What did we do? What did we do?

The next chart is another quote from the Corps of Engineers:

Oil is the most important form of energy in the world today. Historically, no energy source equals oil-intrinsic qualities of extractability, transportability, versatility, and cost. The qualities that enabled oil to take over from coal as the frontline energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then.

All ignored by your government.

On the next chart, there is another quote from this same study by the Corps of Engineers. Well, they're quoting Jean Laherrere and our Energy Department. Just go back and look. Historically, you can Google and find

him, I'm sure. They are projections of what energy was going to be available to us. This is his quote on that, Laherrere's quote:

The USGS estimate implies a five-fold increase in discovery rate—you have to have that much discovery rate to keep up with what we're using—for which no evidence is presented. Such an improvement in performance is, in fact, utterly implausible given the great technological achievements of the industry over the past 20 years, the worldwide surge and the deliberate efforts to find the largest remaining prospect.

We are finding more oil. One of the big finds in the Gulf of Mexico was under 7,000 feet of water and 30,000 feet of rock. A big discovery of oil is 10 billion barrels. We use 84 million barrels a day. That means, in 12 days, we use 1 billion barrels of oil.

□ 2120

That's a staggering number. What that means is if you found 10 billion barrels of oil and you could get it all out, that will last the world 120 days. Big deal.

The next chart is Shell Oil. By the year 2100, the world's energy system will be radically different from today's. The world's current predicament limits our maneuvering room. We are experiencing a step change in the growth rate of energy demand, and Shell estimates that after 2015, supplies of easy access to oil and gas will no longer keep up with demand. That didn't wait until 2015. It happened in 2006. But he was generally right. This was of an absolute certainty going to happen.

The next chart presents us with a dilemma that many people are concerned about. It's a national security issue. We have only 2 percent of the world's oil reserves. We use 25 percent of the world's oil. We are only a little less than 5 percent of the world's population. We import about two-thirds percent of what we need. Many people rightfully believe that having only 2 percent of the world's reserves and using 25 percent of the world's oil and importing two-thirds of what we use presents an undesirable national security risk. As a matter of fact, there were 30 prominent scientists and thought leaders who wrote a letter to President Bush saying exactly that.

Notice that, though we have only 2 percent of the world's oil, we are producing 8 percent of the world's oil. We field more oil wells than all the rest of the world put together. It's like several kids sharing a soda and they have half a dozen straws in one soda, you can suck it down pretty quick, can't you? And that's where we are with oil.

The next chart is an interesting one. And what this chart shows us is the energy density of these various types of fuel. Notice that oil aviation fuel, boy, that's refined, isn't it? It's got lots of energy. And so does natural gas, which is why natural gas is a great fuel for cars if you have the infrastructure to

support that. But notice all these other sources of energy, the energy density in oil is just incredible. There's nothing else, there is no readily available source of energy that comes even close to the energy density in oil as we look at alternatives.

The next chart, and some people will tell you, yes, I know, oil is short, but who cares? Because we are king of coal, we're the Saudi Arabia of coal, we have enough coal to last us for a long time. I've had Members tell me it will last us 500 years. A commonly quoted amount of coal is we have a 250-year supply of coal—at current use rates. Note when people tell you how much of something we have at current use rates, think about what increasing use will do to that. If we increase the use of coal only 2 percent—and we'll increase the use more than that as we run down on oil and we have learned to do what Hitler did and South Africa did to create oil and gas from coal—just a 2 percent growth doubles in 35 years. That's not enough growth to keep our stock market happy. It wants more than 2 percent. But 2 percent doubles in 35 years. It's four times bigger in 70 years. It's 8 times bigger in 105 years. It's 16 times bigger in 140 years. So that 250 years of coal shrinks to just 50 years of coal, by 85, if you use it as coal, but if you're going to use some of the energy to convert it to a gas or liquid, now it shrinks to 50 years. So your 250 years shrinks to 50 years if you have only 2 percent increase in its use and if you convert it to a gas or a liquid.

But the reality is that there is no way you can avoid sharing that coal or the gas or oil you would get from it with the world. Because if you use oil or gas that you've made from your coal, then somebody else buys the oil from Saudi Arabia or Hugo Chavez. So the reality is that you have no alternative but to share it with the world. We use one-fourth of the world's oil, so that means it will last the world 12½ years.

Now the National Academy of Sciences says we haven't looked at the coal reserves for a long while, since the 1970s, and they think we probably have about 100 years of coal at current use rates. But even if we had 250 years at current use rates, just 2 percent gross shrinks to 85, convert it to gas or a liquid and it drops to 50, and you have no alternative but to share it with the world. So it drops to 12½ years.

The next chart shows us something very interesting. What it shows us is that we don't have to look to a decreased quality of life if we are using less energy. This is the human development index. It's a per capita energy consumption. You notice that we share a lone position way out there at the end of the curve. But notice how flat that curve is on top. The people using roughly half the energy we do, the human development index, which is life expectancy, education level, relative income, is about the same as ours using only half the energy we use. As a

matter of fact, that's where Europe is. They use half the energy we use.

The next chart looks at some of the same phenomena in a different way. This is how happy people are with their station in life. Now here we are, using the most energy, that's on the bottom, how much energy you are using, we use the most energy, and we're pretty happy about things, aren't we? But notice how many countries, I think there are 22 of them, that feel better about their quality of life than we feel using, some of them, only half as much energy as we use.

Now on both of these curves you have to get back down to about here, which is about one-third as much energy as we use before you start falling off quickly in these indices or in your perception of quality of life.

The next chart looks at our energy consumption. Where does our energy come from? We've been talking about oil. But we're getting energy from a lot of other sources too, from natural gas, most of it from oil, from petroleum, from coal, from nuclear about 8 percent, which is about 19 percent of our electricity. This is total energy production, not electricity, but 19 percent of our electricity comes from nuclear. If you don't like nuclear, drive down the road tonight and note that every fifth house and every fifth business would have no lights if we had no nuclear. So it is a little wedge in there, 6 percent, which is renewables—just 6 percent. And notice—well, hydroelectric is a big part of that; biomass, that's the paper industry and the wood industry burning by-products and so forth and waste-to-energy, instead of putting it in a landfill you burn it; geothermal, that's true geothermal, tapping into the molten core of the Earth; wind and solar, look how tiny they are. They have huge potential for growth. But at the moment they are pretty, pretty small.

The next chart shows us something interesting, and that's about efficiency. The bar on the left looks at incandescent lights. My wife got a few chickens recently, and she put a lightbulb over them to give them heat because about 90 percent of all the energy from the light bulb, more than 90 percent, goes to heat. But if you use a fluorescent—look at it—enormously more efficiency in the fluorescent. And if you do go to an LED, look at the ratios in a LED. I have an LED flashlight, and I forget when I put batteries in it. Notice most of the new cars in front of you have LED lights.

The next chart kind of puts this problem in a global perspective. This is the world according to oil. It's what the world would look like if the size of the country was relative to how much oil it had. Now we've got to modify this a little because WikiLeaks just exposed some papers from Saudi Arabia that said they've been fibbing about how much oil they have, that they really have 40 percent less oil than they said they have. That's true I think of all of the OPEC countries, because back

when they could produce enough oil to drive the price of oil down, they could produce a certain percentage of their reserves.

□ 2130

But if they wanted to produce more oil, they just said they had more reserves. They didn't find any more oil, but some of their reserves magically grew on paper. It was kind of a contest amongst liars, and Saudi Arabia was exposed. So it would modify a little, but still most of the oil is in that part of the world.

Here is the United States, 2 percent of the oil. We use 25 percent of the oil. Our biggest supplier of oil is Canada. Our third biggest supplier is Mexico. Both of them have less oil than we, but Canada has few people, so they can export. Mexico has a lot of people, but they are too poor to buy the oil, so they can export. Just a few months ago, Mexico slipped to number three supplier and Saudi Arabia now is our number two supplier of oil.

I want you to look at China and India over there. They are tiny. Last year the Chinese bought 13 million cars. We struggle to sell 12 million cars. They have 1.3 billion people, and they are entering the industrial age.

Mr. Speaker, the next chart looks at this same global picture in a somewhat different way. The left bar is the top 10 oil and gas companies on the basis of oil production. Now, we think ExxonMobil and Royal Dutch Shell and BP are pretty big players, don't we? They have only, collectively, 22 percent of all of the oil production in the world.

The right-hand bar looks at another part of this, and that is who has the oil. Notice that our big three or four don't even show up over there. These are the top 10. Almost all of the top 10 are Arab countries where it is not a company that owns the oil; it is a country that owns the oil. LUPE Oil, which is kind of private up there, they show it white, in Russia, is only 2 percent of the total amount of oil held by the top 10 countries in reserves.

Anyway, China is buying up reserves all over the world. And I asked the State Department why would they do that since in today's world it doesn't make any difference who owns the oil. The person who comes to the global oil auction with enough dollars—and let's hope it stays dollars and doesn't go to Euros or we are in really big trouble—you buy the oil you want. We have only 2 percent of the oil, we use 25 percent of the oil, and we aren't buying oil reserves anywhere. What is the difference? The State Department's answer, and I don't think that is the correct answer, they told me that China didn't understand the marketplace. Come on now. A country that during this recession dropped from 14 percent growth to 8 percent growth, and they don't understand the marketplace?

China is doing something else simultaneously, by the way. They are aggressively buying a blue water navy.

Do you think the time might come when China says, hey, we have 1.3 billion people, and these 900 million people who are in rural areas through the miracle of communications know the value of an industrialized society and they say, gee, how about us? I think China sees their empire unraveling the way the Soviet empire saw their empire unravel if they can't meet the needs of these people. China is buying oil reserves and building a big blue water Navy because the day will come they will tell us, gee, I'm sorry, but it is our oil. We have 1.3 billion people, and we can't share the oil.

I led a codel to China a little over 4 years ago, and I was stunned. This wasn't just the people concerned about energy in China; it was everybody we met. They talked about post-oil. There will, of course, be a post-oil world. It will be a long while from now. Hyman Rickover had no idea how long this age of oil would last. He was 100 years into what we call this golden age. We now know pretty much how long the age of oil will last. We are about halfway through it. We are 150 years in it. And he was right, in the 8,000-year recorded history of man, Hyman Rickover said the age of oil would be but a blip. It will be about 300 years long. We are about 150 years in it. From now on, the next 150 years, there will be less and less. It will be harder and harder to get, more and more expensive.

This is the five-point plan. Conservation. My wife says that she thinks that conservatives ought to be interested in conservation—they don't seem to be—because they come from a common root. Conservatives aren't interested in conservation. That is the only thing we can do to buy some time, to free up some energy so we can invest in developing alternatives.

The second and third are domestic sources of energy and diversify as much as you can.

The fourth one may surprise you: environmental impact. Be kind to the environment. They know that they are not. But as I mentioned, they have these 900 million people that are clamoring for the benefits of an industrialized society, so they are building a coal-fired power plant every week, and they are starting the construction of 100 nuclear power plants.

And the fifth bullet here: international cooperation. They know that there is no way that any one nation can face this problem alone, that we need international cooperation. But while they plead for international cooperation, they are planning for the eventuality that we won't have international cooperation because they are buying up oil reserves all over the world. And they are not just oil reserves; they are buying goodwill. What do you need, a soccer stadium? roads? a hospital? Wherever they buy oil reserves, they are buying goodwill. And remember, they are simultaneously building this huge blue water navy.

What now? Our next and last chart for this evening, What America Needs.

We are the most creative, innovative society in the world. If we understand the problem, there is nothing that we can't do. Our people just need to understand the problem. We need to have leadership that understands the problem. I tell audiences that the innocence and ignorance on matters of energy in our general population is astounding; and, sadly, we have truly representative government.

Well, what do we do? We need the total commitment of World War II. I lived through that war. I was born in 1926. I know the total commitment we had during that war. There has been nothing like it since. We need the technology and intensity and focus of the Apollo program to land a man on the moon. That cost \$275 billion in 2006 dollars, which is when oil peaked. And we need to have the urgency of the Manhattan Project. Minus that, we are going to face the kind of disruptions that were forecasted by the Hirsch Commission, the big SAIC report.

The world has never faced a problem like this. I like challenges. They excite me. And this is a huge challenge. It is an exhilarating challenge, but I know with proper information, with proper knowledge, with proper leadership, the United States is up to the task.

By the way, developing this green technology will again make us an exporting country. People brag about we have this nice, clean, service-based economy. If you think about that, no matter how much you charge for cutting each other's hair and taking in each other's laundry, that is not going to be a viable economy. Only three things produce wealth, and manufacturing is a major one of those. That is now all moving offshore.

We can again become a major manufacturing country by focusing on this green technology and by developing the alternatives that we must develop if we're going to continue to maintain our quality of life.

I look forward to a very challenging future.

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

#### REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Ms. FOXX (during the Special Order of Mr. BARTLETT) from the Committee on Rules, submitted a privileged report (Rept. No. 112-88) on the resolution (H. Res. 276) providing for further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRELINGHUYSEN (at the request of Mr. CANTOR) for today on account of a death in the family.

Ms. HANABUSA (at the request of Ms. PELOSI) for today.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 25, 2011, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1635. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metiram; Pesticide Tolerances [EPA-HQ-OPP-2005-0308; FRL-8869-1] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1636. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mefenpyr-diethyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0267; FRL-8870-9] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1637. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyrasulfotole; Pesticide Tolerances [EPA-HQ-OPP-2010-0266; FRL-8869-5] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1638. A letter from the Assistant Secretary, Department of Defense, transmitting a report to Congress specifying each Reserve component the additional items that would have been requested if the President's Budget had equaled the average of the two previous years, pursuant to 10 U.S.C. 10543(c); to the Committee on Armed Services.

1639. A letter from the Under Secretary, Department of Defense, transmitting Authorization of Brigadier General Larry D. Wyche, United States Army, to wear the authorized insignia of the grade of major general; to the Committee on Armed Services.

1640. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert L. Van Antwerp Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1641. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Control of Ergocristine, a Chemical Precursor Used in the Illicit Manufacture of Lysergic Acid Diethylamide, as a List I Chemical [Docket No.: DEA-320F] (RIN: 1117-AB24) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1642. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2012 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2012 [Docket No.: NHTSA-2011-0026] (RIN: 2127-AK91) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1643. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions; Interim Rules; Stay and Revisions [EPA-HQ-OAR-2004-0014; FRL-9299-3] (RIN: 2060-AQ73) received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1644. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Removal of Vehicle Inspection and Maintenance Programs for Clark and Floyd Counties [EPA-R05-OAR-2009-0729; FRL-9299-7] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1645. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clarifications to Indian Tribes' Clean Air Act Regulatory Requirements; Direct Final Amendments [EPA-HQ-OPPT-2010-0293; FRL-9300-2] (RIN: 2060-AQ56) received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1646. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference [DE104-1102; FRL-9298-3] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1647. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas' Prevention of Significant Deterioration Program [EPA-HQ-OAR-2010-1033; FRL-9299-9] (RIN: 2060-AQ68) received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1648. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Interim Enforcement Policy for Minimum Days Off Requirements [NRC-2011-0084] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1649. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — NRC Regulatory Issue Summary 2005-02, Revision 1 Clarifying the Process for Making Emergency Plan Changes May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1650. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Information Relevant to Ensuring That Radiation Exposures at Medical Institutions Will Be As Low As Is Reasonably Achievable, Regulatory Guide 8.18 received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1651. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Standard Format and Content for Emergency Plans for Fuel Cycle and Materials Facilities Regulatory Guide 3.67 received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1652. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Review of the Office of Risk Management Fiscal Year 2009 Performance Accountability Report", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

1653. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Sufficiency Review of the District of Columbia Water and Sewer Authority's (DC Water) Fiscal Year 2011 Revenue Estimate in Support of the Issuance of \$300,000,000 in Public Utility Subordinate Lien Revenue Bonds (Series 2010A and Series 2010B)", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

1654. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting the Department's fiscal year 2010 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1655. A letter from the Secretary, Department of Education, transmitting the Department's fiscal year 2010 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1656. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1657. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's fiscal year 2010 annual report prepared in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1658. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2010; to the Committee on Oversight and Government Reform.

1659. A letter from the Diversity and Inclusion Director, Federal Reserve System, transmitting the seventh annual report pursuant to Section 203(a) of the No Fear Act, Pub. L. 107-174, for fiscal year 2010; to the Committee on Oversight and Government Reform.

1660. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendment to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 112-29); to the Committee on the Judiciary and ordered to be printed.

1661. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on compliance within the time limitations established for deciding habeas corpus death penalty petitions under

Title I of the Antiterrorism and Effective Death Penalty Act of 1996; to the Committee on the Judiciary.

1662. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 112-28); to the Committee on the Judiciary and ordered to be printed.

1663. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 112-30); to the Committee on the Judiciary and ordered to be printed.

1664. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 112-31); to the Committee on the Judiciary and ordered to be printed.

1665. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-Trent 900 Series Turbofan Engines [Docket No.: FAA-2011-0176; Directorate Identifier 2011-NE-05-AD; Amendment 39-16636; AD 2011-06-11] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1666. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747 Airplanes [Docket No.: FAA-2008-0090; Directorate Identifier 2007-NM-312-AD; Amendment 39-16627; AD 2011-06-03] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1667. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; B-N Group Ltd. Model BN-2, BN-2A, BN-2A-2, BN-2A-3, BN-2A-6, BN-2A-8, BN-2A-9, BN-2A-20, BN-2A-21, BN-2A-26, BN-2A-27, BN-2B-20, BN-2B-21, BN-2B-26, BN-2B-27, BN-2T, and BN-2T-4R Airplanes [Docket No.: FAA-2010-1255; Directorate Identifier 2010-CE-059-AD; Amendment 39-16618; AD 2011-05-09] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1668. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, 700C, -800, -900, and -900ER Series Airplanes [Docket No.: FAA-2009-1253; Directorate Identifier 2009-NM-080-AD; Amendment 39-16629; AD 2011-06-05] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1669. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airways V-1, V-7, V-11 and V-20; Kona, Hawaii [Docket No.: FAA-2011-0009; Airspace Docket No. 10-AWP-20] received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1670. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of class E Airspace; Kutztown, PA [Docket No.: FAA-2010-0869; Airspace Docket No. 10-AEA-21] received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1671. A letter from the Administrator, Department of Homeland Security, transmitting the Administration's certification that

the level of screening services and protection provided at Kansas City International Airport will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers; to the Committee on Homeland Security.

1672. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) April 2011 Quarterly Report, pursuant to Public Law 108-106, section 3001; jointly to the Committees on Foreign Affairs and Appropriations.

#### 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. BISHOP of Utah: Committee on Rules. House Resolution 276. Resolution providing for further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes (Rept. 112-88). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RAHALL (for himself, Mr. COLE, and Ms. NORTON):

H.R. 1953. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CAMP:

H.R. 1954. A bill to implement the President's request to increase the statutory limit on the public debt; to the Committee on Ways and Means.

By Mr. TIBERI (for himself, Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, Ms. LEE of California, and Mrs. MALONEY):

H.R. 1955. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, burns, infection, tumor, or disease; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, 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. SAM JOHNSON of Texas:

H.R. 1956. A bill to amend the Internal Revenue Code of 1986 to require individuals to provide their Social Security number in order to claim the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself and Ms. BERKLEY):

H.R. 1957. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to pro-

mote tax compliance in the cosmetology sector; to the Committee on Ways and Means.

By Ms. BERKLEY (for herself, Mr. THOMPSON of Pennsylvania, Mr. RUPPERSBERGER, Mr. GUTHRIE, and Mr. NEAL):

H.R. 1958. A bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for orthotics and prosthetics, to apply accreditation and licensure requirements to suppliers of such devices and items for purposes of payment under the Medicare program, and to modify the payment rules for such devices and items under such program to account for practitioner qualifications and complexity of care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. TONKO:

H.R. 1959. A bill to deny certain tax benefits to oil and gas companies and to invest the savings in clean energy programs; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Science, Space, and Technology, and Education and the Workforce, 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. WITTMAN (for himself and Mr. DINGELL):

H.R. 1960. A bill to extend the authorization of appropriations for allocation to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017; to the Committee on Natural Resources.

By Mr. BOREN:

H.R. 1961. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, Mr. ROGERS of Michigan, and Mr. DANIEL E. LUNGREN of California):

H.R. 1962. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), 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. SENSENBRENNER (for himself and Mr. SMITH of Texas):

H.R. 1963. A bill to temporarily extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), 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. GERLACH (for himself, Mr. THOMPSON of California, Mr. ALEXANDER, Mr. ALTMIRE, Mr. ANDREWS, Mr. AUSTRIA, Mr. BACA, Mr. BACHUS, Ms. BALDWIN, Mr. BARROW, Mr. BARTLETT, Ms. BASS of California, Mr. BECERRA, Mr. BENISHK, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Geor-

gia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BONNER, Mr. BOREN, Mr. BOSWELL, Mr. BRADY of Texas, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. BROWN of Florida, Mr. BUCHANAN, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARTER, Ms. CASTOR of Florida, Mr. CHANDLER, Ms. CHU, Mr. CICILLINE, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COBLE, Mr. COHEN, Mr. CONAWAY, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CRAWFORD, Mr. CRITZ, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVIS of Kentucky, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DENT, Mr. DIAZ-BALART, Mr. DINGELL, Mr. DOGGETT, Mr. DONNELLY of Indiana, Mr. DOYLE, Mr. DUNCAN of Tennessee, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FITZPATRICK, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GARAMENDI, Mr. GARDNER, Mr. GONZALEZ, Mr. GOODLATTE, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GRIMM, Mr. GUTHRIE, Mr. GUTIERREZ, Ms. HANABUSA, Mr. HASTINGS of Florida, Ms. HAYWORTH, Mr. HEINRICH, Mr. HIGGINS, Mr. HIMES, Mr. HINCHAY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. HULTGREN, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES, Ms. KAPTUR, Mr. KILDEE, Mr. KIND, Mr. KING of New York, Mr. KING of Iowa, Mr. KISSELL, Mr. LANCE, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LATHAM, Mr. LATOURETTE, Mr. LATTI, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LUJÁN, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. LYNCH, Mrs. MALONEY, Mr. MANZULLO, Mr. MARKEY, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHENRY, Mr. MCINTYRE, Mrs. MCMORRIS RODGERS, Mr. MCNERNEY, Mr. MEEHAN, Mr. MICHAUD, Mr. MILLER of North Carolina, Mrs. MILLER of Michigan, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Connecticut, Mrs. MYRICK, Mrs. NAPOLITANO, Mr. NEAL, Mr. NUNES, Mr. NUNNELEE, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR of Arizona, Mr. PAUL, Mr. PAULSEN, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERS, Mr. PETERSON, Ms. PINGREE of Maine, Mr. PITTS, Mr. POLIS, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. REHBERG, Mr. RENACCI, Mr. REYES, Mr. RIVERA, Mr. ROE of Tennessee, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. ROSS of Florida, Mr. ROSS of Arkansas, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr.

SCHRADER, Ms. SCHWARTZ, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESSIONS, Mr. SHERMAN, Mr. SHULER, Mr. SHUSTER, Mr. SIMPSON, Mr. SIREB, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of Nebraska, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Ms. SPEIER, Mr. STARK, Ms. SUTTON, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. TIBERI, Mr. TIPTON, Mr. TONKO, Mr. TOWNS, Ms. TSONGAS, Mr. TURNER, Mr. UPTON, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. VISCLOSKEY, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WELCH, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. WU, Mr. YARMUTH, Mr. YOUNG of Alaska, Mr. GIBSON, Mr. GARRETT, Mr. BOUSTANY, Mr. BASS of New Hampshire, Mr. WOLF, Mr. MILLER of Florida, Mr. PLATTS, Ms. SEWELL, and Mr. REICHERT):

H.R. 1964. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Ways and Means.

By Mr. HIMES (for himself and Mr. WOMACK):

H.R. 1965. A bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes; to the Committee on Financial Services.

By Mr. HOLT (for himself, Mr. WU, Mr. PIERLUISI, Mr. GRIJALVA, Mr. POLIS, Mr. VAN HOLLEN, and Mr. REYES):

H.R. 1966. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a partnership program in foreign languages; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mrs. CAPPS, Mr. OLVER, Mrs. CHRISTENSEN, Mr. MCNERNEY, and Mr. PIERLUISI):

H.R. 1967. A bill to encourage water efficiency; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, and Armed 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. ISRAEL:

H.R. 1968. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes; to the Committee on Armed Services.

By Ms. JENKINS (for herself, Mr. CLEAVER, and Mr. YODER):

H.R. 1969. A bill to provide for private-sector solutions to certain pension funding challenges, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, 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 Ms. LEE of California (for herself and Mr. BISHOP of Utah):

H.R. 1970. A bill to amend the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. McMORRIS RODGERS (for herself and Mr. WEINER):

H.R. 1971. A bill to amend the Public Health Service Act to ensure transparency and proper operation of pharmacy benefit managers; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, 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 Ms. NORTON:

H.R. 1972. A bill to amend title 40, United States Code, to authorize the National Capital Planning Commission to designate and modify the boundaries of the National Mall area in the District of Columbia reserved for the location of commemorative works of pre-eminent historical and lasting significance to the United States and other activities, to require the Secretary of the Interior and the Administrator of General Services to make recommendations for the termination of the authority of a person to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Natural Resources.

By Mr. QUIGLEY (for himself and Ms. CHU):

H.R. 1973. A bill to amend title 18, United States Code, to prohibit public officials from engaging in undisclosed self-dealing; to the Committee on the Judiciary.

By Mr. QUIGLEY (for himself, Mr. CLAY, Mr. CUMMINGS, Mr. TOWNS, Ms. NORTON, Mr. COOPER, and Mr. LYNCH):

H.R. 1974. A bill to require the Public Printer to establish and maintain a website accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, 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. SCHIFF (for himself, Mrs. NAPOLITANO, Ms. SPEIER, Ms. RICHARDSON, Ms. WOOLSEY, Mr. HONDA, Ms. LEE of California, Mr. COSTA, Mr. HUNTER, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. STARK, Mr. MCNERNEY, Mr. GALLEGLY, Mr. SHERMAN, Mr. MCCLINTOCK, Ms. MATSUI, Mr. CALVERT, Mr. GARAMENDI, Mr. FARR, Mrs. CAPPS, Ms. PELOSI, Ms. ZOE LOFGREN of California, Mr. CARDOZA, Mr. BERMAN, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mrs. BONO MACK, Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mr. ROHRBACHER, Ms. ESHOO, Ms. CHU, Mr. BILBRAY, and Mr. NUNES):

H.R. 1975. A bill to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the "First Lieutenant Oliver Goodall Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. SCOTT of South Carolina (for himself, Mr. WILSON of South Carolina, Mr. GOWDY, Mr. DUNCAN of South Carolina, and Mr. MULVANEY):

H.R. 1976. A bill to amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect; to the Committee on Education and the Workforce.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, and Mr. GUTIERREZ):

H.R. 1977. A bill to improve the financial safety and soundness of the FHA mortgage

insurance program; to the Committee on Financial Services.

By Mr. BOREN:

H.J. Res. 65. A joint resolution proposing an amendment to the Constitution of the United States to prohibit candidates for election to Congress from accepting contributions from individuals who do not reside in the State or Congressional district the candidate seeks to represent; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. JACKSON of Illinois, and Mr. CLAY):

H. Con. Res. 52. Concurrent resolution expressing the sense of Congress that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation; to the Committee on the Judiciary.

By Mr. GARRETT:

H. Con. Res. 53. Concurrent resolution declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself and Mr. BILIRAKIS):

H. Con. Res. 54. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on Foreign Affairs.

By Ms. FOX:

H. Res. 274. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. RICHARDSON (for herself, Ms. BORDALLO, Mr. FALOMAVAEGA, Ms. HANABUSA, Mr. AL GREEN of Texas, Ms. JACKSON LEE of Texas, Mr. AUSTRIA, Ms. SPEIER, Mr. FILNER, and Mr. FARR):

H. Res. 275. A resolution honoring the 113th anniversary of the independence of the Philippines; to the Committee on Foreign Affairs, and in addition to the Committee on Armed 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. CARSON of Indiana (for himself, Mr. DONNELLY of Indiana, Ms. KAPTUR, Mr. BUCSHON, Mr. PENCE, Mr. ROKITA, Mr. VISCLOSKEY, Mr. BURTON of Indiana, and Mr. YOUNG of Indiana):

H. Res. 277. A resolution recognizing the 100th anniversary of the inaugural Indianapolis 500 held at Indianapolis Motor Speedway in 1911; to the Committee on Oversight and Government Reform.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

19. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution 45 urging the Congress to pass legislation that would compel any lending institution, before foreclosing on a residential property, to provide the mortgagor with modifications to the home loan that are reasonable; to the Committee on Financial Services.

20. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 48 urging the Congress to remove grey wolves in Michigan from the federal endangered species list; to the Committee on Natural Resources.

21. Also, a memorial of the House of Representatives of the State of Washington, relative to House Joint Memorial No. 4004 urging the Congress to enact a bill that is the same as or similar to HR 1034 from the 111th Congress; to the Committee on the Judiciary.

22. Also, a memorial of the Senate of the State of Ohio, relative to Senate Concurrent Resolution No. 5 requesting that the NASA Administrator transfer a space shuttle orbiter to the Air Force's National Historical Collection; jointly to the Committees on Armed Services and Science, Space, and Technology.

23. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 24 urging the Congress and the United States Drug Enforcement Agency to make it illegal to possess, use, or sell the drugs MDPV and mephedrone; jointly to the Committees on the Judiciary and Energy and Commerce.

**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. 1953.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

*By Mr. CAMP:*

H.R. 1954.

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 Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

*By Mr. TIBERI:*

H.R. 1955.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

*By Mr. SAM JOHNSON of Texas:*

H.R. 1956.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

*By Mr. SAM JOHNSON of Texas:*

H.R. 1957.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

*By Ms. BERKLEY:*

H.R. 1958.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3; and including, but not solely limited to Article I, Section 8, Clause 14.

*By Mr. TONKO:*

H.R. 1959.

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. WITTMAN:*

H.R. 1960.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

*By Mr. BOREN:*

H.R. 1961.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

*By Mr. SENSENBRENNER:*

H.R. 1962.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause I of the United States Constitution.

*By Mr. SENSENBRENNER:*

H.R. 1963.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clauses 1 and 3 of the United States Constitution.

*By Mr. GERLACH:*

H.R. 1964.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

*By Mr. HIMES:*

H.R. 1965.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

*By Mr. HOLT:*

H.R. 1966.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

*By Mr. HOLT:*

H.R. 1967.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

*By Mr. ISRAEL:*

H.R. 1968.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14 on Military Regulation.

*By Ms. JENKINS:*

H.R. 1969.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

The Congress shall have the power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the Common Defence and general Welfare of the United States.

*By Ms. LEE of California:*

H.R. 1970.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

*By Mrs. MCMORRIS RODGERS:*

H.R. 1971.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, clause 3 to regulate Commerce among the several States.

*By Ms. NORTON:*

H.R. 1972.

Congress has the power to enact this legislation pursuant to the following:

Clauses 14 and 18 of section 8 of article I of the Constitution.

*By Mr. QUIGLEY:*

H.R. 1973.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

*By Mr. QUIGLEY:*

H.R. 1974.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

*By Mr. SCHIFF:*

H.R. 1975.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 and Article I, Section 8, Clause 18, the Necessary and Proper Clause. Legislation to name a Post Office after an individual is constitutional under Article I, Section 8, Clause 7, which gives Congress the power to establish Post Offices and post roads. The bill is also constitutionally authorized under the Necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

*By Mr. SCOTT of South Carolina:*

H.R. 1976.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the authority enumerated in Clause 3 of Section 8 of Article I of the United States Constitution.

*By Ms. WATERS:*

H.R. 1977.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause III.

*By Mr. BOREN:*

H.J. Res. 65.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section Eight

**ADDITIONAL SPONSORS**

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

H.R. 21: Mr. AUSTRIA.

H.R. 58: Mr. BOUSTANY and Mr. BISHOP of Georgia.

H.R. 104: Mr. LANKFORD and Mr. GRIMM.

H.R. 140: Mr. MCKEON.

H.R. 365: Mr. DOGGETT.

H.R. 376: Ms. BALDWIN.

H.R. 412: Mr. ALTMIRE.

H.R. 436: Mr. RUNYAN.

H.R. 451: Mr. HECK, Mr. FORTENBERRY, Mr. BUCSHON, Mr. YOUNG of Florida, Mr. SCHWEIKERT, Mr. ROGERS of Michigan, Mr. FARR, and Mr. CRITZ.

H.R. 452: Mr. REICHERT and Mr. SAM JOHNSON of Texas.

H.R. 456: Mr. SARBANES.

H.R. 466: Mr. RIVERA, Mr. RUNYAN, and Mr. TIPTON.

H.R. 494: Ms. WOOLSEY.

H.R. 508: Mr. PITTS.

H.R. 527: Mr. TURNER, Mr. DAVIS of Kentucky, and Mr. DUNCAN of Tennessee.

H.R. 531: Mr. TIERNEY.

H.R. 539: Mr. SARBANES.

H.R. 546: Mr. REICHERT, Mr. ROONEY, and Mr. SCHWEIKERT.

H.R. 559: Mr. CASSIDY.

H.R. 574: Mr. JONES.

H.R. 601: Ms. ZOE LOFGREN of California.

H.R. 605: Mr. ROGERS of Alabama, Mr. BENISHEK, Mr. HULTGREN, and Mr. STIVERS.

H.R. 645: Mr. MCHENRY and Mr. WALBERG.

H.R. 674: Mr. JORDAN, Mr. PALAZZO, Mr. BOUSTANY, Mr. SMITH of Washington, Mr.



- RIBBLE, Mr. LEWIS of Georgia, Mr. LOEBACK, Mr. MULVANEY, Mr. LANDRY, Mr. ROSKAM, Mr. HIMES, and Mr. ALTMIRE.  
H.R. 706: Mr. TONKO.  
H.R. 740: Mr. NADLER.  
H.R. 743: Mr. PALAZZO and Mrs. ELLMERS.  
H.R. 748: Mr. PLATTS.  
H.R. 822: Ms. HERRERA BEUTLER and Mr. DUFFY.  
H.R. 860: Mr. CONNOLLY of Virginia, Mr. BISHOP of Utah, Mrs. MALONEY, Mr. GIBSON, Mr. WESTMORELAND, Mr. COOPER, and Mr. JOHNSON of Illinois.  
H.R. 891: Mr. BOSWELL and Mr. PAYNE.  
H.R. 894: Mr. HOLT.  
H.R. 904: Ms. HERRERA BEUTLER.  
H.R. 905: Mr. KISSELL.  
H.R. 912: Mr. PAYNE.  
H.R. 941: Mr. KILDEE and Mr. GRIJALVA.  
H.R. 972: Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. GIBBS, and Mr. COFFMAN of Colorado.  
H.R. 991: Mr. MARINO and Mr. LATTA.  
H.R. 998: Mr. HINOJOSA.  
H.R. 1006: Mr. PALLONE, Mr. GERLACH, Mr. ISRAEL, Mr. GOHMERT, Mr. BRADY of Pennsylvania, and Mr. MCINTYRE.  
H.R. 1044: Mr. MULVANEY.  
H.R. 1075: Mr. LARSEN of Washington.  
H.R. 1105: Mr. AL GREEN of Texas.  
H.R. 1113: Mr. SIREN.  
H.R. 1126: Mr. RIBBLE.  
H.R. 1138: Mr. LANGEVIN.  
H.R. 1161: Mr. SCALISE, Mr. HONDA, Mr. CAPUANO, and Mr. RUNYAN.  
H.R. 1173: Mr. LATTA.  
H.R. 1179: Mr. PAUL and Mr. CANSECO.  
H.R. 1181: Mr. CANSECO.  
H.R. 1195: Mr. CRITZ and Mr. PAYNE.  
H.R. 1206: Mr. SHIMKUS, Mr. POSEY, and Mr. SAM JOHNSON of Texas.  
H.R. 1208: Mr. PAYNE and Mr. HOLT.  
H.R. 1218: Mr. ROGERS of Kentucky, Mr. MARINO, Mr. MCKINLEY, and Mr. BARTLETT.  
H.R. 1236: Mr. TIPTON, Mr. DOGGETT, Mr. SCHRADER, Mr. BENISHEK, and Mr. MEEHAN.  
H.R. 1259: Mr. BERG, Mr. SCHOCK, and Mr. HARRIS.  
H.R. 1265: Mr. CANSECO.  
H.R. 1283: Mr. BARROW, Mr. CONNOLLY of Virginia, and Mr. KING of New York.  
H.R. 1309: Mr. AL GREEN of Texas.  
H.R. 1311: Mr. BOSWELL and Mrs. LOWEY.  
H.R. 1322: Mr. ACKERMAN.  
H.R. 1327: Mr. LUETKEMEYER, Ms. NORTON, and Mr. ROE of Tennessee.  
H.R. 1351: Ms. LINDA T. SÁNCHEZ of California, Mr. LANGEVIN, Mr. MCINTYRE, Mr. BUTTERFIELD, and Mr. HOLT.  
H.R. 1358: Mr. MILLER of Florida, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. COFFMAN of Colorado, Mr. CASSIDY, Mr. POE of Texas, Mr. ALEXANDER, Mr. ROGERS of Alabama, Mr. BONNER, Mr. HENSARLING, Mr. BUCHANAN, Mr. SESSIONS, Mr. ISSA, Mr. TERRY, Mr. WALDEN, and Mr. KLINE.  
H.R. 1380: Mr. CHABOT, Ms. NORTON, and Ms. GRANGER.  
H.R. 1381: Mr. TONKO.  
H.R. 1394: Mr. JOHNSON of Georgia and Mr. ACKERMAN.  
H.R. 1397: Ms. HANABUSA.  
H.R. 1401: Mr. DEFazio.  
H.R. 1402: Mr. MARKEY and Mr. BLUMENAUER.  
H.R. 1404: Mr. KIND and Mr. MORAN.  
H.R. 1416: Mr. WALZ of Minnesota and Mr. SCHRADER.  
H.R. 1441: Mr. WITTMAN.  
H.R. 1465: Mr. OWENS.  
H.R. 1474: Mr. PALAZZO.  
H.R. 1477: Mr. SARBANES, Mr. LANGEVIN, and Mr. FRANK of Massachusetts.  
H.R. 1479: Mr. ALTMIRE and Mr. PAULSEN.  
H.R. 1506: Mrs. LOWEY and Mr. ISRAEL.  
H.R. 1526: Mr. PAUL.  
H.R. 1529: Mr. BLUMENAUER.  
H.R. 1533: Mr. KILDEE and Mr. BISHOP of New York.  
H.R. 1549: Mr. PAUL.  
H.R. 1558: Mr. OWENS.  
H.R. 1573: Mr. GOODLATTE.  
H.R. 1588: Mr. GRIFFIN of Arkansas and Mr. KLINE.  
H.R. 1592: Mr. BRADY of Pennsylvania.  
H.R. 1596: Mr. HINCHBY and Mr. HOLT.  
H.R. 1609: Mr. JOHNSON of Ohio.  
H.R. 1610: Mr. GOODLATTE.  
H.R. 1635: Mr. WELCH, Mr. CROWLEY, and Mr. MILLER of North Carolina.  
H.R. 1637: Mr. REICHERT.  
H.R. 1639: Mr. WALBERG and Mr. POMPEO.  
H.R. 1666: Ms. CASTOR of Florida, Mr. PAYNE, Mrs. EMERSON, and Mr. KISSELL.  
H.R. 1672: Mr. ISRAEL, Mr. NADLER, Mr. ENGEL, Mr. OWENS, Mrs. MALONEY, Mr. ACKERMAN, Mr. CONYERS, and Mrs. LOWEY.  
H.R. 1681: Mrs. CAPPS and Mr. BERMAN.  
H.R. 1686: Mr. ROSKAM and Mr. GUTIERREZ.  
H.R. 1700: Mr. ROSS of Florida.  
H.R. 1723: Mr. CARTER.  
H.R. 1734: Mr. GIBBS.  
H.R. 1735: Mr. SARBANES and Mr. PAYNE.  
H.R. 1741: Mr. BARLETTA and Mrs. MYRICK.  
H.R. 1744: Mr. BUCSHON and Mr. ROSKAM.  
H.R. 1747: Mr. JONES and Mr. SCHOCK.  
H.R. 1756: Mr. SIREN, Mr. ROTHMAN of New Jersey, Mrs. MCCARTHY of New York, Mrs. LOWEY, and Mr. TOWNS.  
H.R. 1775: Mrs. ADAMS and Mr. GIBBS.  
H.R. 1802: Ms. SCHWARTZ and Mr. LEWIS of Georgia.  
H.R. 1803: Mr. ISRAEL, Mr. NADLER, Mrs. MALONEY, and Mr. MICHAUD.  
H.R. 1809: Ms. NORTON.  
H.R. 1852: Mr. MURPHY of Pennsylvania, Mr. ALTMIRE, and Mr. WAXMAN.  
H.R. 1856: Mr. ROHRBACHER.  
H.R. 1860: Mr. ROSS of Florida.  
H.R. 1864: Mr. FRANKS of Arizona and Mr. ROSS of Florida.  
H.R. 1865: Mrs. ELLMERS, Mr. JOHNSON of Ohio, Mr. MCCOTTER, Mr. JOHNSON of Illinois, Mr. BURTON of Indiana, Mr. KLINE, and Mr. LANKFORD.  
H.R. 1872: Mr. MCCOTTER.  
H.R. 1876: Mr. MICHAUD, Ms. WILSON of Florida, Mr. JOHNSON of Georgia, Mr. QUIGLEY, Mr. RUSH, and Mr. COHEN.  
H.R. 1879: Mr. TONKO.  
H.R. 1891: Mr. ROE of Tennessee, Mr. BUCSHON, Mr. KELLY, Mr. ROKITA, and Mr. DESJARLAIS.  
H.R. 1937: Mr. GUTIERREZ.  
H.R. 1941: Mr. BARTLETT, Mr. RYAN of Ohio, Ms. HIRONO, Ms. JACKSON-LEE of Texas, Mr. ISRAEL, and Ms. NORTON.  
H.R. 1946: Mr. COBLE.  
H.R. 1951: Ms. EDDIE BERNICE JOHNSON of Texas.  
H.J. Res. 13: Mrs. LUMMIS.  
H.J. Res. 47: Mr. PERLMUTTER and Mr. KUCINICH.  
H. Con. Res. 25: Mr. SCALISE, Mr. WEBSTER, and Mr. COBLE.  
H. Con. Res. 39: Mr. MCCAUL.  
H. Res. 13: Mr. VAN HOLLEN.  
H. Res. 19: Mr. CONYERS and Mr. HOLT.  
H. Res. 20: Mr. BISHOP of New York, Mr. GENE GREEN of Texas, and Mr. SCOTT of Virginia.  
H. Res. 137: Mr. LATOURETTE, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mrs. SCHMIDT, Mr. BUTTERFIELD, Mr. TOWNS, and Mr. LARSEN of Washington.  
H. Res. 177: Mr. LYNCH and Mr. HIGGINS.  
H. Res. 184: Mr. GRIMM and Mr. DONNELLY of Indiana.  
H. Res. 211: Mr. LANKFORD.  
H. Res. 239: Mr. HULTGREN and Mr. ROSS of Arkansas.  
H. Res. 256: Mrs. LOWEY, Mr. GIBBS, and Mr. GERLACH.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative WITTMAN, or a designee, to H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 1745, the JOBS Act of 2011, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.



United States  
of America

# Congressional Record

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

Vol. 157

WASHINGTON, TUESDAY, MAY 24, 2011

No. 72

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

### PRAYER

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

Let us pray.

Infinite goodness, creator of the sea, Earth, sky, and air, enable our lawmakers to serve You in all holiness and to experience Your love which passes understanding. Let Your providential hand be over them and Your Holy Spirit ever be with them as they submit themselves entirely to Your will. Lord, direct their thoughts, words, and works to Your glory, as You increase their desire to please You. Give them grace to forgive their enemies, even as You have forgiven them.

Lord, we ask that You would be with all those affected by the recent tornadoes and storms.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 24, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

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

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

The legislative clerk proceeded to call the roll.

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

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

### RESERVATION OF LEADER TIME

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

### PATRIOT SUNSETS EXTENSION ACT OF 2011—Motion to Proceed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1038, which the clerk will report by title.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 1038) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

### SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate

will resume consideration of the motion to proceed to S. 1038, the PATRIOT Act extension, postcloture. There will be a joint meeting of Congress at 11 a.m. with Israeli Prime Minister Netanyahu. Senators should gather in the Senate Chamber at 10:30 to proceed over to the House at about 10:40. We will proceed there as a body.

MEASURES PLACED ON THE CALENDAR—S. 1050,  
S.J. RES. 13, S.J. RES. 14

Mr. REID. Madam President, I understand there are three measures at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (S. 1050) to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches, and for other purposes.

A joint resolution (S.J. Res. 13) declaring that a state of war exists between the Government of Libya and the Government and the people of the United States, and making provision to prosecute the same.

A joint resolution (S.J. Res. 14) declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya.

Mr. REID. I would object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

### RECOGNITION OF THE MINORITY LEADER

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

### PRIME MINISTER NETANYAHU'S ADDRESS TO CONGRESS

Mr. McCONNELL. Madam President, later this morning Israeli Prime Minister Benjamin Netanyahu will address a joint meeting of Congress.

His remarks come at a time of great unrest and instability in the Middle East. So we are all eager to hear his

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



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S3247

perspective on how our two countries can work together to further our shared interests. Israel is, of course, a great friend and an ally to the United States, and the Prime Minister should be reassured that Israel will not be alone during this time of uncertainty. He should return home knowing that at a time when the Middle East is awash in instability, his relationship with the Congress is strong. We always welcome the Prime Minister to Washington. We are happy to be able to host him today.

LACK OF A BUDGET

Sometime before the end of this week, Democrats in the Senate will have wrapped up their efforts for the current work period and flown home for the Memorial Day recess. So it is not too early to ask what they have accomplished over the past several weeks. More specifically, what have they done about a looming fiscal crisis in the 6 weeks since one of the cochairs of the President's debt commission called it the most predictable crisis in history?

Well, the short answer is not much. Six weeks after the Democratic co-chairman of the President's own debt commission told us that our Nation's deficits and debt are like a cancer that threatens to destroy America from within, and nearly a year after the Chairman of the Joint Chiefs of Staff declared our debt to be the single biggest threat to our national security, Democrats are ready to call it a work period—after producing no budget, after offering no plan, and with no plan in sight.

Why?

Well, evidently Democrats have decided that avoiding this crisis helps them in the next election. That is why they plan to vote against every budget plan that comes to the floor this week, including the President's.

Democrats are apparently operating under the assumption that if they are on the record opposing everything, it helps them politically. So, in other words, we might not leave here this week with a solution to our nation's looming debt crisis, but Democrats are pretty confident they will leave with some good material for campaign ads.

Here is how the senior Senator from New York put it yesterday in a moment of candor:

"To put other budgets out there is not the point," he said, "This issue will have staying power and be a defining issue for 2012."

They are not even pretending to put principle over politics here. According to Senator SCHUMER, their focus is on an election that is still almost 2 years away.

Well, my suggestion is that Democrats start thinking about putting their names on something other than an attack ad. They could start with a budget. How about that?

Right now, America is on pace to spend about \$1.6 trillion more than it takes in this year. That is three times the biggest deficit we ever had before President Obama took office.

The President's plan is to keep deficits like this in place for years to come.

That is the scenario Admiral Mullen and Erskine Bowles are worried about.

Meanwhile, entitlement spending is growing faster than inflation, meaning sooner or later these programs will either consume all the money we have or these programs are forced to change.

Members of the President's own Cabinet admitted this last week when they signed a report showing that Medicare is running out of money and urging prompt reform of the program.

So the question is not whether these programs need reform, the question is how it is done.

Do we do it now, together, or do we wait until we are absolutely forced to do it? There is no other choice.

Congressman RYAN has shown a lot of courage by proposing a budget that would tackle a big part of the problem. Democrats are showing none by ignoring our problems altogether. This is the contrast Americans will see in the Senate this week.

Republicans will vote on several possible approaches to our fiscal crisis this week, including the Ryan plan.

Democrats will vote against every one.

We will also have a vote on the President's budget, which Democrats also plan to oppose.

They say they prefer the ideas the President outlined in a speech he gave last month. Well, unfortunately, we can't vote on a speech. But if that is what it takes to get Democrats engaged in this debate, maybe we should revisit the rules.

More than 2 years have passed since Democrats have produced a budget of their own. This is a complete and total abdication of their responsibilities as a majority party. And there is no excuse for it.

Every year, Congress appropriates nearly \$100 million to support the Office of Management and Budget. This money supports a staff of 529 people. OMB's job is to put together a budget. Why exactly haven't they been able to turn the President's speech into a budget we can vote on? They have had 6 weeks to do it. What is the problem?

If Democrats can't get 529 people to put some numbers together based on the budget plan the President outlined in his speech, then they have problems over there. Either that or Democrats are just looking for excuses so they don't have to vote for anything of their own. And they had rather put together political ads than a solution to this crisis. And this is inexcusable.

We have an obligation to our country to come up with a plan. Democrats are officially abdicating that responsibility this week. But Americans will remember. As the crisis approached, Democrats did nothing.

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

The PRESIDING OFFICER (Mr. FRANKEN). Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, nearly 10 years after the attacks of September 11, 2001, every one of us in the Senate knows America continues to face threats of terrorism. Our allies know this, as well. The President's dogged pursuit and success earlier this month against Osama bin Laden does not mean we can become complacent or less vigilant. We must remain vigilant and ensure the men and women of our law enforcement and intelligence agencies have all the appropriate tools necessary to protect our Nation and the American people. But as every Vermonter knows, tools are only useful if they are regularly checked and maintained. Otherwise they become blunt instruments that can do harm, rather than accomplish the job.

Congress recognized this basic notion in 2001, when we first wrote the USA PATRIOT Act. I worked with the then-Republican House majority leader, Dick Armye to include sunsets on certain surveillance authorities in the bill. Even though we had vastly different political philosophies, we both agreed we had to have sunset provisions. In 2006, when Congress reauthorized the USA PATRIOT Act, I worked to ensure that certain sunsets were renewed, and added audits on the use of powers with the potential to unnecessarily intrude on the privacy of Americans. We should not give a blank check to anybody—whether it is a Republican or Democratic administration. We are, after all, Americans who believe in our individual liberties.

Having granted the Government broad authority to gather vast amounts of information about the daily lives of Americans, I wanted to do what we could to ensure that unfettered information gathering did not occur at the expense of Americans' basic constitutional rights and civil liberties. The sunsets and audits provide Congress an opportunity to examine whether the PATRIOT Act tools are being used appropriately, and if not, to sharpen, refine, or restrain those tools accordingly.

The audits we added in 2005 or 2006 proved to be very helpful because they identified that there were abuses in the way the PATRIOT Act was being used, specifically with respect to national security letters and the use of "exigent letters." Without this oversight, we probably never would have found out about those abuses. But we found out about them and we worked with the FBI to correct those matters.

That brings us to today. The Senate has the opportunity to reexamine and redefine key PATRIOT Act provisions, and I think we should take that opportunity to make improvements to our

current law. That is why I have led the Senate Judiciary Committee to diligently consider these matters through a series of hearings and meetings. The committee responded by reporting improvements, both last year and again this year, through bipartisan legislation. They are good measures, and we have worked to ensure that they would not compromise the effectiveness of our law enforcement and intelligence capabilities. In fact, much of the language was derived after consultation with the administration, including the intelligence community.

The Attorney General and others have repeatedly assured us that the measures to enhance oversight and accountability—such as audits and public reporting—would not sacrifice “the operational effectiveness and flexibility needed to protect our citizens from terrorism” or undermine “the collection of vital foreign intelligence and counterintelligence information.”

In fact, the Attorney General has consistently said the bill passed out by the Senate Judiciary Committee struck “a good balance” by extending the PATRIOT Act authorities while adding accountability and civil liberties protections. For additional detail and legislative history, I refer Senators to the Senate report on the bill reported by the Senate Judiciary Committee this year, Senate Report No. 112-13.

I ask unanimous consent that a December 9, 2010, letter from the Attorney General to me making these points be printed in the RECORD, along with a February 19, 2010, letter from the Director of National Intelligence to House leaders.

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

(See exhibit 1.)

Mr. LEAHY. Unfortunately, the bill now before the Senate merely extends the expiring authorities to June 1, 2015. Regrettably, these authorities have not been refined since 2006. If that remains the case through the extensions that are contemplated by this bill, it will amount to 9 years of this law without any legislative improvement. I think most of us understand that we can do better. The amendment I have filed seeks to change that by improving the PATRIOT Act.

I appreciate the efforts made by the majority leader to craft a compromise. I am sorry that the Republican leadership in Congress has insisted on an extension of authorities without any improvements. The amendment I have filed and wish to offer along with Senators PAUL, CARDIN, BINGAMAN, COONS, SHAHEEN, WYDEN, FRANKEN, GILLIBRAND, HARKIN, DURBIN, MERKLEY, BOXER, and AKAKA, makes significant improvements to current law, promotes transparency, and expands privacy and civil liberties safeguards.

I ask unanimous consent to have a sectional analysis of the amendment printed in the RECORD.

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

(See exhibit 2.)

Mr. LEAHY. One of the improvements Congress should make is to repair a constitutional infirmity in the current law. Three years ago, in *Doe v. Mukasey*, the U.S. Court of Appeals for the Second Circuit found that the non-disclosure provision of the statute authorizing issuance of national security letters was constitutionally defective. If we do not make a change, that constitutionally defective part of the national security letter provision would remain. As part of the comprehensive set of reforms in the bill reported favorably by the Judiciary Committee, I proposed a simple statutory fix that would enable the FBI to obtain the information it needs, while addressing the constitutional concerns. In fact, this proposal has never been controversial. In fact, during the last Congress, Senator SESSIONS and Senator BOND, the ranking Republicans on the Senate Judiciary and Intelligence Committees, cosponsored a bill incorporating the very legislative remedy I proposed.

This is a straightforward matter that needs to be fixed. The underlying bill does not fix the problem; our amendment would. I trust Senators would not want to proceed to vote on an unconstitutional law, one that violates our fundamental charter as a nation and, of course, the liberty of all Americans. No one who claims to honor the Constitution should proceed in so cavalier a manner. If we are to restore the constitutional underpinning of the NSL authority, the Senate should adopt this needed improvement.

I am also troubled by the refusal of the Republican leadership to agree on periodic audits on the use by the government of PATRIOT Act surveillance authorities. When I speak of the Republican position, I want to mention that this is not uniform within the Republican Party, as there are many Republicans who believe we should have these audits. Basic transparency and accountability are vital to ensuring that the government does not overstep its legal authority. We grant many authorities to our government, but we should do so with the confidence that if the Government oversteps its authority, Congress has the power to bring it back in line. In fact, it is only because of the audits that were mandated by the 2006 PATRIOT Act reauthorization bill that the American public became aware of some of the abuses and misuses of the national security letters, which were significant.

Without that public accountability and congressional oversight, the FBI would not have made improvements to its system of tracking NSL issuance. Because of those audits, we are more confident today that FBI agents are following proper procedures for obtaining private information about Americans—rather than improperly using “exigent letters” to circumvent the rules, or using Post-it Notes to keep track of records. Yet the underlying bill omits audits and public reporting;

our amendment includes important audit requirements and public reporting to provide accountability and protect Americans’ rights.

No one can seriously contend that audits by the inspector general of past operations present any operational concerns to law enforcement or intelligence gathering. Audits do not interfere; they provide accountability and ensure that government follows the rules.

Mr. President, you and I and 98 other Members of this body have to follow the rules. Certainly, those in law enforcement should have to follow the rules, as well. These audits have been demonstrated to be vital oversight tools, and they should be incorporated into the law. The language in our amendment is the product of more than a year and a half of extensive negotiations with Republicans and Democrats, the intelligence community, the Department of Justice. This year, the Senate Judiciary Committee bill won the support of Senator LEE. Last Congress, a virtually identical bill received the votes of Senators KYL and CORNYN and was reported favorably by the Senate Judiciary Committee to the Senate. The bipartisan amendment we seek to offer is a reasonable package of reforms that preserves the ability of the government to use the PATRIOT Act surveillance tools, while promoting transparency, accountability, and oversight.

I have often said that the Senate should not shirk its duty to reexamine carefully and critically the provisions of the PATRIOT Act. We should consider ways to improve the law consistent with our core constitutional principles. That is what I have tried to do. That is what Vermonters expect. I intend to vigilantly guard Americans’ privacy and civil liberties, while doing all I can to keep all Americans secure. That is what we expect in Vermont, and I must assume that is what we expect in the other 49 States. Without a single improvement or reform, without even a word that recognizes the importance of protecting the civil liberties and constitutional privacy rights of Americans, the underlying bill represents a missed opportunity. Let us provide our law enforcement and intelligence professionals with the tools they need and give these professionals the security and certainty they need to protect our Nation. But let us also at the same time faithfully perform our duty to protect the constitutional principles and civil liberties upon which this Nation was founded and on which the American people depend.

The vast majority of the 300 million Americans in this great country are law-abiding, honest men and women. We should protect against arbitrarily lumping them all into the category of potential lawbreakers, or enabling the government to search homes or businesses without proper reason. We fought a revolution in this country to stop that from happening, and it is no different today.

One of the things that has kept us so strong as a nation is our ability to protect the individual rights of all Americans. We can go after the lawbreakers, just as we got Osama bin Laden, while at the same time protecting the principles of our country. We must not let the terrorists win by compromising our own rights and liberties in this country. The terrorists who seek to harm us would certainly take away from all of us—women and men alike—the constitutional rights we hold dear. We must not allow that.

The American people expect us both to protect our rights and to keep us safe, and I believe our amendment does just that. That is why I hope all Senators will support the Leahy-Paul amendment.

## EXHIBIT 1

Washington, DC, December 9, 2010.

Hon. PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, U.S.  
Senate, Washington, DC.

DEAR CHAIRMAN LEAHY: This responds to your letter of March 17, 2010, which asked the Department of Justice to consider implementing administratively certain enhanced civil liberties protections that were included in S. 1692, the USA PATRIOT Act Sunset Extension Act, as reported by the Senate Judiciary Committee.

In my letter of November 9, 2009, I expressed strong support on behalf of the Department for the bill as reported, which would reauthorize several important Foreign Intelligence Surveillance Act (FISA) authorities while enhancing protections for civil liberties and privacy in the exercise of these essential national security tools.

The bill would reauthorize section 206 of the USA PATRIOT Act, which provides authority for roving surveillance of targets who take steps that thwart FISA surveillance; section 215 of the USA PATRIOT Act, which provides authority to compel production of business records and other tangible things with the approval of the Foreign Intelligence Surveillance Court (the FISA Court); and section 6001 of the Intelligence Reform and Terrorism Prevention Act, which provides authority to target with FISA searches or surveillance non-United States persons who engage in international terrorist activities but are not necessarily associated with an identified terrorist group. Earlier this year, Congress acted to extend the expiring authorities until February 28, 2011. As that date approaches, I strongly urge that Congress again take action to ensure that these provisions remain in force.

Assuming these authorities are reauthorized, the Department has determined that many of the privacy and civil liberties provisions of S. 1692 can be implemented without legislation. Indeed, in a number of instances, we have already taken steps to do so. I am confident that these measures will enhance standards, oversight, and accountability, especially with respect to how information about U.S. persons is retained and disseminated, without sacrificing the operational effectiveness and flexibility needed to protect our citizens from terrorism and facilitate the collection of vital foreign intelligence and counterintelligence information.

## NATIONAL SECURITY LETTERS

Your letter seeks our response regarding several matters related to National Security Letters (NSLs): notification to recipients of NSLs of their opportunity to contest the nondisclosure requirement; issuance of procedures related to the collection, use and

storage of information obtained in response to NSLs; retention of a statement of specific facts that the information sought is relevant to an authorized investigation; and increased public reporting on the use of NSLs.

You will be pleased to know that as of February 2009, all NSLs are required to include a notice that informs recipients of the opportunity to contest the nondisclosure requirement through the government initiated judicial review. In most cases, this notice is automatically generated by the NSL subsystem. Domestic Investigations and Operations Guide (DIOG) 11.9.3.E. The FBI also will ensure that in any case in which a recipient challenges a nondisclosure order, the recipient is notified when compliance with the order is no longer required. Thus far, there have been only four challenges to the non-disclosure requirement, and in two of the challenges, the FBI permitted the recipient to disclose the fact that an NSL was received. If and when the volume of such requests becomes sufficiently large that solutions beyond “one-off” notifications are required, the FBI will develop appropriate policies and procedures to notify the recipient when non-disclosure is no longer required.

I also am pleased to report that I approved Procedures for the Collection, Use and Storage of Information Derived from National Security Letters on October 1, 2010, and these procedures have been provided to the Judiciary and Intelligence Committees. The FBI's current practice is consistent with the procedures and the FBI is working on formal policy to implement them. In addition, DOJ and ODNI will shortly complete work on a joint report to Congress on NSL “minimization” as required by the PATRIOT Reauthorization Act of 2005.

As to the information retained internally in connection with the issuance of NSLs, it is current policy for the FBI to retain a statement of specific facts showing that the information sought through NSLs is relevant to an authorized investigation. DIOG §11.9.3.C.

The Department appreciates the desire of the Committee for enhanced public reporting on the use of NSLs. Accordingly, although the FBI cannot provide information regarding subcategories of NSLs in a public setting, it will continue to report publicly the aggregate numbers of NSLs on an annual basis and will evaluate whether any additional information can be publicly reported.

## SECTION 215 ORDERS

Your letter also raises a number of matters related to section 215 orders. You seek assurances that the government will not rely on the conclusive presumption in section 215 and will present the FISA Court with a complete statement of facts sufficient to show relevance of the tangible things requested to an authorized investigation. It is current FBI practice to provide the Foreign Intelligence Surveillance Court with a complete statement of facts to support issuance of an order. The FBI is reviewing the DIOG to determine whether changes need to be made to reflect this practice. With respect to section 215 records that contain bookseller records, or are from a library and contain personally identifiable information about a patron of the library, we are prepared to require a statement of specific and articulable facts as would have been required under S. 1692, and to notify Congress should it become necessary to change that practice.

You ask the Department to issue policy guidance providing that certifications accompanying applications for section 215 non-disclosure orders must include an appropriately thorough statement of facts that sets forth the need for nondisclosure. I am pleased to report that this is current FBI

practice, and the FBI is reviewing the DIOG to determine whether revisions should be made to reflect this practice.

You also ask the Department to institute guidelines to require court-approved minimization procedures for section 215 orders and pen register and trap and trace (PR/TT) devices. Minimization procedures are already required by statute in relation to section 215 orders. 50 USC 1861(b)(2)(B). The proposal to extend this requirement to PR/TT orders is intended to apply only to certain intelligence collection activities. Procedures governing these operations are currently in effect, having been proposed by the government and approved by the FISA Court.

Finally, you ask the Department to consider providing an annual unclassified report on the use of FISA authorities and the impact on privacy of United States persons. I believe that providing greater transparency regarding the U.S. government's exercise of FISA authorities is an important objective, and will show the care taken by officials to implement and comply with constitutional and statutory requirements to protect the privacy of United States persons. Although the Department has concerns that there may be little additional information that can be provided in an unclassified format and that such unclassified information could be unintentionally misleading, we are prepared to work with the committee and our partners in the Intelligence Community to determine whether there is a way to overcome these difficulties and make additional information publicly available regarding the use of these authorities.

Taken together, I believe these measures will advance the goals of S. 1692 by enhancing the privacy and civil liberties our citizens enjoy without compromising our ability to keep our nation safe and secure.

I hope this information is helpful. The Department stands ready to work with Congress to ensure that the expiring FISA authorities are reauthorized in a timely way.

Sincerely,

ERIC H. HOLDER, Jr.,  
Attorney General.

FEBRUARY 19, 2010.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MAJORITY LEADER REID AND SPEAKER PELOSI: Over the past several months, Congress has been considering the reauthorization of three important provisions of the Foreign Intelligence Surveillance Act (FISA), which are scheduled to expire on February 28, 2010: section 206 of the USA PATRIOT Act, which provides authority for roving surveillance of targets who take steps to thwart FISA surveillance; section 215 of the USA PATRIOT Act, which provides authority to compel production of business records and other tangible things with the approval of the FISA court; and section 6001 of the Intelligence Reform and Terrorism Prevention Act, which provides authority to target with FISA surveillance non-United States persons who engage in international terrorist activities but are not necessarily associated with an identified terrorist group. National security requires that these provisions be reauthorized before they expire.

As discussed in the Attorney General's November 9, 2009 letter, we believe that S. 1692, the USA PATRIOT Act Sunset Extension Act, as reported by the Senate Judiciary Committee, strikes the right balance by both reauthorizing these essential national security tools and enhancing statutory protections for civil liberties and privacy in the exercise of these and related authorities. We

were very pleased that the bill received bipartisan support in the Committee.

Since the bill was reported, we have negotiated a number of specific changes with the sponsors of the bill which we support including in the final version of this legislation. Among these are several provisions derived from the bills reported by the House Judiciary Committee and introduced by House Permanent Select Committee on Intelligence Chairman Silvestre Reyes in November.

We strongly support the prompt consideration of USA PATRIOT Act reauthorization legislation based on S. 1692, together with the changes to which our staffs have informally agreed. However, if Congress is unable to complete work on this measure before these authorities expire, it is imperative that Congress pass a temporary extension of sufficient length to ensure that there is no disruption to the availability of these vital tools in the fight against terrorists.

As was previously noted in a September 14 letter from the Department of Justice to Senator Patrick Leahy, the business records authority has been used to support important and highly sensitive intelligence collection operations, of which both Senate and House leadership, as well as Members of the Intelligence and Judiciary Committees and their staffs are aware. We can provide additional information to Members concerning these and related operations in a classified setting.

Finally, we remain committed to working with Congress to examine additional ways to enhance protection for civil liberties and privacy consistent with effective use of these important authorities.

The Office of Management and Budget has advised us that there is no objection to this letter from the perspective of the Administration's program.

Sincerely,

ERIC H. HOLDER, Jr.  
DENNIS C. BLAIR.

EXHIBIT 2

SECTION-BY-SECTION SUMMARY OF SA334 TO S.1038 THE LEAHY-PAUL-CARDIN-BINGAMAN-COONS-SHAHEEN-WYDEN-FRANKEN-GILLIBRAND-HARKIN-DURBIN-MERKLEY-BOXER-AKAKA AMENDMENT (HEN11338)

This amendment adds the following sections at the end of S.1038:

*Section 3. Additional Sunsets.*

This section establishes a new sunset of December 31, 2013, on the use of NSLs. This section also changes the sunset dates for provisions under the FISA Amendments Act of 2008 (Pub. L. No. 110-261) from December 31, 2012 to December 31, 2013. This section also makes conforming amendments to FISA and other applicable laws consistent with the sunsets.

*Section 4. Orders for Access to Certain Business Records and Tangible Things.*

This section modifies the standard for obtaining a court order for tangible things under FISA. Current law requires the Government to submit a statement of facts showing reasonable grounds to believe that the tangible things sought are relevant to an authorized investigation. However, current law states that the tangible things sought are presumptively relevant if the Government shows that they pertain to (a) a foreign power or an agent of a foreign power, (b) the activities of a suspected agent of a foreign power who is the subject of such an authorized investigation, or (c) an individual in contact with, or known to, an agent of a foreign power who is the subject of such authorized investigation. This section removes the presumption of relevance described above. It requires the Government to provide a state-

ment of the facts and circumstances relied upon by the applicant to justify the applicant's belief that the tangible things sought are relevant. This ensures that the Government is presenting a thorough statement of facts to the court and strengthens judicial oversight. The Department of Justice has indicated that it does not rely on this presumption, and that its current practice is to provide the Foreign Intelligence Surveillance Court with a complete statement of facts to support issuance of an order.

Section 3(a)(2)(A) alters certain requirements with respect to applications made pursuant to 50 U.S.C. 1861. These changes are not intended to affect or restrict any activities approved by the FISA court under existing statutory authorities. Rather, this provision is intended to ensure that in applications made pursuant to 50 U.S.C. 1861, the Government must submit a statement of the facts it relies on to support its belief that the items or information sought are relevant to an authorized investigation and that such relevance is not to be presumed based on the presence of certain factors.

To obtain bookseller records or library records that contain personally identifiable information, the Government must provide a statement of facts showing reasonable grounds to believe the tangible things are relevant to an authorized investigation and pertain to (a) an agent of a foreign power, (b) the activities of a suspected agent, or (c) an individual in contact with or known to a suspected agent of foreign power subject to the investigation. "Bookseller records" are defined as meaning any transactional records reflecting the purchase or rental of books, journals, or magazines, whether in digital or print form. The Department of Justice has already agreed to implement this requirement administratively.

This section also requires court review of minimization procedures. Finally, this section includes transition procedures to ensure that any order in effect at the time of enactment remains in effect until the expiration of the order.

*Section 5. Orders for Pen Registers and Trap and Trace Devices for Foreign Intelligence Purposes.*

Under current law, in order to obtain a FISA pen/trap, the Government must certify that the information sought is merely foreign intelligence information or is relevant to an investigation to protect against terrorism. The bill modifies the standard for obtaining a pen/trap to require the Government to provide a statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that the information likely to be obtained is relevant. This ensures that the Government is presenting a thorough statement of facts to the court and strengthens judicial oversight.

Section 4(a)(2)(A) alters certain requirements with respect to applications made pursuant to 50 U.S.C. 1842. These changes are not intended to affect or restrict any activities approved by the FISA court under existing statutory authorities. Rather, this provision is intended to ensure that in applications made pursuant to 50 U.S.C. 1842, the Government must submit a statement of the facts it relies on to support its belief that the items or information sought are relevant to an authorized investigation.

This section also requires minimization procedures, which are not required under current law, and makes those procedures subject to court review. Section 4(b) governs procedures for minimization of the retention and dissemination of information obtained pursuant to 50 U.S.C. 1842 where appropriate in exceptional circumstances. This provision is intended to provide a statutory footing for

the existing practice whereby specialized minimization procedures are implemented in certain limited circumstances under FISA court authorization and oversight.

Finally, this section includes transition procedures to ensure that any order in effect at the time of enactment remains in effect until the expiration of the order.

*Section 6. Limitations on Disclosure of National Security Letters.*

This section authorizes the Government to prohibit disclosure of the receipt of an NSL (there are four different statutes that authorize NSLs) where a high level official certifies that disclosure may result in danger to the national security, interference with an investigation, or danger to the life or safety of a person. The FBI has stated that its current practice is to require such a certification to include an appropriately thorough statement of facts setting forth the need for nondisclosure.

The recipient of an NSL nondisclosure order may challenge the nondisclosure at any time by notifying the Government of a desire to not comply. Section 7 (below) details the process for doing so.

*Section 7. Judicial Review of FISA Orders and NSL Nondisclosure Orders.*

This section allows the recipient of a section 215 order for tangible things to challenge the order itself and any nondisclosure order associated with it. Current law requires a recipient to wait a year before challenging a nondisclosure order. This section repeals that one-year mandated delay before a recipient of an order for tangible things can challenge such a nondisclosure order in court. It also repeals a provision added to the law in 2006 stating that a conclusive presumption in favor of the Government shall apply where a high level official certifies that disclosure of the order for tangible things would endanger national security or interfere with diplomatic relations.

This section also corrects the constitutional defects in the issuance of nondisclosure orders on NSLs as found by the Second Circuit Court of Appeals in *Doe v. Mukasey*, 549 F.3d 861 (2d Cir. 2008), and adopts the concepts suggested by that court for a constitutionally sound process. *Id.* at 883-84. The bill allows the recipient of an NSL with a nondisclosure order to notify the Government at any time that it wishes to challenge the nondisclosure order. The Government then has 30 days to seek a court order in Federal district court to compel compliance with the nondisclosure order. The court has authority to set the terms of a nondisclosure order as appropriate to the circumstances, but must afford substantial weight to the Government's argument in favor of nondisclosure.

According to current Department of Justice policy, all NSLs must include a notice that informs recipients of the opportunity to contest the nondisclosure requirement through the Government-initiated judicial review. This section states that the government's application for an NSL nondisclosure order may be filed either in the district within which the authorized investigation is conducted or in the jurisdiction where the recipient's business is located. This option will ease the burden on the recipient in challenging the nondisclosure order.

This section requires the Government to notify any entity that challenges a nondisclosure order when the need for nondisclosure is terminated. The Department of Justice agreed to implement this measure administratively in December 2010; therefore, this section will codify current practice.

The bill also requires FISA court approval of minimization procedures in relation to the issuance of a section 215 order for production of tangible things, similar to the

court approval required for other FISA authorities such as wiretaps, physical searches, and pen register and trap and trace devices.

*Section 8. Certification for Access to Telephone Toll and Transactional Records.*

This section codifies current FBI practice in issuing an NSL, and augments oversight and transparency. Current law requires only that an official certify that the information requested in the NSL is relevant to, or sought for, an authorized investigation to protect against international terrorism or clandestine intelligence activities, or for a law enforcement investigation, counterintelligence inquiry, or security determination. This section adds a requirement that the FBI retain a written statement of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to such an authorized investigation. This statement of specific facts will not be included in the NSL itself, but will be available for internal review and Office of Inspector General audits. The Department of Justice has stated that it is current policy for the FBI to retain a statement of specific facts showing the information sought through NSLs is relevant to an authorized investigation.

*Section 9. Public Reporting on National Security Letters.*

This section requires reporting of aggregate numbers based upon the total number of all NSLs issued each year, as opposed to by individual NSL. This section ensures that the FBI can keep an accurate record of the information it must disclose by allowing it to report both on persons who are the subject of an authorized national security investigation, and on individuals who have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.

*Section 10. Public Reporting on the Foreign Intelligence Surveillance Act.*

This section requires that the Government produce an annual unclassified report on how the authorities under FISA are used, including their impact on the privacy of United States persons. This report shall be easily accessible on the Internet.

*Section 11. Audits.*

This section requires the DOJ Office of Inspector General to conduct audits of the use of three surveillance tools: 1) orders for tangible things under section 215 of the 2001 Patriot Act, or section 501 of FISA; 2) pen registers and trap and trace devices under section 402 of FISA; and 3) the use of NSLs. The audits will cover the years 2007 through 2013. The scope of such audits includes a comprehensive analysis of the effectiveness and use of the investigative authorities provided to the Government, including any improper or illegal use of such authorities. This section also requires the Inspectors General of the Intelligence Community to submit separate reports that also review these three provisions. The audits covering the years 2007–2009 must be completed by March 31, 2012. The audits for the years 2010–2011 must be completed by March, 31, 2013. The audits for the years 2012–2013 must be completed by March, 31, 2015. These due dates ensure that Congress will have time to fully consider the findings of the audits prior to the June 1, 2015 sunsets in the underlying bill.

*Section 12. Delayed Notice Search Warrants.*

Current law requires notification of a delayed notice search warrant within 30 days. This section requires notification of a delayed notice search warrant within seven days, or a longer period if justified.

*Section 13. NSL Procedures.*

Current law does not require minimization procedures be established, but on October 1,

2010, the Attorney General adopted procedures concerning the collection, use, and storage of information obtained in response to NSLs. This section requires that the Attorney General periodically review, and revise as necessary, those procedures, and to give due consideration to the privacy interests of individuals and the need to protect national security. If the Attorney General makes any significant changes to these NSL procedures, the Attorney General is required under this section to notify Congress, and to submit a copy of the changes.

*Section 14. Severability.*

This section includes a severability clause that will ensure that in the event any part of the bill or any amendment to the bill is found to be unconstitutional the remainder of the bill will not be affected.

*Section 15. Offset.*

This section includes a \$9,000,000 offset from the Department of Justice Assets Forfeiture Fund for any direct spending that could be incurred by the provisions of the bill.

*Section 16. Electronic Surveillance.*

This section is intended to amend the FISA wiretap statute (50 U.S.C. 1805(c)(1)(A)) so as to require law enforcement to identify “with particularity” the target of a wiretap request under FISA. The Department of Justice has testified that, in applications to the FISA court for “roving” wiretaps, it must provide the court sufficient detail to identify the target with particularity.

*Section 17. Effective Date.*

This section includes an effective date of 120 days from the date of enactment for the statutory revisions made by this legislation to take effect. This period of time will provide the Government an appropriate amount of time to implement the new procedures required by the legislation.

Mr. LEAHY. 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.

Mrs. BOXER. 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. BOXER. Mr. President, I am going to speak a little bit about the PATRIOT Act, and then do I have to have consent to do anything else other than that?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. OK. I ask unanimous consent that I be able to speak about two issues.

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

Mrs. BOXER. I just want to acknowledge the hard work of the chairman of the Intelligence Committee and the chairman of the Judiciary Committee on the PATRIOT Act and to state I am on an amendment Senator LEAHY has authored which has bipartisan support. I think Senator LEAHY's amendment puts a couple of checks and balances in this bill that I think are essential. But I hope we do not have delays because delays would cause trouble for law enforcement people and for the work we are doing to make sure we continue making progress against those who would harm this country.

I fully agree with the statements we have the balance of security and liberty, and I think the Leahy amendment goes a long way toward that. But, again, we need to give law enforcement the tools they need.

HOUSE BUDGET

Mr. President, as we look at what is ahead for us this week, it is not only the PATRIOT Act, but we also are going to be looking for votes on a couple of different budget proposals, and I want to spend some time talking about the Republican budget that passed the House that was originally authored by Representative PAUL RYAN. It sort of got to be known as the Ryan budget, but let's be very clear about this: It is no longer the Ryan budget. It is the Republican budget.

This is why I say this. Out of all the Republicans in the House—and there are a lot of them over there; they run the place; well over 100—every one of them voted for this budget except for, and on our side, not one Democrat.

So let's be clear what a budget is. I served on the Budget Committee in the House and in the Senate. A budget is a very important document, whether you write it in your own home for your own family or you write it in the Senate of the United States. Why? Because in a budget you are looking at all your resources and what your priorities are.

If you have an issue with spending—which a lot of us have in our homes, as well as having it right here; we know that; and certainly in my State—this is when the rubber meets the road and you have to say: What is important to us and what is less important?

The questions you ask when you write a budget around here are: Are our children important? The answer is, yes. Is it important we have clean air to breathe? For me, absolutely. Should the water be pure? Should we make sure the environment is protected? Yes. Should we have a transportation system so we can move people and goods in this century and be the economic world leader? Yes. That is an investment. We go through the budget piece by piece and we decide what is crucial.

Of course, we need a strong military. Having said that, some of us believe it is time to wind down the two wars we are in in Afghanistan and Iraq that is costing us \$12 billion a month. We can use those funds back home and still keep the kind of counterterrorism forces we must keep, I believe, in the region and bring that money home.

There is a lot of talk, a lot of words are thrown around about how to balance a budget. I have to say, I was fortunate enough to be here, thanks to the good people of my State, during the Clinton years, and we had similar issues. What were the issues? We were running in the red. We had a deficit, we had a debt, and we had to make sure the economy kept growing in a robust fashion. Do you know what we did? We sat around and said: These are the investments that are important to us.

Today I would argue it is still education, it is infrastructure, it is the environment, it is clean energy. Those are what will move us forward. Over here are the issues where we look out and say: How can we get some revenue? One of the ways is what the Democrats said the other day. We said it is time to end corporate welfare for the biggest oil companies in the world that are—listen to this—two, three, and four on the Fortune 500 and are paying a lower tax rate than a nurse. Can I say that one more time? These big multinational oil companies that are charging us an arm and a leg are paying a lower tax rate than a nurse or a truck-driver or a firefighter in an effective tax rate. That is the truth. But yet and still, the power of those special interests looms over this Chamber, and we were not able to end that corporate welfare and start to reduce this deficit.

So there are places to go to reduce the deficit. I say, start by eliminating corporate welfare for the people who do not need it. Start by asking billionaires and multimillionaires to pay their fair share. Then we do not have to hurt the people of this country, the great middle class of this country, the children. But every day in every way, that is what these battles are about.

So today I want to talk about the Republican budget and just look at it from the standpoint of Medicare and look at it from the standpoint of seniors and, more specifically, look at it from the standpoint of women on Medicare who make up 56 percent of those on Medicare.

Thank goodness the people in this country are tuning in to this debate. They are tuning in. A lot of what we say here just flies over the country and no one pays attention. It is complex, it is wonky, and the rest. This is an easy one. The Republican budget kills Medicare as we know it. Pretty simple. People are asking themselves across this Nation: Do they want to kill Medicare as I know it?

Senator MIKULSKI, who has just arrived on the Senate floor, has organized the women. In the next 5 minutes I will summarize what I said and turn to her.

The Republican budget is a disaster for seniors and for those on Medicare. It is worse than a disaster. Newt Gingrich said, 15 years ago: Let Medicare wither on the vine. That means starving it. The Republican budget just kills it outright. They lost patience with that idea. The Republican House-passed budget brings a devastating cost to seniors for Medicare.

Let me show you the cost. Listen to this: The average income of senior women in this country in a year is \$14,430. The health care cost they will have to pay under the Ryan budget is almost all that money, \$12,500. So the Ryan Republican budget devastates Medicare and says to a senior woman, who makes \$14,000 a year, that her health care costs are going to cost her \$12,000.

What is she going to do with the other \$2,000? Well, that would be probably, if she is fortunate, maybe 3 months' rent; in California, 1 month's rent. Then what does she do? Starve? I will tell you what she will do. She will not have health coverage.

This is America under the Republican vision? Going back to the days where our senior citizens had no dignity? I just cannot imagine it. I cannot imagine it.

The woman earns \$14,000. She is supposed to spend \$12,000 on health care. Forget it. She is not going to do it. Who in their right mind would ask a woman—a senior woman, who worked and played by the rules, who more than likely is a widow, who is living off Social Security—who in their right mind would ask her to face double—double—the cost of health care she now pays? I will give you the answer. House Republicans. That is what they voted for. I am not making it up. This is what they voted for.

Now you have people running away from it, running toward it. They do not know which way to go on it. But do you know what. When we vote, I hope they run far away from this because this is a disaster.

Let me show you another chart. This Republican budget ends Medicare as we know it, and it takes the benefit away from the senior and gives it straight to this guy. Who is this guy? He is very happy. Behind him is a chart that says: "Health Care Profits." On the other side it talks about the CEO of the company and his income. The House Republican budget takes the benefit away from the senior and gives it straight to the insurance company. Imagine. Do you know what this guy makes, the average CEO of a health insurance company? Mr. President, remember, I told you the average senior woman makes \$14,000 a year. He makes \$12.2 million a year. Oh, hooray for the Republicans. They are taking a benefit away from a woman who has lived by the rules, who has raised a family and stood by that family, and in her golden years they take away her money and they give it to this fat cat over here. It makes me ill. But I better watch out because the next thing you know, they will take away my health care, and where will I go?

Profits in these companies are up 41 percent from the previous year. Every once in a while a political party stands for something that shows who they are, and I think we are seeing it here. They voted to continue corporate welfare for the biggest multinational oil companies that are just running to the bank, and their CEOs make more than this guy by a few million. Now, this week, we are voting on their budget, which gives more to the CEO of an insurance company and steals it away from the average senior woman.

The last chart I am going to show is this one: There is a health care benefit in place for senior citizens who are on Medicare. By the way, I was very dis-

turbed when we voted for it because in that bill, at the insistence of the Republicans, we told Medicare they cannot negotiate for reasonable drug prices, and that is the way it went down. It was very sad.

Having said that, we have a benefit for senior citizens now. One of the leaders in trying to make sure they get their full benefit has been Senator STABENOW, who is joining us now in the Chamber.

So I will close with this: What we did in our health care reform budget is to say that seniors will now be covered for basically all of their health care costs. The Republican budget cancels that out, and they now say seniors have to pay for all of their prescription drugs. Even with their insurance, there will be this period of time: the uncovered benefit called the doughnut hole. People call it different things. That means immediately—if the Republican budget passed now—my seniors in California, who are in that category getting help on their prescription drugs, 400,000 of them, would have to pay \$9,000 more over the next decade—\$9,000 more—for their prescription drugs.

Mr. President, I have given you just a bit of the picture of what the Ryan budget does. I have just focused on the Medicare piece. That whole budget—the Republican budget, started by Ryan, embraced by the Republicans—is a disaster for seniors, for women, for children, and it is a hot time in the old town tonight for big CEOs of health insurance companies. That is what it is, and we should bring it down.

I am happy to now yield for Senator MIKULSKI, who will have the time in her own right.

I say to Senator MIKULSKI, thank you very much for your leadership on this issue.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank Senator BOXER very much for her steadfast stance for American women.

Today, the Democratic women have come to the floor to talk about the terrible impact the Republican budget coming from the House and getting started in the Senate has on women.

After I speak, I will be followed by Senators STABENOW and SHAHEEN and then Senator BLUMENTHAL. Other colleagues want to join us. Senator MCCASKILL is in Missouri, as she should be, with her constituents. Senators FEINSTEIN and KLOBUCHAR are chairing hearings.

But let me get right to my position. You know, the Republicans—we are not going to call this the Ryan budget because whether it is the Ryan budget, the Toomey budget, whatever, it is the wrong budget for America, and it continues the radical Republican attack on women they began in H.R. 1. They started to attack us by taking away our health care, our family planning. Now they are back at it again.

The Republican budget takes away our health care, and there are no ifs,



ands, or butts about it. We are not going to put up with it. No matter what they try to take away from us, we are not going to let it happen.

What do I mean by that? Well, let's start with Medicare. Medicare is the single most important health care program in America for seniors. Women are the majority users of Medicare because we live longer.

When the Republicans want to talk about taking away or changing Medicare as we know it, what is it that they mean? They are going to take away a guaranteed benefit and convert it into guaranteed profits for insurance companies. They talk about a voucher program. It is a payment for care that does not go to a senior but goes to an insurance company. People believe Medicare should be that they go to the doctors they need, get the prescriptions their doctors say they need, and they have follow-up and consistent care. No matter what, when the Republicans say this is going to give grandma more choice, more choice to do what? Be at the mercy of insurance company executives who ever-shrink benefits package and ever-expand premiums, all of which—government subsidizes their profits instead of providing a safety net so that if you are old and sick in America, you get the care you need, choose the doctor you want, and get the prescription drugs necessary. Under the Republican budget, Federal dollars turned over to the insurance companies will force people to pay more. In my own home State, it will mean \$6,000 more in health care.

But they don't stop just at Medicare; they go on to Medicaid. Now, "Medicaid" sounds like a bad word or they have made it sound like a bad word, that it is a budget-buster. But, make no mistake, Medicaid primarily pays for nursing home bills, nursing home bills for middle-class Americans who need it to turn to nursing home care for a loved one who may have Alzheimer's or Parkinson's or Lou Gehrig's disease. You don't go into a nursing home because it is a lifestyle choice; it is usually a lifesaving mandate. In order to do that, there is no government program to help you, so you have to spend down your life savings to qualify for Medicaid, and then Medicaid will help you pay for those bills. But under the Republican budget, they are going to pull the rug out from anyone who has a loved one in a nursing home.

Go out and talk to young families who are part of the sandwich generation, those who are caring for their aging parents and know they have to make sure they can help pay these long-term care costs while they are worrying about how to send their kids to college. Once more, they are trying to undermine the safety-net protections for middle-class Americans.

One thing the Republican plan does—it is a guaranteed bailout for insurance companies. Then they even go a step further. And I know my colleagues will

talk about what the defunding of health care will do. I want to talk about the defunding of NIH, the cuts to NIH.

The National Institutes of Health will also be cut under the Republican assault on women. What are they talking about by shrinking NIH? When you shrink the National Institutes of Health, that means there will be setbacks and delays to find that cure for Alzheimer's, that cure for Lou Gehrig's disease, that cure for Parkinson's disease. Right now, there are 5.5 million people living with Alzheimer's. It is predicted that by the year 2050, 50 million Americans will have Alzheimer's. And 1.5 million have Parkinson's disease.

These are not numbers and statistics; these are families who need help. They certainly need Medicare. They might need long-term care. But they also need to know their government is on their side. We can have races for cures, and we can have walks for the memory programs with the Alzheimer's Association. We can't find cures for diseases on private philanthropy, and the drug companies aren't investing the way they should in finding these new cures. We can't undermine this, whether you are cutting Medicare, which women need; Medicaid, which is the safety net for nursing home care; and even the research to find the cure for these diseases.

Now, whom does this affect? It affects people at all ages. It affects constituents of mine who have worked very hard building automobiles and working in steel mills, working in offices, working hard to be good patriotic people. It goes to even a former member of our Supreme Court, Sandra Day O'Connor, whose husband was gripped by Alzheimer's, and that is one of the reasons she stepped down when she did, because she was going to take care of him. Alzheimer's is an equal-opportunity disease. It hits all incomes and all ZIP Codes. But they are going to take a hit because of the Republican budget.

We are just going to shine a light on this. This is not about a more frugal government. This is not about limited government. This is about government abandoning its responsibility to the American people. And while we are busy promoting democracy over there, let's make sure we continue to provide health care right back here in America.

I now yield the floor for a real champion to women and seniors, my colleague, Senator STABENOW.

The PRESIDING OFFICER (Mr. BLUMENTHAL.) The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President, and thank you so much to our dean of the delegation, our dean of the women Senators, who has not only been here the longest but has been the strongest advocate, the strongest consistent voice for women, for seniors, and for children that we have had in our country. We thank you for that and

for bringing us together and your leadership in giving us the opportunity to come and talk about what are very serious ramifications of the budget passed by the House of Representatives.

Let me first start—I want to talk about Medicare because that has the biggest impact, but let me say that as we look at the budgets that have been proposed by the House, by House Republicans this year, the current budget as well as next year's budget that was passed, we are seeing attacks on women and children, from prenatal care forward to nursing homes at the end of life.

With my hat on as chair of the Agriculture Committee, we oversee the nutrition programs for the country, and I was absolutely appalled that the largest cuts that were proposed as we were negotiating the budget for this year in the Department of Agriculture was the WIC Program—Women, Infants and Children—prenatal nutrition for moms who are pregnant and healthy foods for moms and babies as they move forward through their first year of life and beyond. It is hard to believe that would be the No. 1 cut, the largest cut in the Department of Agriculture budget, but that was the original proposal from this year. Now we go forward and we look at the budget that was actually passed for the coming year by the Republican House, and it is really astounding when we look at the priorities.

The Republican budget essentially ends Medicare. It eliminates Medicare as we know it. Folks have said to me: Oh, they really do not mean that; they really are not going to do that. Yes. They passed that. It is not just a proposal someone had; they actually passed it as an intact insurance plan.

Medicare has been a wonderful success story for our country. Social Security and Medicare together have been great American success stories, lifting a generation of older Americans, the majority of them women, out of poverty and allowing them to be healthy longer in life, a generation of people, a generation of women, because the majority of women—particularly as we look at people of older age, the majority of people on Medicare are women.

I think about my own mom at 85 going strong and the blessing to watch her on Mother's Day be able to play with my two grandchildren—they are the most beautiful grandchildren in the world—3-year-old Lily and 1-year-old Walter, and to have my mother still be healthy because of access to health care at age 85, that is a success story. That is a gift we have all joined together as a country to give to our families, to older Americans, to our parents and grandparents and to future generations. That gift would be eliminated, that ability to have Medicare, and most of that elimination would be, unfortunately, an attack on women.

Seniors will pay double. The amount they will pay under the plan passed by

the House is \$6,359 more than they currently pay now. Really, what does that mean? Well, right now under Medicare, the current system in copays and deductibles and so on for the average senior is about \$6,000, \$6,154. Under the Republican plan passed by the House, that would double—more than double.

What does that mean to the average women who is retired? Well, the average woman senior has an income of \$14,430—\$14,430—and under the Republican plan her health care costs would be \$12,500. I don't know about you, Mr. President, but the idea of living on roughly \$2,000 for the year, for your rent or mortgage or food or clothing or gasoline—certainly not gasoline, given that the price of gas is impossible. It is absolutely impossible. And this is what is coming for the average woman who is retired, over age 65, under the plan passed by the House of Representatives.

Now, why would they be doing this? Why would they be doing this? Well, unfortunately, it is to continue to allow them to provide tax breaks for the wealthiest Americans, those earning over \$1 million a year, and they add more tax breaks in their budget while they are cutting Medicare, and it also protects the special perks for special interests such as the oil companies.

The reality is this: We know there is a huge budget deficit we have to tackle. We also understand that people are living longer and there is work we need to do around both Medicare and Social Security. We have already begun that process in health reform—lengthening the solvency of Medicare for a number of years, taking away overpayments for for-profit insurance companies to save dollars, and focusing on prevention, which saves \$500 billion over the next 10 years in Medicare, lengthens the trust fund, and does not cut benefits to seniors. It does not eliminate Medicare. It does not eliminate other insurance plans. It strengthens it for the future. That is one way to go.

But our colleagues in the other House, the Republicans, said: We need to balance the budget, so let's start by eliminating Medicare as we know it. Let's start there, doubling the cost for the average senior, most of whom are women.

We said: Well, there are a lot of choices about where to start to balance the budget. Let's start with the top five oil companies that right now are earning the largest corporate profits in history and still get taxpayer subsidies, some of which started almost 100 years ago when it probably made sense—over 100 years ago—when oil prices were \$17 a barrel. Now they are over \$100 a barrel—the largest corporate profits ever. They still get taxpayer subsidies.

People in my State are scratching their heads as they are paying higher prices out of one pocket and, as taxpayers, are subsidizing the prices out of the other pocket. Let's start with the billions of dollars that are certainly no

longer needed by an industry that is doing extremely well. Let's take away those taxpayer subsidies as a place to start to balance the budget. Let's not start with the tens of millions of people who currently get health care through Medicare, most of whom are women.

The Republican plan goes even further because it also attacks and dramatically cuts and weakens Medicaid, most of which is for low-income seniors in nursing homes, and 77 percent of the people in nursing homes or long-term care facilities are women. Again, 77 percent of those in nursing homes or long-term care facilities who are using Medicaid to help them are women. Again, from prenatal care in the beginning of life to what happens to seniors at the end of life, women in nursing homes across the board are being attacked on women's health care. That makes absolutely no sense.

Certainly those are not the values I believe in—the values we believe in as a country. Certainly those are not the values the people in Michigan have. Starting to balance the budget by going back to seniors, women, and middle-class families who are already taking hit after hit in this economy is not fair. It is certainly not the place I am going to vote to start or I know our Democratic majority will start.

We are going to have an opportunity very soon—in the next day or two—to say yes or no about this plan that was passed by the House, the plan that eliminates Medicare as we know it and puts an insurance company bureaucrat between you and your doctor. Every woman on Medicare would be put into a situation where an insurance company bureaucrat would, once again, be back between her and her doctor as she tries to get the care she needs.

In my judgment, the Republicans' plan has its priorities upside down. Their plan to eliminate Medicare as we know it is good for insurance companies, no question about it. Every single woman would have to go back to a private insurance company, and then the insurance company would get a subsidy at that point. It may be good for insurance companies, but it is bad for seniors, for taxpayers, and certainly bad for American women.

I encourage and implore our colleagues on the other side of the aisle to join with us in saying no and supporting Medicare—the great American success story that it is—and saying no to the efforts to eliminate Medicare as we know it, saying no to the Republican budget, which puts insurance company bureaucrats between you and your doctor. Let's say yes to other areas where we can reduce the deficit, without hurting middle-class families and seniors in this country.

It is my great pleasure to yield for a champion for women's health care and for the State of New Hampshire, Senator JEANNE SHAHEEN.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I commend my colleague, Senator STABENOW, for the great work she has done over a long period of time for women and families in her State of Michigan and throughout the country. I remember her telling me she got involved in politics in order to address a nursing home issue, which disproportionately affects women—just as this budget that passed the House disproportionately affects women and children. I am pleased to be able to join her on the floor, along with my other colleagues.

I also appreciate Senator MIKULSKI's leadership in bringing us together today.

There is no doubt that everybody in the Senate—and those who spoke today—understands we need to deal with this country's debt and deficit. There is no question about that. But the question is, Are we going to do that in a way that is fair to everyone? Unfortunately, the House Republican plan would disproportionately impact women and, in particular, older women.

Make no mistake about it, the Republican budget that passed the House will end Medicare as we know it today. Since women are a majority of all Medicare beneficiaries, any radical change to the Medicare system will disproportionately affect women, and it will, in the long term, hurt so many women in this country. For example, if we take a typical senior on Medicare in my home State of New Hampshire, under the House Republican plan that senior's out-of-pocket health care costs are going to double to \$12,000 a year.

As time goes on, those out-of-pocket costs are going to continue to increase. This health care impact on senior women is especially hard because, during most women's working years, they earn less than men. That is still true today—women earn less than men. Women often work part time or leave the workforce while raising families. As a result, they have less retirement savings, on average, and lower Social Security benefits.

So for women who already have earned less, Medicare is a critical source of financial security. It keeps many women out of poverty. The House-passed Republican budget will end that security for seniors who rely on prescription drugs—a real improvement we made when we passed the affordable health care plan because we made great progress toward closing that doughnut hole and helping seniors with the cost of prescription drugs. But what the House Republican plan will do is dramatically increase those costs. Again, in New Hampshire, we have 15,200 seniors who will pay \$8.5 million more in just 1 year for their medication. Of course, we all know women tend to live longer than men. As a result, women represent three-quarters of our most vulnerable Medicare beneficiaries—those who are living in nursing homes and assisted living or other long-term care facilities.

When their savings run out—which happens often, given the costs of long-term care—seniors must turn to Medicaid to pay their bills. However, the House Republican budget would also make radical changes to the Medicaid system. So their proposal not only threatens Medicare but it threatens long-term care for millions of women who rely on Medicaid.

The House Republican proposal eliminates the current Medicare system and puts private insurance companies in charge of the health benefits seniors receive. The Republican plan does nothing to reduce the cost of health care. It just shifts that cost of health care onto seniors. What is going to happen when we shift the cost to seniors who can no longer afford to pay for their health care is that they are going to go to emergency rooms, and emergency rooms are not only the most expensive care because we would have eliminated the preventive care that is part of the new Medicare proposal we passed for health care, but everybody who has health insurance winds up paying for those emergency room costs that seniors would not be able to afford to pay. So it is a double cost shifting—a shifting to seniors for the cost of their health care and a shifting of those health care costs to everybody who has insurance.

The House Republican budget will hurt all seniors, but it will especially hurt women because they are the most vulnerable. I hope all our colleagues will join us in voting against the House Republican budget that is on our desk that we expect to take up this week.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BLUMENTHAL. Madam President, I am very pleased and honored to join my distinguished colleagues—most recently the occupant of the chair—as we pledge to continue to fight to stand for women's health care and to fight the devastating cuts that are incorporated in the House Republican budget.

This fight against these cuts is essential not only for the health of millions of women across the United States but also for our health care system and even for the effort to cut the debt and deficit, which has to be one of our most important goals.

In the end, these cuts are as far from cost-effective as any could possibly be. In the end, they will actually raise the cost of health care in this country because they will deny millions of women and girls preventive health care, which saves money in the long run. Preventive health care enables everyone to

avoid the most costly consequences—costly in terms of the pain and suffering and worry and concern that comes from failure to diagnose and treat problems earlier rather than later.

Indisputably, preventive and coordinated health care saves money. This Republican budget will cost more money. It also will have an impact on States, unquestionably. In Connecticut, 114,000 people will lose Medicaid if this program is changed into a block grant program, and Connecticut will lose \$16.1 billion in health care benefits if our government in the State of Connecticut will have to shoulder this greater financial burden. The same will be true of other States across the country that will have to bear more of the costs. Taxpayers at the State level will pay those costs.

Again, that is as far from cost-effective as any program could be. The real consequences—the most dramatic and most immediate effect of this very misguided and cruel House Republican budget will be on women and children predominantly because Medicaid and Medicare serve them more than any other part of our population. Medicaid provides, in Connecticut, for example, 77 percent of the public funding for family planning. Medicaid pays for 35 percent of all the births in the State of Connecticut. The burden will fall on them disproportionately, and it will have real human consequences for women and children.

In a very pernicious way, it will also enable and encourage States to wage, at their level, the kind of ideological war on women's health we have seen, unfortunately and unconscionably, at the Federal level. We can already see the beginnings of it. In the State of Indiana, for example, they enacted legislation to prohibit Planned Parenthood from receiving Medicaid funds to be used for women's health care.

Think of it—Medicaid money cut completely for family planning, for cancer screening, for all kinds of preventive services that constitute the bulk of what Planned Parenthood does in Indiana and across the country under a law that is not only bad public policy but also illegal.

I thank the administration for recognizing the illegality of this law. It has done so in a statement recently issued by the Department of Health and Human Services. It has said unequivocally that this Indiana law that prohibits Planned Parenthood health centers from receiving Federal funds for family planning services under Medicaid and title X contravenes Federal law. Now we will ask—and I am circulating a letter to my colleagues to this effect—the Federal Government to take action that will provide real teeth for this statement and show that similar laws now pending in other legislatures, such as Kansas, Oklahoma, and elsewhere, will also bring compliance action from the Federal Government.

The fact of the matter is family planning services provided by Medicaid are

a mandatory benefit under Federal law. Congress created this legal program for beneficiaries in 1972, and it was so concerned about the availability of family planning services that the Federal Government and this Congress required that they cover 90 percent of all of the cost of services in this area—an unprecedented incentive and a clear signal as to the importance of these services.

The Indiana law threatens access to vital preventive health care for millions of women in that State. Its precedent threatens the same kind of family planning and preventive care for millions more women across the country. And this body has, in effect, rejected that kind of restriction by a vote of 58 to 42 when we had to consider the continuing resolution just weeks ago.

Finally, this ideological war in Indiana is misguided, it is costly in dollars and in lives, and it should not be tolerated. Certainly it should not be permitted by the kind of approach that is embodied in the House Republican budget. I believe the Members of this body will take a stand against it and fight the kind of war on women's health care the House Republican budget so dramatically reflects.

Mrs. FEINSTEIN. Madam President, I rise to discuss the devastating impact that the House Republican budget would have on seniors, women, children, and families nationwide.

On April 15, 2011, House Republicans passed H. Con. Res. 34, Chairman RYAN's budget. Under the guise of entitlement reform and deficit reduction, House Republicans would instead ensure that the elderly, the poor, pregnant women, and children will be unable to afford health care.

The House Republican budget essentially ends the important entitlement programs Medicare and Medicaid as we know them, all while 72 percent of the budget cuts go to fund tax cuts for the rich. The budget claims \$1.5 trillion in savings from winding down the wars in Iraq and Afghanistan, which are already savings that will happen. If you discount those savings, the House Republican budget cuts \$4.3 trillion over 10 years, while spending \$4.2 trillion on tax cuts for the wealthy, resulting in only \$100 billion in deficit reduction. To be blunt, House Republicans are trying to balance the budget on the backs of the poor, the elderly, and our children while rewarding the wealthy.

This budget changes Medicaid from a State-Federal matching program that can adjust to changes in unemployment, poverty, or aging of the population, to a capped amount of Federal funds per State—a block grant. The budget also repeals the health reform law.

Medicaid is the health insurance program for low-income or disabled individuals and families, many of whom are parents in working families. This is not a population who can easily access health insurance elsewhere if their benefits are cut.

If Medicaid was converted to a block grant and the health reform law repealed, California stands to lose an estimated \$147.8 billion over the next decade—\$87.7 billion through Federal investments in Medi-Cal and \$60.1 billion from the Medicaid expansion in health reform. Under the House Republican budget, California would see a 31-percent reduction in Federal dollars over the first 10 years, and by 2021 there would likely be a 41-percent cut in Medicaid enrollment. Mr. President, 7.2 million Medicaid beneficiaries in California could see either reduced benefits or increased out-of-pocket costs, and at least 2 million poor Californians could be kicked off the program.

Low-income pregnant women who depend on Medicaid as a key source of health coverage could be dropped from the program. By converting Medicaid into a block grant, House Republicans would inevitably force States to drop coverage or change eligibility levels, and many more babies could be at risk. Without Medicaid, pregnant women who rely on the program would likely be uninsured and forgo critical prenatal care. This is a serious concern for the health of both the mother and the baby. Babies born to mothers who do not receive prenatal care are three times as likely to be born at a low birth weight and five times more likely to die. A block grant could also result in States dropping coverage for children who need it the most, such as those receiving special needs care.

In California alone, Medicaid care for seniors and the disabled, including nursing home care, would be slashed by almost \$54 billion over 10 years.

This budget hurts women, it hurts children, and it hurts the elderly.

The House Republican budget also eliminates Medicare as we know it. Instead of a guaranteed set of health benefits, seniors would receive roughly \$8,000 to purchase insurance on the private market. This sounds good, but the bottom line is that it won't cover the costs. Our current Medicare Program has been more effective than the private insurance market at keeping costs down. This means that for an equivalent package of benefits in 2022, under this budget, health care costs for an average 65-year-old will be 40 percent higher. Because the \$8,000 will be insufficient to cover the increased cost of care, annual costs the seniors pay out of their own pocket for health care will more than double in 2022, from an estimated \$6,150 to \$12,500. Essentially, seniors would be getting less money to purchase more expensive care. In 2010, half of all Medicare beneficiaries had incomes less than \$21,000. You can see the problem.

Furthermore, the House GOP budget would repeal the health reform law. Repealing the health reform law would reopen the drug-coverage Medicare drug-coverage gap or doughnut hole, that is closed in health reform. This gap forced beneficiaries to pay 100 percent of their drug costs after they ex-

ceeded an initial coverage limit. Over 381,000 California seniors are in this coverage gap. House Republicans want these seniors to have to pay \$214 million more for prescriptions next year and \$4.3 billion more in 2030.

Furthermore, there would no longer be free annual wellness exams under Medicare, meaning over 106,000 Californians could pay over \$11.1 million more for annual wellness visits in 2012.

Repealing the health reform law also hurts women. Women in Medicare would no longer receive free mammograms—an important measure to find breast cancer early.

Because of the new health care reform law, in 2014, insurance companies will no longer be able to discriminate based on preexisting health conditions and will no longer be able to charge different premiums for women and men. House Republicans want insurance companies to get back in the driver's seat and be able to charge higher rates based on gender and deny coverage to people with preexisting conditions. About 80 percent of Americans age 65 and older have at least one chronic health condition, meaning it would be more difficult for them to find insurance coverage. Under this budget, pregnancy would once again be considered a preexisting condition. We all know how difficult it is to get coverage. It is a travesty to deny health insurance to women for this reason.

With these and other benefits in the law, women make great strides toward equality in the insurance market. But House Republicans want to eliminate these strides.

The House Republican budget also targets a critical nutrition program for low-income families. It would cut \$127 billion, or 20 percent, to the Supplemental Nutrition Assistance Program, SNAP, in the next 10 years alone. In my State alone, 3.7 million individuals are expected to receive food stamps in 2012. Under the House Republican budget, California would lose over \$10 billion in food stamp benefits over the next 10 years. As a result, families would see their benefits cut. Low-income families, with average salaries of \$28,000 a year, would see their benefits cut by \$147 a month.

The continued assault on health care for the poor, the elderly, women, and children is astounding to me. We need to look carefully at our spending and we need to make cuts, and I believe we need to include entitlement programs in the discussion. But changes to these programs and any cuts we make have to be carefully crafted to ensure that the most vulnerable populations receive the least amount of harm. The House Republican budget does not follow this philosophy; instead, it attacks the poor and elderly in the guise of deficit reduction.

I will be voting against this budget when it comes before the full Senate for a vote.

Madam President, I yield the floor, and I suggest the absence of a quorum.

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

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. UDALL of Colorado. Mr. President, I rise today to speak in opposition to the proposed reauthorization of the expiring provisions of the PATRIOT Act incorporated in S. 1038. I have to tell you, I find reauthorization especially troubling since we have waited until the last minute and are now being told we must rush this bill through the Senate of the United States.

There are a number of PATRIOT Act provisions that are permanent, and they remain in place to give our intelligence community important tools to fight terrorism. But there are three controversial provisions we are debating, commonly known as roving wiretap, lone wolf, and business records. I have to tell you, at least from my point of view—and I think there are other Senators here who agree with me—they are ripe for abuse, and they threaten Americans' constitutional freedoms.

As I start my remarks at the onset, I want to state that I firmly believe, as we all do, that terrorism is a serious threat to our great country, the United States, and we have to be focused like no other time in our history in seeking to protect our people, the American people.

I sit on the Senate Armed Services Committee and the Senate Intelligence Committee. On those two committees, much of my attention is centered on keeping Americans safe, both here and abroad. I recognize that despite bin Laden's death—which we all celebrate because justice was delivered—we still live in a world where terrorism is a serious threat to our country, our economy, and to American lives.

Our government does need the appropriate surveillance and antiterrorism tools to achieve these important goals—indeed, many of the PATRIOT Act's provisions which I support and have made our Nation safer since those devastating attacks on that day we will always remember, on 9/11, we know that for a fact. But the problem we confront today is there are three provisions we are debating that fail to strike the right balance between keeping us safe, while protecting the privacy rights of Coloradans and all Americans.

Instead, these three provisions are far too susceptible to abuse by the Federal Government, even in the name of keeping us safe from terrorism. I do not say this lightly, but my concerns about some of these provisions have only grown since I have been briefed on their interpretation and their implementation as a member of the Intelligence Committee.

Let me share some examples. Currently, the intelligence community can place wide-ranging wiretaps on Americans without even identifying the target or the location of such surveillance. That is one concern. Second concern. The intelligence community can target individuals who have no connection to terrorist organizations. A third concern I have is they can collect business records on law-abiding Americans who have no connection to terrorism. We ought to be able to at least agree that the source of an investigation under the PATRIOT Act should have a terrorist-related focus. If we cannot limit investigations to terrorism, my concern is, where do they end? Is there no amount of information our government can collect that should be off-limits? I know Coloradans are demanding that we at least place commonsense limits on government investigations and link data collection to terrorist-related activities.

If we pass this bill to extend the PATRIOT Act until 2015, it would mean that for 4 more years the Federal Government will continue to have unrestrained access to private information about Americans who have no connection to terrorism, with little to no accountability as to how these powers are used.

Again, I wish to go back because we all agree the intelligence community needs effective tools to combat terrorism. But we must provide those tools in a way that protects the constitutional freedoms of our people and lives up to the standard of transparency democracy demands.

The three controversial provisions I have mentioned can be much better balanced to protect our people. Yet it seems to me that many of my colleagues, many of our colleagues, oppose any changes. By making the PATRIOT Act provisions I have outlined permanent, we would be, in effect, preventing debate on them ever again.

To travel that path would be to threaten constitutional and civil liberties we hold dear in this country. That is not the right path. Let me be clear. I do not oppose the reauthorization of these three provisions of the PATRIOT Act, but I do aim to bring forward some commonsense reforms that will allow us to strike an important balance between keeping our Nation safe, on the one hand, while also protecting privacy and civil liberties.

Toward that goal, I have worked side by side with my colleagues in coming up with commonsense fixes that could receive bipartisan support. Senator WYDEN from Oregon has filed an amendment, which I have cosponsored, that would require the Department of Justice disclose to Congress the official legal interpretation of the provisions of the PATRIOT Act. While I believe our intelligence practices should be kept secret, I do not believe the government's official interpretation of these laws should be kept secret.

I have also filed my own amendments to address some of the problems I see

with the three expiring provisions. The first amendment I have filed is bipartisan with Senator PAUL of Kentucky, who is on the floor, and Senator WYDEN, who has joined as well. Our amendment would modify the roving wiretap authority under section 206 of the PATRIOT Act.

Specifically, our bipartisan amendment would require intelligence agencies to identify either the target or the place to be wiretapped. They currently do not have to do so. I believe that when seeking to collect intelligence, law enforcement should at least have to identify who is being targeted.

I have also filed an amendment to address the so-called "lone wolf" provision which currently allows the government to conduct wiretap surveillance on individuals, even when that person has no connection to a government or a terrorist organization.

This amendment would simply require that should the intelligence community use the "lone wolf" provision, that Congress simply be notified—again, a safeguard that is not in place as we stand here today. Without safeguards like that, how do we in this body conduct our constitutional duties of oversight?

Finally, I was joined by Senator WYDEN in filing an amendment designed to narrow the scope of business record materials that can be collected under section 215 of the PATRIOT Act. This amendment would still allow law enforcement to use the PATRIOT Act to obtain such records but would require these entities to demonstrate that the records are in some way connected to terrorism or clandestine intelligence activities.

Right now, law enforcement can currently obtain any kind of records. In fact, the PATRIOT Act's only limitation states that such information has to be related to any tangible thing. That is right. As long as these business records are related to any tangible thing, the U.S. Government can require businesses to turn over information on all their customers, whether or not there is any link to terrorism.

Mr. WYDEN. Would my colleague yield for a question?

Mr. UDALL of Colorado. Yes.

Mr. WYDEN. It seems to me the Senator has laid out the case for why there needs to be a thoughtful debate about the PATRIOT Act and what is necessary to strike the key balance between fighting terrorism ferociously and protecting our liberties.

I am interested in what my colleague thinks about the proposition of how you have a thoughtful debate on these issues, when there is secret law where, in effect, the interpretation of the law, as it stands today, is kept secret. So here we are, Senators on the floor, and we have colleagues of both political parties wanting to participate. Certainly, if you are an American, you are in Oregon or Colorado, you are listening in, you want to be part of this discussion. But yet the executive branch

keeps secret how they are interpreting the law.

What is the Senator's sense about how we have a thoughtful debate if that continues?

Mr. UDALL of Colorado. The Senator from Oregon has put his finger on why it is so important to have a debate on the floor and not rush these provisions to the House because of a deadline that I think we can push back. We can, as you know, extend the PATRIOT Act in its present form a number of other days or a number of weeks in order to get this right.

But the Senator from Oregon makes the powerful point that the law should not be classified—as far as its interpretation goes. Of course, we can protect sources and methods and operations, as we well should. Both of us serve on the Intelligence Committee. We are privy to some information that should be classified. But we have come to the floor to make this case because of what we have learned on the Intelligence Committee.

Mr. WYDEN. Well said.

Mr. UDALL of Colorado. I thank the Senator for his question. I look forward to his comments in a few minutes. The Senator from Oregon, in effect, points out that these are just a few of the reform ideas we could debate. But without further debate on any of these issues, this or any other administration can abuse the PATRIOT Act and could actually deny us, as Members of Congress, whether in this Congress or future Congresses, the opportunity to fulfill our oversight responsibilities on behalf of the American people.

I voted against the original passage of the PATRIOT Act in 2001, and I plan to vote against the reauthorization of the expiring provisions this week, unless we implement some reforms that will sensibly restrain these overly broad provisions. Simply put—again, to make the point that the Senator from Oregon made so importantly—I believe Congress is granting powers to the executive branch that lead to abuse and, frankly, shield the executive branch from accountability.

It has been 10 years since we first passed this law, and there has been very little opportunity to improve the law. I resist this rush to again rubberstamp policies that threaten the very liberty we hold dear. I recently supported a short-term extensions of the expiring provisions before us as a bridge to take time and debate and amend the PATRIOT Act and its controversial provisions.

But we were notified—unfortunately, a few days ago—that we would be voting on a 4-year extension of these expiring provisions. That is not the way to assure Americans that we are diligently considering these important public decisions.

In Federalist 51, James Madison, whom we venerate, who was the author of many of the documents that structure the way in which we organize and operate our democracy, wrote: "In

framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

The bill before us does not live up to that standard. I believe it seriously risks the constitutional freedoms of our people. We need to strike a better balance between giving our national security and law enforcement officials the tools necessary to keep us safe, while not damaging the very Constitution we have sworn to support and defend.

By passing an unamended reauthorization, we are assuring that Americans will live with the status quo for 4 more long years. I believe this bill may well be a lost opportunity to improve the balance between our security and our civil liberties. That is not the result that our Founding Fathers envisioned, and it is not a result that our constituents want.

For these reasons, if the PATRIOT Act provisions are not amended, I plan to vote no on the motion to invoke cloture and on passage of S. 1038. Before I yield the floor, I wish to make one last historical reference.

Ben Franklin, one of our Founding Fathers, said, compellingly and presciently: "A society that would sacrifice essential liberties for short-term security deserves neither."

I think that is the question before us. There is a way forward. There is a way to keep the PATRIOT Act in place to protect our national security but also to protect our essential liberties. But in order to do that, we have to have a chance to debate and pass these important amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before my colleague leaves the Chamber, I wished to tell him what a welcome addition he has been to the Intelligence Committee. I have served on that committee for 10 years. We have had excellent chairs—first, Senator ROBERTS, then Senator ROCKEFELLER, Senator FEINSTEIN.

So we continue to try to look for bipartisan support for trying to strike that balance between collective security and individual liberty. I am struck both by the clarity of your statement and the fact that those who are going to vote on these amendments and the American people who are listening in tonight ought to be able to get, in a straightforward, easy-to-access fashion, how the executive branch is currently interpreting the PATRIOT Act.

The fact is, law professors give assignments to their students to write analyses of the PATRIOT Act. The Congressional Research Service actually has an analysis out. But it is not possible to get the official interpretation of how the U.S. Government frames this law as far as the operations are so essential for our country. The

Senator has laid it out very well. It is a pleasure to serve with him on the Intelligence Committee.

Mr. President, let me sum up with what this issue has come down to, to me.

These are dangerous times. If you go into the Intelligence Committee several times a week, as Senator UDALL and I do, you come away with the indisputable judgment that there are threats to the well-being of this country, that there are people who do not wish our citizens well. In these dangerous times, the sources and methods of our antiterror operations absolutely must be kept secret. That is fundamental to the work of the intelligence community—keeping the sources and methods of those who serve us so gallantly secret and ensuring that they are as safe as possible.

But while we protect those sources and methods, the laws that authorize them should not be kept secret from the American people. That is what this is all about—whether the laws that authorize the operations that are so essential, which have been passed by the Congress—that their interpretation should be kept secret from the American people. I call it "secret law." I want to say to this body, yes, we need secret operations, but secret law is bad for our democracy. It will undermine the confidence the American people have in our intelligence operations.

You might recall that it was only a few years ago, during the Bush administration, that they secretly reinterpreted the warrantless wiretapping statutes to say that it was possible to wiretap our people without a warrant. When it came out, it took years to sort that out, with the executive branch and the Congress working together. I don't want to see that happen again. So that is why I have joined Senator UDALL in these amendments, and we hope we can get bipartisan support for what we are trying to do and especially ensure that the official interpretation of the PATRIOT Act, an important intelligent statute, is made public to the American people, and I think it can be done in a way without jeopardizing our sources and methods.

One of the reasons Senator UDALL, I, and others feel so strongly about this is—and Senator UDALL touched on this—that this is a time when Congress should finally say we are not just going to keep kicking the can down the road. That is what has been done again and again over the last decade. The PATRIOT Act was passed a decade ago, during a period of understandable fear, having suffered in our Nation the greatest terrorist attack in our history. So the PATRIOT Act was born out of those great fears.

It seems to me that now is the time to revisit that and ensure that a better job is done of striking the balance between fighting terror and protecting individual liberty. Unfortunately, every time over the last decade there has been an effort to do just that—re-

visit this and strike a better balance—we have had the same pattern; we have said we just have to get it done quickly and we really don't have any time to consider, for example, the thoughtful ideas Senator UDALL has mentioned. I just don't think it is time now to once again put off a real debate on the PATRIOT Act for yet another always-distant day.

There is an irony about what this is all about, and that is that Senators are going to want to consider the amendments of Senator UDALL—and I believe Senator PAUL is here, and others who care strongly about this. It is awfully hard to have a thoughtful debate on these specific amendments, whether it is the Leahy amendment, the Paul amendment, the Udall amendment, or the ones we have together, if, in fact, you cannot figure out how the executive branch is interpreting the law.

An open and informed debate on the PATRIOT Act requires that we get beyond the fact that the executive branch relies on the secret legal interpretations to support their work, and Members of the Senate try to figure out what those interpretations are.

Here are the rules. If a U.S. Senator wants to go to the Intelligence Committee—and I think Senator UDALL touched on this—the Senator can go there and get a briefing. Many Members of Congress, however, don't have staff members who are cleared for those kinds of briefings. Under Senate rules, it is not possible for Senators to come down here and discuss what they may have picked up in one of those classified briefings.

I just don't think, with respect to the legal interpretation, that is what the American people believe we ought to be doing. The American people want secret operations protected. They understand what sources and methods are all about and that we have to have secrecy, for example, for those in the intelligence community to get the information we need about sleeper cells and terrorist groups and threats we learn about in the Intelligence Committee. But that is very different from keeping these legal interpretations secret.

In my view, the current situation is simply unacceptable. The American people recognize that their government can better protect national security if it sometimes is allowed to operate in secrecy. They certainly don't expect the executive branch to publish every detail about how intelligence is collected. Certainly, Americans never expected George Washington to tell them about his plans for observing troop movement at Yorktown. But Americans have always expected their government to operate within the boundaries of publicly understood law. As voters, they certainly have a right to know how the law is being interpreted so that the American people can ratify or reject decisions made on their behalf. To put it another way, Americans know their government will sometimes conduct secret operations, but they

don't believe the government ought to be writing secret law.

The reason we have felt so strongly about this issue of secret law is that it violates the trust Americans place in their government and it undermines public confidence in government agencies and institutions, making it harder to operate effectively. I was on the Intelligence Committee, before Senator UDALL joined us, when Americans were pretty much stunned to learn the Bush administration had been secretly claiming for years that warrantless wiretapping was legal. My own view was that disclosure significantly undermined the public trust in the Department of Justice and our national intelligence agencies. Our phones were ringing off the hook for days when the American people learned about it. The Congress and executive branch had to retrench and figure out how to sort it out.

I certainly believe the public will be surprised again when they learn about some of the interpretations of the PATRIOT Act. Government officials cannot hope to indefinitely prevent the American people from learning the truth. This is going to come out, colleagues. It is going to come out at some point, just as it came out during the Bush administration about warrantless wiretapping. It is going to come out. It is not going to be helpful to the kind of dialog we want to have with the American people, an open and honest dialog, to just continue this practice of secret law.

The reason I am offering or seeking to offer this amendment with Senator UDALL, Senator MERKLEY, and other colleagues with respect to changing the practice of secret law is that we have raised this issue numerous times—on the Senate floor, in correspondence, in meetings with senior administration officials—and I have been joined in the past by other Senators, and we talked about it with respect to the problem in the news media. But the problem persists and the gap between the public's understanding of the PATRIOT Act and the government's secret interpretation of it remains today. Once information has been labeled "secret," there is a strong bureaucratic tendency—it almost gets in the bureaucratic chromosomes to keep it secret and not revisit the original decision.

So what Senator UDALL and I and colleagues seek to do is correct this problem. We seek to offer an amendment that states that it is entirely appropriate for particular intelligence collection techniques to be kept secret but that the laws that authorize these techniques should not be kept secret and should instead be transparent to the public. We seek to offer an amendment that states that U.S. Government officials should not secretly reinterpret public laws and statutes in a manner that is inconsistent with the public's understanding of these laws or describe the execution of these laws in a way that misinforms or misleads the public.

So under this proposal, the Attorney General and Director of National Intelligence would—and we note this—provide a classified report to the congressional intelligence committees. It makes it clear that intelligence collection continues to go forward, and our amendment would simply require the Attorney General to publicly lay out the legal basis for the intelligence activities described in the report. The amendment specifically directs the Attorney General not to describe specific collection, programs, or activities, but simply to fully describe the legal interpretations and analyses necessary to understand the government's official interpretation of the law.

Let me close—I see colleagues waiting to speak—and say that we can have honest and legitimate disagreements about exactly how broad intelligence collection authorities ought to be, and members of the public do not expect to know all of the details about how those authorities are used, but I hope each Senator would agree that the law itself should not be kept secret and that the government should always be open and honest with the American people about what the law means. All that Senator UDALL and I seek to do, along with other colleagues, is to restore some of that openness and honesty in an area where it is now needed. I hope colleagues on the floor of the Senate and in the Obama administration will join in that effort.

Mr. PRYOR. Mr. President, I want to briefly comment on yesterday's cloture vote on the motion to proceed to S.1038, the extension of the amendments to the Foreign Intelligence Surveillance Act.

Unfortunately, yesterday I was attending the funeral of a very close family friend who passed away on Friday. However, I wish to express my support for the motion to proceed and the extensions themselves. I believe these extensions, section 6001 (a) of the Intelligence Reform and Terrorism Prevention Act, and sections 206 and 215 of the USA PATRIOT Act, continue to provide the right balance between safety and individual rights.

I understand those with concerns about the breadth and scope of this law and believe it is important to continue to ask these questions and examine the limits and extent of these amendments as well as other aspects of the law.

In the wake of bin Laden's recent killing, the importance and significance of our intelligence resources are without question. Our intelligence community must have the necessary tools at its disposal to protect us from the threat of terrorism. This legislation helps clarify what is legal and proper, and I believe strikes a balance between prioritizing our safety without trampling individual rights.

Mr. BROWN of Ohio. Mr. President, yesterday the Senate conducted a procedural vote on whether it would begin deliberation on S. 1038, the PATRIOT Sunsets Extension Act of 2011.

Due to inclement weather, my flight from Cleveland returned to Cleveland, and I was unable to make this vote. However, if I had been in attendance, I would have voted "yea."

I have long expressed concerns about the PATRIOT Act, specifically about its scope and effectiveness. For too long, Americans have been asked to cede their constitutional rights in the name of national security. There is no question that our law enforcement authorities need the tools to fight terrorism and keep Americans safe, but security is not a zero sum game. Indeed, it is certainly possible to extend the PATRIOT Act while building in some additional checks and balances. But this extension does not include them.

Despite my misgivings about this extension, I believe that it is important that the Senate directly address this legislation that is important to both our Nation's security and well as our civil liberties.

Mr. WHITEHOUSE. Mr. President, on May 23, 2011, due to my daughter's college graduation, I was absent for vote No. 75, a motion to invoke cloture on the motion to proceed to S. 1038, the USA PATRIOT Sunset Extension Act of 2011. Had I been present, I would have voted "yea."

Mr. BROWN of Massachusetts. Mr. President, on May 23 the Senate voted on a motion to invoke cloture on the motion to proceed to the USA PATRIOT Act Sunset Extension Act of 2011, S. 193. I was necessarily absent for this vote. Had I been able to vote, I would have voted "aye." The act will extend sections 206 and 215 of the Patriot Act and section 6001 of the Intelligence Reform and Terrorism Prevention Act, IRTPA, for 4 more years before they expire on May 27. The PATRIOT Act, with these provisions, has provided vital tools and resources to our counterterrorism professionals that have enabled them to disrupt dozens of active terrorist plots. By empowering our counterterrorism professionals to do their jobs, we can continue to disrupt and prevent terrorist attacks in the homeland and abroad. I voted for the 90-day extension of these three provisions in February and I look forward to voting on final passage of the long-term extension this week.

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

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

#### ISRAEL AND PALESTINE

Mr. MORAN. Mr. President, on Thursday, in a speech on the Middle East, President Obama said:

We believe the borders of Israel and Palestine should be based on the 1967 lines with mutually agreed swaps so that secure and

recognized borders are established for both states.

While the President has since sought to revise or clarify his remarks, it is valuable to remind ourselves what a retreat to the pre-1967 boundaries would mean for the security of Israel.

After Israel declared independence in 1948, it was invaded by five neighboring armies, and an armistice line was subsequently established in 1949. This line is known as the Green Line. While some refer to it as a border, it was never officially recognized as an international border.

If Israel were forced to retreat to the Green Line—its pre-1967 boundary—Israel would be only 9 miles wide at its narrowest point. Such close borders are untenable today and would subject Israel's population to great and grave danger.

Following the Six Day War, U.N. Security Council Resolution 242 affirmed Israel's right to secure and recognized borders. As Robert Satloff of the Washington Institute for Near East Policy points out, calls for Israel to withdraw to those "secure and recognized" borders have never been interpreted as being synonymous with the pre-1967 boundaries. A quick look at a map of Israel will explain why these boundaries cannot be secure.

Prime Minister Netanyahu today, in a joint meeting of Congress, reminded us that "Israel needs unique security arrangements because of its unique size." Two-thirds of Israel's population and infrastructure lies within a 60-mile strip along the Mediterranean coastline. Tel Aviv would only be 11 miles away from a Palestinian state with its border as the Green Line, and Ben Gurion Airport, Israel's largest and busiest, would be a mere 4 miles away. It would only take one rocket fired at Ben Gurion for the entire airport to shut down, isolating Israel from the rest of the world.

With the Green Line as its border, the dangers to Israel come not only because of the short distances between major Israeli cities and a Palestinian state, but also from the geography of the land. The 60-mile strip along Israel's coastline lies below the hilly heights of the West Bank. With control of the high terrain, terrorists could easily target and terrorize much of Israel's population just as they have from Gaza but with even more deadly accuracy.

When Israel unilaterally withdrew from Gaza in 2005, Israel's leaders had hoped the Palestinians would demonstrate they could live peacefully with Israel. Instead, Hamas assumed power and Israelis living in the southern part of Israel have had thousands of rockets and mortar attacks directed at them. So far this year, more than 300 rockets and mortars have been fired from Gaza, terrorizing countless families in Israel.

The threats to Israel from a Palestinian state with its border as the Green Line are clearly understood in

this context—especially since Palestinian Authority President Mahmoud Abbas' Fatah party inked an accord with Hamas to form a unity government earlier this month. Although welcomed by President Abbas, Hamas still calls for the destruction of the State of Israel. The United States designated Hamas a terrorist organization in 1997. It has killed more than 500 innocent civilians, including dozens of Americans.

The United States does not negotiate with terrorists, and we should not expect or ask Israel to do so either. Instead of calling for negotiations based on boundaries that leave Israel vulnerable to attack, the President should have insisted the Palestinians prove they are ready to be responsible and peaceful neighbors. As Prime Minister Netanyahu said:

The Palestinian Authority must choose either peace with Israel or peace with Hamas. There is no possibility for peace with both.

Israel's security must come first. Any efforts to force Israel to withdraw to its pre-1967 boundaries—the 1949 armistice line—would undermine Israel's security and threaten the future of any peace talk.

In 2004, the Senate overwhelmingly passed S. Res. 393, which endorsed U.S. policy for a Middle East peace process. In particular, the Senate supported a statement that said:

In light of realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949.

I believe it is important for the United States to again oppose any plan to force Israel to withdraw to those 1949 boundaries. Borders between Israel and a Palestinian state should be decided only by Israel and Palestinian leaders through direct negotiations. Borders should not be a precondition set for negotiations by the President of the United States or anyone else. As Prime Minister Netanyahu said today: "Peace cannot be imposed."

Since recognizing Israel 11 minutes after its founding in 1948, our two countries have worked side by side to advance democracy and peace and stability. Israel is our staunchest ally in a volatile part of the world. We cannot now turn our backs on Israel by forcing it to take a position in negotiations that would endanger its very existence.

I oppose any plan or effort to force Israel back to those 1949 armistice lines and encourage my colleagues to work to see that is not the case. I ask my colleagues to support that position as well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we have been working for several days—I have been working on it for a lot longer than several days—but for several days publicly on a process to move forward with the PATRIOT Act. We have worked over the last several days to work something out that is an excellent compromise. Is this bill something everybody in the Senate likes or everybody in the House likes? The answer is no. But we all know how important it is that we continue this legislation. So Senator MCCONNELL and I and Speaker BOEHNER have agreed on a way to move forward.

The alternative is to have a long long-term extension that the House would send us and I don't think that would be to anyone's benefit, so we are moving forward. I have tried to do it with the bill that we invoked cloture on yesterday. I have had many conversations with Senator PAUL and others, but principally him, and tried to come up with a process to allow Senator PAUL to offer amendments—and others to offer amendments; it is not just him. I have been unsuccessful.

I understand Senator PAUL's exasperation because this is something that is extremely important to him and there was every desire, from my perspective and I think that of this body, to have a full and complete debate on the PATRIOT Act. But the Senate does not always work that way.

There have been a lot of things that have gotten in the way and the time is suddenly upon us. We have to complete this legislation by midnight on Thursday. We cannot let the PATRIOT Act expire. I have a responsibility to try to get this bill done as soon as possible, in spite of the fact that some of my Senators and some Republican Senators would rather I did it some other way at some other time. But I can't do that. I have to get this done.

We know, since bin Laden was killed, that there has been a lot of information discovered from him about what he did. One thing that is very clear is that he had instructed all of his lieutenants to focus all of their attention on the United States and its assets. So we cannot let this expire and I am going to do everything I can to make sure this does not happen.

Senator PAUL and I have tried to work out something. He feels strongly about at least three of his amendments. I say, even though he and I disagree on a number of things politically, I have found in his time here in the Senate, as it relates to me, he is a very pleasant man with strong feelings. I have only the highest regard for him and I am sorry I cannot make this system we have in the Senate more in keeping with his desires to get things done. But as he will learn over the years, it is always difficult to get what you want in the Senate. It doesn't mean you won't get it, but sometimes you have to wait and get it done at some subsequent time.

Senator PAUL has been very upfront with me. He has never hidden a punch.



He said: I feel strongly about a number of these amendments and I am not going to agree to let this go forward unless I have these amendments, and he has been very reasonable. He has brought his number down from 11 to 3 or 4 and I appreciate that. But the time has come for me to take some action.

Again, I repeat, I do not have the luxury of waiting for a better time. However, I would like to be able to allow the Senator from Kentucky to give a few of his stem-winding speeches. He does a very good job presenting himself. But in order to expedite what I think is so important to continue the country's intelligence operations, I am going to move to table the pending motion to proceed to S. 1038. Following that vote, I am going to ask the Senate to proceed to a message received from the House earlier today. I will then move to concur with the amendment which will be the extension of the PATRIOT Act and I will file cloture on that motion.

Mr. President, I move to table and I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PAUL (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from California (Mrs. FEINSTEIN), the Senator from North Carolina (Mrs. HAGAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Mrs. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "nay."

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 74, nays 13, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—74

Akaka	Coburn	Hatch
Alexander	Cochran	Hoeven
Ayotte	Collins	Inhofe
Barrasso	Conrad	Inouye
Baucus	Coons	Isakson
Bennet	Corker	Johanns
Blumenthal	Cornyn	Johnson (WI)
Boozman	Crapo	Kerry
Boxer	DeMint	Kirk
Brown (MA)	Durbin	Klobuchar
Brown (OH)	Enzi	Kohl
Burr	Franken	Kyl
Cardin	Gillibrand	Lautenberg
Casey	Graham	Levin
Chambliss	Grassley	Lugar
Coats	Harkin	Manchin

McCain	Pryor	Stabenow
McConnell	Reed	Thune
Menendez	Reid	Toomey
Mikulski	Risch	Vitter
Moran	Rockefeller	Warner
Murray	Rubio	Webb
Nelson (NE)	Sessions	Whitehouse
Nelson (FL)	Shelby	Wicker
Portman	Snowe	

NAYS—13

Begich	Merkley	Udall (CO)
Bingaman	Murkowski	Udall (NM)
Cantwell	Sanders	Wyden
Heller	Shaheen	
Lee	Tester	

ANSWERED "PRESENT"—1

Paul

NOT VOTING—12

Blunt	Hutchison	Lieberman
Carper	Johnson (SD)	McCaskill
Feinstein	Landrieu	Roberts
Hagan	Leahy	Schumer

The motion was agreed to.  
The PRESIDING OFFICER. The majority leader is recognized.

#### SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

Mr. REID. Mr. President, I now ask the Chair to lay before the Senate a message from the House with respect to S. 990.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 990) entitled "An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) *IN GENERAL*.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 112-1 (125 Stat. 3), is amended by striking "May 31, 2011" each place it appears and inserting "September 30, 2011".

(b) *EFFECTIVE DATE*.—The amendments made by subsection (a) shall take effect on May 30, 2011.

#### SEC. 2. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

"(s) *COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS*.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures."

MOTION TO CONCUR WITH AMENDMENT NO. 347

Mr. REID. Mr. President, I move to concur in the House amendment to S. 990 with an amendment, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to S. 990, with an amendment numbered 347.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "PATRIOT Sunsets Extension Act of 2011".

#### SEC. 2. SUNSET EXTENSIONS.

(a) USA PATRIOT IMPROVEMENT AND RE-AUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Re-authorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

MOTION TO REFER WITH INSTRUCTIONS

Mr. REID moves to refer the House message to the Committee on Small Business with instructions to report back forthwith with an amendment as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

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 motion to concur in the House amendment to S. 990, with an amendment No. 347.

Harry Reid, Jack Reed, Carl Levin, Jeanne Shaheen, Mark R. Warner, Richard Blumenthal, Kent Conrad, Kirsten E. Gillibrand, Dianne Feinstein, Bill Nelson, John D. Rockefeller IV, Joseph I. Lieberman, Barbara A. Mikulski, Charles E. Schumer, Debbie Stabenow, Thomas R. Carper, Mark L. Pryor.

Mr. REID. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 348 TO AMENDMENT NO. 347

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 348 to amendment No. 347.

The amendment is as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

MOTION TO REFER WITH AMENDMENT NO. 349

Mr. REID. I have a motion to refer the House message to the Senate Small Business Committee with instructions to report back forthwith with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Committee on Small Business with instructions to report back forthwith with an amendment numbered 349.

The amendment is as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

Mr. REID. On that motion, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 350

Mr. REID. Mr. President, I have an amendment to my instructions which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 350 to the instructions of the motion to refer.

The amendment is as follows:

In the amendment, strike "3" and insert "2".

Mr. REID. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 351 TO AMENDMENT NO. 350

Mr. REID. I have a second-degree amendment to my instructions which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 351 to amendment No. 350.

The amendment is as follows:

In the amendment, strike "2" and insert "1".

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

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

Mr. REID. Mr. President, there will be no further rollcall votes tonight, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AIRPORT AND AIRWAY EXTENSION ACT OF 2011, PART II

Mr. DURBIN. Mr. President, I ask unanimous consent, as if in morning business, the Senate proceed to the consideration of H.R. 1893, 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. 1893) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 1893) was ordered to a third reading, was read the third time, and passed.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PATRIOT SUNSETS EXTENSION ACT

Mr. MERKLEY. Mr. President, I rise to address the 4-year extension of the PATRIOT Act and to oppose that extension if the bill is not modified.

I want to take us back to the principles on which our Nation was founded and, indeed, before our Declaration of Independence and before our Constitution when there was a deep tradition of the right of privacy. Let's take William Pitt's declaration in 1763. He said:

The poorest may, in his cottage, bid his defiance to all the forces of the Crown . . . the storm may enter; the rain may enter. . . . But the King of England may not enter.

It is the philosophy embedded in William Pitt's declaration of the sanctity of a man's home that underwrote the principle of the fourth amendment. That reads as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The fourth amendment is powerful protection of personal privacy from the overreach of government. How does

that compare in contrast to the PATRIOT Act that is before us?

Let me tell you the standard that is in the PATRIOT Act for the government to seize your papers, to search your papers, and that standard is simply "relevant" to an "investigation." Relevant to an investigation? That is the legal standard set out in the PATRIOT Act. That is a standard that was written to be as broad and low as possible. What does it mean to be "relevant" to an investigation? It certainly isn't something as strong as probable cause, which is in the fourth amendment. It certainly isn't describing the place to be searched, the persons and things to be seized. Indeed, the word "relevant" doesn't have a foundation of legal tradition that provides any boundaries at all.

Let's take the term "investigation." "Investigation" is in the eye of the beholder. I want to look into something, so that is an investigation. What happens to these words in the PATRIOT Act, in the section of the PATRIOT Act that addresses the sweeping powers to investigate Americans down to the books they check out, their medical records, and their private communications? Quite simply, there is a process in theory in which a court, known as the FISA Court, makes a determination, but they make the determination upon this standard—that this standard is "relevant to an investigation."

Now, the interpretation of that clause is done in secret. I would defy you to show me a circumstance where a secret interpretation of a very minimal standard is tightened in that secret process. But we don't know because we are not being told.

This is why I support Senator WYDEN's amendment. Senator WYDEN has said we should not have secret law—secret interpretation of clauses that may result in the opposite of what we believe is being done. That is a very important amendment. But that amendment will not be debated on the floor of the Senate. It won't be debated because a very clever mechanism has just been put into play to prevent amendments from being offered and debated on the floor of the Senate on the 4-year extension of the PATRIOT Act. Quite frankly, I am very disturbed by that mechanism—a parliamentary move in which a House message is brought over and the regular bill is tabled, and that message will then have the regular PATRIOT Act put into it as a privileged motion, and it will be returned to the House. The effect therein is, because the tree has been filled, which is parliamentary-speak for "no amendments will be allowed," we won't get to debate Senator WYDEN's amendment.

There are a number of Senators who have proposed to change this standard—"relevant to an investigation"—to make it a legally significant standard and make sure it is not being secretly interpreted to mean almost nothing. But we won't have a

debate in this Senate over changing that low and insignificant standard into a meaningful legal standard with teeth in it, that has court cases behind what it means and interpretations that will protect us.

There is no question that every Member of this Chamber has an enormous sense of responsibility in the security of our Nation. In that sense, there is significant feeling on every person's part that we need to enable our intelligence services, our military, to do the necessary work to protect our Nation. But that does not mean we should avoid having a debate about whether the PATRIOT Act, as written today, without an amendment, rolls over the top of the fourth amendment of the Constitution of the United States of America.

We can have both personal privacy and a high standard, as set out in the fourth amendment, for the seizure of papers and security. Those two things are not at war with each other. We have had two centuries in this Nation of embracing the twins of personal privacy and security. We have made that work. We can continue to make it work.

I rise in protest about the process unfolding in the Senate in which amendments will not be presented and will not be debated. I rise to say the fourth amendment matters; that it sets a significant standard against unreasonable seizures and searches, and that the PATRIOT Act, as written, does not provide a clear implementation of the fourth amendment, a clear protection of the fourth amendment.

I will close by noting it has been nearly 250 years since William Pitt declared:

The poorest may, in his cottage, bid his defiance to all the forces of the Crown . . . the storm may enter; the rain may enter . . . but the King of England may not enter.

Let us have a debate in this Chamber about modifications that protect our security but that hold faith with the principle William Pitt enunciated and with the principles we have adopted in the fourth amendment to the Constitution; that the right of the people against unreasonable searches and seizures shall not be violated.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### THE BUDGET

Mr. DURBIN. Mr. President, last week, the chairman of the House Budget Committee, PAUL RYAN of Wisconsin, came to Chicago to speak to the Economic Club and to articulate his vision—the Republican vision—on how to reduce our Nation's debt. It was

an interesting speech because Congressman RYAN's budget—the Republican budget, which passed the House of Representatives—has become an object of debate and controversy.

I know Congressman RYAN. We served together on the President's deficit commission. I know he is a very thoughtful and learned and sincere individual, but I certainly have to say his approach to dealing with our budget deficit is one I believe falls short of the mark. It would seem to me, if we are serious about our deficit—and we should be—we should acknowledge the fact that for every \$1 we spend in Washington, we borrow 40 cents. That is unsustainable, and we have to address it.

We should also look at the grim, recent reality of our budget. When President William Jefferson Clinton left office a little over 10 years ago and handed the keys to the White House over to President George W. Bush, the accumulated net debt of America was \$5 trillion—\$5 trillion. Eight years later, in the next transfer of power, when President George W. Bush transferred power to President Obama, America's accumulated net debt had reached a new level of \$11 trillion, more than doubled in an 8-year period of time.

Ask yourself: How could that occur? Well, the answers are fairly obvious. When you wage two wars and don't pay for them, when you cut taxes in the midst of a war—the first time that has ever happened in our history—and when you pass programs that are not paid for, it adds to our debt. That is what happened.

President Obama inherited a dramatic increase in the national debt and a very weak economy, losing hundreds of thousands of jobs a month. Now we find we are even deeper in debt—closer to \$14 trillion because of this recession, despite the best efforts of Congress and the President to turn it around. We know that has to change.

The major creditor of the United States is China, and it is also our major competitor. Those two realities force us to look honestly at this deficit. I take exception to the approach the Republicans use in their deficit reduction plan, because when I took a look at Congressman RYAN's budget—the Republican budget—I find, at the end of the day, it nominally cuts spending by \$4 trillion over a 10-year period of time. Yet it only cuts \$8 billion a year out of the Defense budget. The Defense budget of the United States is over \$500 billion every year, and they could only find \$8 billion a year to cut? Not a very serious undertaking.

They raise no new revenues to help pay down the debt, while they dramatically cut taxes for the wealthiest people and companies in America. In the name of deficit reduction, the Republican budget would cut the top tax rate of the wealthiest individuals and corporations to 25 percent. The Tax Policy Center estimates this would reduce tax

revenues by \$2.9 trillion over the next 10 years, and virtually all the tax savings from that change would go to households making an annual income of over \$200,000 a year.

What does a multitrillion dollar tax cut have to do with deficit reduction? Congressman RYAN, in his speech in Chicago, criticized the Democrats for engaging in class warfare, as if it is somehow inappropriate to point out that the Republican budget proposes a massive shift in wealth from the poor and middle class to those who are better off. Warren Buffett, CEO of Berkshire Hathaway—seer of Omaha—answered that criticism best a few years ago when he said:

There is class warfare, all right. But it is my class, the rich class, that is making war and winning.

That is what happens with the Republican budget.

Then there is the issue of health care—an issue near and dear to every single American. A serious budget plan would address the largest cause of the projected long-term debt for the Federal Government—health care—by allowing dozens of cost-containment provisions in the affordable care act to take effect and then by finding even more to reduce the cost to the system. But the House Republican budget plan does the opposite. It repeals all the cost-containment mechanisms, which the Congressional Budget Office says in so doing will raise the debt of America.

Then the Republican budget goes a step further. It ends Medicare and Medicaid, as we know them—programs that have served America. Their budget would transform programs that seniors and the poor count on today to provide adequate health insurance and to programs that help to cover just some of the costs, leaving the rest of the bills to the families, individuals, and State governments. All that the Republican budget plan does under the banner of health care reform is to shift the cost of health care from American families who are paying taxes to other American families who are paying taxes in the private market. It would do nothing to reduce health care costs as a whole.

It is fair to ask me at this point: Well, if you are going to criticize the Republican budget, what do you suggest? I will tell you what I suggest. I have sat around for 4-plus months now, with five of my Senate colleagues in both political parties, working on these ideas. What I think is the path to a reasonable deficit reduction is one that literally involves shared sacrifice, where every American has to be prepared to step up and accept the reality that things will change.

There is one demographic reality that overshadows this conversation. Since January 1 of this year, every day 9,000 Americans reach the age of 65. That trend will continue for 19 more years. That is the baby boom generation. If you will do the math, you will see a dramatic increase in people under

Social Security and Medicare, as those children born immediately after World War II reach retirement age. That is a reality.

What do we do about it? First, we make sure Social Security can be counted on. Social Security does not add one penny to our Nation's debt. It is a separate fund. It will make every promised payment for another 25 years, with a cost-of-living adjustment, but then runs into trouble. You will see a reduction—if we don't do something in the 26th year—by over 20 percent for each benefit payment. Unacceptable. So we should think in honest terms about what we do today—small changes we can make today in Social Security—which, when played out over 25 years, like the miracle of compound interest, will buy us an even longer life in Social Security.

I think there are reasonable ways to do that. For example, when we passed Social Security reform in 1983, we said 90 percent of wages in America should be subject to Social Security taxation. Over the years, by not raising the ceiling on wages that could be taxed for Social Security, we have fallen behind in the 90-percent standard. I think we are close to 84 percent now. If we were to go back to the 90-percent standard, which I think is reasonable, and raise the eligible income in America for Social Security deductions up to 90 percent, it will move us toward solvency—more solvency—for Social Security. It is money that will not be used to reduce the deficit but will be used to invest in Social Security. I think that makes sense.

There are other changes we can do that are reasonable. We also have to look at Medicare and Medicaid and acknowledge the obvious. The cost of health care is going up too fast. We can't keep up with it, neither can State governments, local governments, businesses, unions or families. So the cost containment in health care reform is just the beginning, but we need to continue the conversation, and we need spending cuts.

Let's be very honest about it. We have taken a pretty significant cut in domestic discretionary spending just this year—even more than the Bowles-Simpson commission envisioned. There is some risk associated with spending cuts in the midst of a recession. But now we need to ask the defense or military side of discretionary spending to also make some sacrifice.

I think one obvious way is to start bringing our troops home from overseas—bring them home from Iraq. It is estimated it costs us \$1 million per year for every soldier in the field—for all the support that goes into training and sustaining and protecting our men and women in uniform, which we must do. It is an expensive commitment. As we reduce our troop commitments overseas, the amount of money being spent through the Pentagon will be reduced as well.

We need to take a close look at all the private contractors working for the

Pentagon. We had a hearing of this deficit commission and asked the expert: Can you tell us how many employees there are at the Department of Defense—civilian, military—how many private contractors are working for the Department of Defense? The expert said: I have no idea. I can't even get close to giving you an estimate, but it is a dramatically larger number. We can reduce that spending, and we should.

The point I am making is that after we have taken care of the entitlement programs and the spending issues, that isn't enough. We need to talk about revenue—revenue that can be brought into deficit reduction. Every year our Tax Code gives deductions and credits, exclusions and special treatment that account for \$1.1 trillion that would otherwise flow to the Treasury. Instead, it is money that isn't paid into taxes and into our government. We can reduce that tax expenditure and do it in a fair fashion by reforming the Tax Code in a meaningful way—as the Bowles-Simpson commission suggested, bring down tax rates as part of this conversation.

That, to me, is a reasonable approach. It parallels what was done in the Bowles-Simpson Commission, putting everything on the table and reducing our deficit over the next 10 years by at least \$4 trillion. I think we can do it, and we should do it on a bipartisan basis.

The Republican budget plan, unfortunately, takes the wrong approach. The House Republicans have proposed, among other things, a fundamental change in how we pay for health care. It turns Medicaid into a block grant program, and it eliminates the affordable health care act. One of the sources of pride we all shared was the notion that 30 million Americans currently uninsured would have insurance protection under the affordable health care act. What the Republicans do in repealing it is to add to the number of uninsured in America, thus making it clear they have no place to turn in their extreme situations but to Medicaid. So on top of eliminating the affordable health care act, adding to the number of uninsured Americans, the Republican plan then limits the amount of money to spend on Medicaid. The net result is more and more people uninsured seeking Medicaid help with no funds to pay for their medical treatment. That is not a good vision for the future of America.

We had a presentation today at our Democratic caucus lunch. The presentation was made by Senator KENT CONRAD, the chairman of our Budget Committee. He and Senator STABENOW of Michigan talked about what the Medicare changes would mean in America, and what it basically means is the average senior citizen, under the Republican budget plan, will see their Medicare benefits cut and will find their out-of-pocket expenses to maintain current Medicare protection double—over \$12,000 a year.

There are many seniors in Oregon and Illinois and across the Nation on fixed incomes. That is not a reasonable alternative—\$1,000 a month on Medicare insurance premiums? That is the Republican budget plan. It is not a reasonable way to deal with our future challenges in health care.

We will have a chance to vote this week on the Republican budget plan, and it will be interesting to see how many on the other side of the aisle want to support the approaches I have just described. Already, some of them have announced they will not. They think it goes too far. I do too.

I hope we can reject the House Republican plan on a bipartisan basis, but then let's come together in a bipartisan fashion and try to find a reasonable way to deal with this deficit. I hope we will use the Bowles-Simpson Commission as a starting point because I think it is a good one. Let's maintain some fealty toward our values, our values as a country that take care of the vulnerable whom we will always have among us, and make a pledge that our Tax Code will be progressive so working families have a fighting chance, and try to at least share the burden of sacrifice in a reasonable and just manner.

Those who are better off should pay more. Those who are less well off should pay less. I don't think that is an extreme position. I think it is a sensible, humane position.

Our debate begins this week on the budget. We have a great challenge ahead of us. I hope some of the work we did on the deficit commission will help us reach a positive conclusion.

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

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

#### MORNING BUSINESS

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

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

#### GANG RESISTANCE EDUCATION AND TRAINING PROGRAM

Mr. WYDEN. Mr. President, I ask the Senate to join me in honoring the 20th anniversary of the Gang Resistance Education and Training—GREAT—Program and to commend law enforcement agencies across the nation for their dedication to educating America's youth in gang resistance.

Founded in 1991 with the support of Congress, the GREAT Program is a school-based curriculum led by law enforcement officers to instruct students

on effective ways to avoid gang involvement and prevent youth violence and delinquent behavior. This program provides elementary and middle school students with the information and skills necessary to say no to gangs, to resolve conflict without the use of violence, and to set positive goals for themselves—helping America's youth take important steps in creating a future for themselves that does not include gangs or violence.

With western roots, the first GREAT classes were taught in Phoenix, AZ, in September of 1991. Over the past 20 years, GREAT has trained more than 12,000 law enforcement officers and nearly 6 million children have been educated in gang resistance and violence prevention. The program has also built key partnerships with nationally recognized organizations, such as the Boys & Girls Clubs of America and the National Association of Police Athletic Leagues. These partnerships encourage positive relationships among the community, parents, schools, and law enforcement officers and help America's students build positive ties with law enforcement officers.

In March of 1994, my home State of Oregon received its first GREAT classes at Parkrose Middle School in Northeast Portland. Since its inception in Oregon, Portland Police Bureau officers have taught over 1,400 GREAT classes with nearly 43,000 graduating students. Portland Police Bureau officers have strengthened families to by participating in the GREAT families program, which has educated over 80 families integrating nearly 300 family members.

Additionally, I would like to recognize that the Portland Police Bureau was chosen by the Federal Bureau of Alcohol, Tobacco, and Firearms as headquarters for the GREAT Program's Western Region, which is one of five regional training sites.

I am proud to honor the GREAT Program's 20th anniversary, the thousands of lives it has touched, and share its ongoing commitment to strengthening our communities through youth-violence prevention.

#### ADDITIONAL STATEMENTS

##### COGSWELL, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I am pleased to recognize a community in North Dakota that is celebrating its 125th anniversary. From June 24 to 26, the residents of Cogswell, ND, will gather to celebrate their community's founding.

Cogswell townsite was founded at the junction of the Soo Line Railroad and the Milwaukee Road Railroad. Some believe it was named for a Soo Line Railroad official, while others say it was named for MAJ Thomas Cogswell, a Revolutionary War hero.

Located in Sargent County, the citizens of Cogswell are proud to mention

the many reasons their community is so strong. The city offers genuine smalltown living with a post office, bar and grill, repair stores, and construction companies. The people of Cogswell are known for their exceptional work ethic and caring attitude toward others, making it a great place to live and raise a family.

In honor of the city's 125th anniversary, community leaders have organized an all-school reunion, school reunion supper, street dances, a parade, 5K run/walk, games, classic car show, quilt show, talent show, and other celebratory events.

I ask that my colleagues in the U.S. Senate join me in congratulating Cogswell, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Cogswell and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Cogswell that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Cogswell has a proud past and a bright future.●

#### MESSAGES FROM THE HOUSE

At 10:13 a.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1383. An act to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvement Act of 2010, and for other purposes.

H.R. 1407. An act to increase, effective as of December 1, 2011, the rates of compensation for veterans with service-connected disabilities and rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 1627. An act to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington, National Cemetery, and for other purposes.

H.R. 1657. An act to amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by service-disabled veterans.

H.R. 1893. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 793. An act to designate the facility of the United States Postal Service located at 12781 Sir Francis Drake Boulevard in Inverness, California, as the "Specialist Jake Robert Velloza Post Office".

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

At 1:53 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 act with an amendment, in which it requests the concurrence of the Senate:

S. 990. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### MEASURES REFERRED

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

H.R. 1383. An act to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1407. An act to increase, effective as of December 1, 2011, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1627. An act to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1657. An act to amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans; to the Committee on Veterans' Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bill and joint resolutions were read the second time, and placed on the calendar:

S. 1050. A bill to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches and for other purposes.

S.J. Res. 13. Joint resolution declaring that a state of war exists between the Government of Libya and the Government and people of the United States, and making provision to prosecute the same.

S.J. Res. 14. Joint resolution declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1057. A bill to repeal the Volumetric Excise Tax Credit.

#### 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-1855. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Common Features Project; to the Committee on Environment and Public Works.

EC-1856. A communication from the Acting 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 for the export of defense articles, including, technical data, and defense services to Israel to support the production and integration of hulls, rolling bodies, suspensions, subsystems and electrical systems for the Merkava Armored Personnel Carrier in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-1857. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Foreign Relations.

EC-1858. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Foreign Relations.

EC-1859. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "The American Dream Belongs to Everyone"; to the Committee on Health, Education, Labor, and Pensions.

EC-1860. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts" (5 CFR Part 1653) received in the Office of the President of the Senate on May 23, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1861. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1862. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the third quarter fiscal year 2010 quarterly report of the Department's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-18. A joint resolution adopted by the Legislature of the State of Utah urging Congress to support and preserve the Navajo Code Talkers' legacy and their substantial contribution to the nation; to the Committee on Armed Services.

#### HOUSE JOINT RESOLUTION NO. 9

Whereas, the few, living Navajo Code Talkers are undertaking a multi-year project to build an educational, historical, and humanitarian facility that will bring pride to Native American and non-native American communities alike;

Whereas, this project will educate both young and old and conserve the instruments of freedom gifted to the American people by an awe-inspiring group of young Navajo men who served the country during World War II;

Whereas, during World War II, these modest young Navajo men fashioned from the Navajo language the only unbreakable code ever recorded in military history;

Whereas, these Navajo radio operators transmitted the code throughout the dense jungles and exposed beachheads of the Pacific Theater from 1942 to 1945, passing over 800 error-free messages in 48 hours at Iwo Jima alone;

Whereas, the bravery and ingenuity of these young Navajo men gave the United States and Allied Forces the upper hand they so desperately needed in the Pacific, hastened the war's end, and assured victory for the United States;

Whereas, after being sworn to secrecy for 23 years after World War II, these young Navajo men eventually came to be known as Navajo Code Talkers and were honored by President George W. Bush more than 50 years after the war with congressional gold and silver medals in 2001;

Whereas, the Navajo Code Talkers are now in their eighties and, with fewer than 50 remaining from the original 400, the urgency to capture and share their stories and memorabilia from their service in World War II is critical;

Whereas, these American treasures and revered elders of the Navajo Nation have come together to tell their story, one that has never been heard, from their own hearts and in their own words;

Whereas, the Navajo Code Talkers' heroic story of an ancient language, valiant people, and a decisive victory that changed the path of modern history is the greatest story never told;

Whereas, the Navajo Code Talkers ultimately envision a lasting memorial, the Navajo Code Talkers' Museum and Veterans Center, on donated private land;

Whereas, the Navajo Code Talkers' mission is to create a place where their service will inspire others to achieve excellence and instill core values of pride, discipline, and honor in all those who visit the Center; and

Whereas, through the lead efforts of the Navajo Code Talkers' Foundation and many partners and individuals, the Navajo Code Talkers' legacy, history, language, and code will be preserved to benefit all future generations: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urges the United States Congress, the Department of the Interior, the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, the Department of Agriculture, the State Department, and the Department of Energy to support and preserve the Navajo Code Talkers' remarkable legacy; be it further

*Resolved*, That a copy of this resolution be presented to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Interior, the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of State, the Secretary of Energy, and to the members of Utah's congressional delegation.

POM-19. A concurrent resolution adopted by the Legislature of the State of Utah urg-

ing Congress to implement policies and programs to protect American children from employment related identity theft; to the Committee on Banking, Housing, and Urban Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 1

Whereas, according to the Chief Actuary of the Social Security Administration, millions of people pay payroll taxes with fraudulent Social Security numbers;

Whereas, pedophiles, criminals, deadbeat parents, and many others obtain jobs by using fraudulent documents to hide their true identities;

Whereas, according to the Federal Trade Commission, employment related identity theft accounts for 13% of total identity theft cases in the United States;

Whereas, investigations by the Utah Department of Workforce Services, the Social Security Administration, and the Utah Attorney General's Office have identified thousands of Utah children under age 13 and on public assistance who have had their Social Security numbers fraudulently used by others to obtain jobs;

Whereas, investigations by the Utah Department of Workforce Services, the Social Security Administration, and the Utah Attorney General's Office have identified 1,626 employers paying wages to individuals with Social Security numbers of children who are under 12;

Whereas, these children suffer serious harm, including the destruction of their good names and their credit histories;

Whereas, these children are saddled with arrest records, income tax liabilities on income earned under their stolen Social Security numbers, and compromised medical records with life threatening consequences;

Whereas, current federal laws and regulations prohibit the Department of Workforce Services from sharing information with law enforcement and the Department of Homeland Security about individuals wrongfully using Social Security numbers belonging to children and other American citizens and legal residents;

Whereas, the Social Security Administration does not inform or assist Americans whose Social Security numbers are being used unlawfully;

Whereas, the Social Security Administration assigns numbers being unlawfully used to newborn infants and other new recipients of Social Security numbers; and

Whereas, the Internal Revenue Service does not inform Americans whose Social Security numbers are being used unlawfully about this identity theft as long as taxes are paid on the income earned under the fraudulently obtained numbers: Now, therefore, be it

*Resolved*, That the Legislature of the State of Utah, the Governor concurring therein, urges the United States Congress to protect American children from employment related identity theft by requiring federal agencies to report the fraudulent use of these Social Security numbers to the victims, the appropriate law enforcement agencies, and the Department of Homeland Security; be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to require federal agencies to assist the victims of child identity theft in recovering their identities, including issuing new Social Security numbers, when appropriate; be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to require federal agencies to discontinue issuing Social Security numbers to children and other individuals when those numbers are already being used unlawfully; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-20. A joint resolution adopted by the Legislature of the State of Utah urging Congress to lift the freeze on longer combination vehicles, so that states may conduct test programs to evaluate routes, configurations, and operating conditions; to the Committee on Commerce, Science, and Transportation.

#### SENATE JOINT RESOLUTION

Whereas, the American West encompasses a huge land mass of approximately 2.4 million square miles, or over two-thirds of the entire nation;

Whereas, the vast distances across the West clearly illustrate the need for efficient surface freight movement of goods throughout this area;

Whereas, one of the most significant ways to improve freight system performance is through the use of more efficient truck and truck combinations;

Whereas, the efficiency of the United States' freight transportation has fallen far behind other developed nations;

Whereas, Canada, Mexico, and the European Union have embraced up-to-date truck configurations;

Whereas, operation of these more productive vehicles, more commonly known as longer combination vehicles (LCVs), has been frozen in the United States by federal law since 1991;

Whereas, in a study requested by the Western Governor's Association, the Federal Highway Administration found that limited increase in the use of LCVs in 13 western states would reduce heavy truck vehicle miles traveled in 2010 by 25%, reduce fuel consumption and emissions by 12%, save shippers \$2 billion a year, reduce pavement costs by as much as 4% over 20 years, and reduce highway noise by 10%;

Whereas, a recent study in Ontario found the widespread use of LCVs there would eliminate 750,000 truck trips per year, remove 2,800 trucks per day from the roads in and around Toronto, and reduce greenhouse gases by 151 kilotons per year;

Whereas, a Canadian federal government study indicated that LCVs have 60% fewer crashes than single trailer vehicles; and

Whereas, the Western States provide an excellent test case for size capacity increases since LCVs are already in use on many western highways: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah strongly urges the United States Congress to lift the freeze on longer combination vehicles in the states of Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, giving these states the flexibility to establish and operate pilot test programs to evaluate longer combination vehicle routes, configurations, and operating conditions; and be it further

*Resolved*, That copies of this resolution be sent to the President of the United States, the United States Secretary of Transportation, the United States Senate Committee on Commerce, Science, and Transportation, the United States House Committee on Transportation and Infrastructure, and to the members of Utah's congressional delegation.

POM-21. A concurrent resolution adopted by the Legislature of the State of Utah recognizing Utah native Philo T. Farnsworth as the inventor of television; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION NO. 9

Whereas, few inventors have impacted the world as much as has Utah native Philo T. Farnsworth;

Whereas, Philo T. Farnsworth has deep roots in Beaver, Utah, where he was born August 19, 1906, in a log cabin;

Whereas, when he was 12, Philo T. Farnsworth's family moved to a farm in Rigby, Idaho, where he was fascinated by the electricity that powered his new home;

Whereas, Farnsworth was intrigued by mechanical and electrical technology and managed to convert his mother's hand-powered washing machine to an electric-powered appliance;

Whereas, as a youth living in Beaver, Utah, Farnsworth won a national contest for a theft-proof car lock;

Whereas, at the age of 14, Philo T. Farnsworth startled one of his high school teachers by sharing with him a diagram of an Electronic Image Dissector, a key component in his eventual invention of television;

Whereas, at age 16, Farnsworth's father died of pneumonia and Farnsworth had to care for his mother and four siblings;

Whereas, after spending a few years in the United States Navy, Farnsworth was honorably discharged and once again pursued his interest in electronics;

Whereas, Farnsworth found investors who were not only willing to help him pursue his work in electronics but also provided a laboratory in Los Angeles where Farnsworth was able to conduct important experiments;

Whereas, before relocating to California, Farnsworth married Elma "Pem" Gardner, the sister of a close friend of his;

Whereas, within a few months after arriving in California, Farnsworth's success led him to apply for several patents for his designs and models;

Whereas, on September 7, 1927, at a laboratory in San Francisco, Farnsworth's image dissector camera tube transmitted its first image, a straight line;

Whereas, in 1928, Farnsworth gave the first demonstration of his television system to the press, and after several improvements, gave his first demonstration to the public in 1934;

Whereas, Farnsworth formed his own company, prevailed in key patent lawsuits against competitors, and developed other important inventions, including a process for sterilizing milk using radio waves and a fog-penetrating beam for ships and airplanes;

Whereas, in 1938, Farnsworth established the Farnsworth Television and Radio Corporation, which was in turn purchased by International Telephone and Telegraph (ITT) in 1951;

Whereas, while in the employ of ITT, Farnsworth developed many more inventions, including a defense early warning signal, submarine detection devices, radar calibration equipment, an infrared telescope, and a PPI Projector, which allowed safe control of air traffic from the ground and was a forerunner of today's air traffic control system;

Whereas, later in life, the Farnsworths relocated to Utah, where Philo passed away in 1971;

Whereas, for many years after his death, Elma Farnsworth worked hard to help her deceased husband retain his rightful place in history;

Whereas, crediting his wife's contribution to his life's work, Farnsworth once stated, "My wife and I started this TV";

Whereas, in 1999, Time Magazine included Farnsworth in the "Time 100: The Most Important People of the Century";

Whereas, the log cabin where Philo T. Farnsworth was born has been restored and can be visited by the public; and

Whereas, a statue of Philo T. Farnsworth is one of two statues representing the state of Utah in the National Statuary Hall Collection in the United States Capitol, a second statue of Farnsworth stands in the Utah State Capitol, and a third statue stands in his hometown of Beaver: Now, therefore, be it

*Resolved*, that the Legislature of the state of Utah, the Governor concurring therein, recognize the life and contributions of Philo T. Farnsworth, Utah native, the inventor of television and of many other inventions that have benefitted millions of people around the world; and be it further

*Resolved*, that a copy of this resolution be sent to the President of the United States, the members of Utah's congressional delegation, the Farnsworth family, the Utah Travel Council, AAA, the tourism directors of each county in Utah, Beaver County, and Beaver City.

POM-22. A concurrent resolution adopted by the Legislature of the State of Utah urging the federal government to protect the communications spectrum that allows Utah's translator system to provide free television access across the state; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION NO. 4

Whereas, the President of the United States has directed the Chairman of the Federal Communications Commission (FCC) to consider removing channels 32 to 51 from the current FCC channels 14 to 51 Television Broadcast Authorization;

Whereas, this action would devastate off-air television reception to urban areas and also cause disruption to off-air viewers nationwide;

Whereas, according to FCC records as listed in FCC MD Docket No. 03-185 (FCC 10-172), page 26, dated September 17, 2010, 4,518 television translator stations, 567 Class A LPTV stations, 2,227 LPTV stations, and 11 TV Booster stations are now on file;

Whereas, according to FCC records, over 4,500 television translator stations presently provide free over-the-air television to rural communities throughout the nation;

Whereas, if this channel repacking were to become a reality, many of these translator stations would no longer remain in operation, requiring viewers to subscribe to either cable or satellite programming;

Whereas, Utah has 649 of these television translator stations, and the state's rural viewers would be forced to either pay for subscription television or have no television reception;

Whereas, after 40 years of analog broadcasting, the United States Congress mandated the broadcasting industry to make a conversion from analog to digital operation;

Whereas, supplying the general public with free over-the-air digital television broadcast signals has been encouraged by elected officials and the FCC;

Whereas, since the mandate, all TV Translator and LPTV licensees in the state of Utah have planned, acquired necessary funding, provided engineering, labor, construction, travel, new and upgraded buildings, air-conditioning, new towers, crane services, and extensive FCC licensing to help make the DTV transition possible;

Whereas, through cooperation of the state's counties, the University of Utah, the state of Utah, and the Federal Communications Commission, the DTV transition has been made possible;

Whereas, the state of Utah has supported the DTV transition through four CIB grants since 2005 in the amount of nearly \$9,000,000;

Whereas, the University of Utah has supported the DTV transition with a recent federal grant of approximately \$2,000,000;

Whereas, Congress developed and funded the coupon program at \$1,500,000,000 for a digital to analog converter box program;

Whereas, the NTIA, a division of the federal government, currently offers all TV translator and LPTV licensees a reimbursement program for the digital to analog conversion;

Whereas, small rural cable companies are beginning to use digital TV translator signals for their systems free of charge instead of paying for satellite feeds;

Whereas, repacking would cause eight Salt Lake City primary television stations to find new channels, causing unaffordable consequences to both urban and rural communities in the state of Utah;

Whereas, it would be impossible to continue the "Utah Daisy Chain" rural digital television translator services if the proposed block of television channels were reclaimed by the FCC, and this action would have a negative local economic impact to the affected counties;

Whereas, broadcasters are required by the FCC to participate in the National Emergency Alert System and are also required to make regular tests to assure their systems are always ready to broadcast any local warnings, including flood conditions, high wind warnings, and bad road conditions, and these warnings are automatically retransmitted through television translator stations to also alert rural viewers;

Whereas, closed captioning for the deaf is also a mandatory requirement of primary broadcast stations and automatically passes through television translators to rural viewers;

Whereas, if these viewers do not have access to any local free over-the-air broadcast signals, they proceed without local warnings or closed captioning for the deaf;

Whereas, counties in Utah are presently licensed with the FCC for 649 digital television translators, or 35%, of the nation's digital television translator licenses;

Whereas, an additional 173 applications are waiting for final approval at the FCC, and when they are awarded, additional digital channels will be available to the remaining few underserved rural Utah communities;

Whereas, the FCC recently passed a rule to allow anyone to operate unlicensed signals on unused channels within the present television bands, while the FCC still requires television translator stations to be licensed in these same bands;

Whereas, these unlicensed devices will cause interference to existing digital television services nationwide, and many television translator viewers will possibly be vulnerable with unacceptable interference because they receive their home signals far beyond the FCC protected contours; and

Whereas, the federal government should ensure that rural communities in Utah and throughout the nation are not forced to either pay for subscription television service or go without television: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, strongly urge the President of the United States and the Federal Communications Commission (FCC) to not remove channels 32 to 51 from the current existing FCC channels 14 to 51 Television Broadcast Authorization because of its negative impact on off-air television reception in urban areas and to off-air viewers nationwide, including rural viewers, who would be forced to either pay for subscription television or go without television service; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States

House of Representatives, the Chairman of the Federal Communications Commission and each commission member, and to the members of Utah's congressional delegation.

POM-23. A resolution adopted by the House of Representatives of the State of Illinois urging Congress to withhold funding to the Department of the Interior's Office of Surface Mining, Reclamation, and Enforcement; to the Committee on Energy and Natural Resources.

#### HOUSE RESOLUTION No. 270

Whereas, The Department of the Interior's Office of Surface Mining, Reclamation, and Enforcement (OSMRE) is considering new sweeping regulations that would cut surface mining production and jobs by 21-30%, cut underground coal mining jobs up to 50%, and risk eliminating over 66,000 direct and indirect jobs nationwide; and

Whereas, Beginning in 2003, OSMRE conducted a 5-year process, including public hearings, the submission of thousands of public comments, and preparation of an environmental impact statement, that culminated in final regulations adding significant new environmental protections regarding the placement of excess spoil and clarifying its regulations relating to stream buffer zones pursuant to the Surface Mining Control and Reclamation Act (SMCRA); and

Whereas, The Secretary of the Interior attempted to avoid a public rulemaking process by asking a court to vacate the 2008 OSMRE stream buffer zone rule without public comment as required under the Administrative Procedure Act, but was rebuked by a federal court which ruled that the Secretary may not repeal the stream buffer zone rule without going through a rulemaking process that includes public notice and comment; and

Whereas, OSMRE, in its own words, admitted that before any public comments were even received on its proposals, it had "already decided to change the (stream buffer zone) rule following the change in administrations on January 20, 2009"; the Office is calling the new rule the "stream protection rule", and it is much broader in scope than the 2008 stream buffer zone rule; and

Whereas, OSMRE has failed to justify why a new stream protection rule is necessary or to explain the problem that the Office is attempting to fix, and such concerns have been echoed by the Interstate Mining Compact Commission, an organization representing state mining regulators with substantial expertise in SMCRA regulation; and

Whereas, OSMRE is inappropriately rushing to complete the rulemaking because of a unilateral settlement agreement with environmental groups, and is committing such flagrant violations of the required National Environmental Policy Act process that 8 of the state cooperating agencies have written to the Office objecting to its quality, completeness and accuracy, as well as calling the document "nonsensical and difficult to follow", and ultimately threatening to pull out of the process; and

Whereas, The coal mining industry is critical to the economic and social well being of the citizens of Illinois, accounting for over 3,500 direct workers and another 24,500 indirect jobs that have an impact of over \$1 billion on the State's economy; Therefore, be it

*Resolved*, by the House of Representatives of the Ninety-Seventh General Assembly of the State of Illinois, that we express serious concern about the scope, justification, and substance of the OSMRE's stream protection rule, as well as about the procedure and process that have been used to adopt that rule; and be it further

*Resolved*, That we call upon OSMRE to immediately suspend work on the environ-

mental impact statement and the stream protection rule until such time as the Office:

(1) clearly and publicly articulates why the 2008 regulation has not been implemented and provides specific details regarding each of its provisions and why the Office believes that they are insufficient;

(2) provides scientific data and other objective information to justify each and every provision of the new proposal;

(3) explains why the Office is contradicting its own annual state inspection reports which indicate good environmental performance and refute the need for this new rule;

(4) justifies why a more limited approach would not achieve the objectives of the Office; and

(5) surveys all of the state regulatory authorities to determine whether they agree that such significant regulatory changes are necessary; and be it further

*Resolved*, That we also urge Congress to oppose this unwarranted effort by the present Presidential Administration by withholding any further funding for OSMRE for the stream protection rule and environmental impact statement until such time as the Office justifies the need for new rules; and be it further

*Resolved*, That suitable copies of this resolution be sent to President Barack Obama, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Department of the Interior, and each member of the Illinois congressional delegation.

POM-24. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to honor longstanding commitments to multiple use public lands management; to the Committee on Energy and Natural Resources.

#### HOUSE CONCURRENT RESOLUTION No. 12

Whereas, the wise multiple use of the public lands in Utah and in the Western United States is necessary for economic stability, is critical to the state's future, and is an important part of Utah's culture and heritage;

Whereas, prudent application of sustainable multiple use principles allows the state's renewable and abundant natural resources to be of value to all Americans, while protecting the many unique and sensitive parts of the state;

Whereas, the federal government controls two of every three acres of the state of Utah, second only to Nevada among the contiguous 48 states;

Whereas, the multiple use management of the lands held in common in Utah has contributed to the well being of the state and nation through energy development, mineral development, production of food and fiber, and recreational opportunities;

Whereas, the creation of new wealth is tied directly to the land and the judicious development of the state's natural resources;

Whereas, ownership and private property rights are the catalyst to increasing wealth and improving society's standard of living, and is a belief central to capitalism and a successful free enterprise system;

Whereas, risk and investment capital seek market opportunities that exhibit political and policy stability, the hallmarks of Utah's business climate, but are adversely affected by the political posturing and disregard for state input related to management of 23,000,000 acres of land administered by the United States Department of Interior's Bureau of Land Management;

Whereas, Revised Statute 2477, effective for more than 100 years and purposely protected in the Federal Land Policy Management Act of 1976, provided for the development of Utah's natural resources;



Whereas, the Taylor Grazing Act of 1934 established the legal obligation and responsibility of the federal government to safeguard livestock grazing rights as part of the cultural and social fabric of the West, ultimately upheld as the “chiefly valuable for grazing doctrine”;

Whereas, generations of economically viable livestock grazing operations in Utah have been forged to families combining private and public land resources that ultimately contribute to local economies and are the catalyst for preserving open space in many rapidly developing areas;

Whereas, management of the unreserved federal lands administered by the Interior Department are obligated under the Federal Land Policy Management Act (FLPMA) to incorporate into agency management plans “consistency” in partnership with state and local planning;

Whereas, a fundamental principle espoused by the nation’s Founders called for equality among the states and is referred to as the “Equal Footing Doctrine,” a principle that calls for each state to enter the Union equal in their sovereign power;

Whereas, the Interior Department’s “Treasured Landscapes” internal planning document reveals an agency bias, and outside influences identified as much as 130,000,000 acres of Bureau of Land Management (BLM)-administered lands for special “Wild Lands” designation;

Whereas, the “Treasured Landscapes” internal document also recommends that the Secretary of the Interior circumvent congressional mandates related to wilderness designations, calling for wilderness protection through Presidential Proclamations;

Whereas, on December 23, 2010, the Secretary of the Interior announced Secretarial Order 3310, calling for a re-inventory of Bureau of Land Management lands with “wilderness characteristics” under a new Secretarial definition of “Wild Lands” and diverting funds from critical agency needs;

Whereas, the BLM has inventoried lands with wilderness characteristics, following the National Environmental Policy Act requirements, as part of the agency’s Resource Management Planning process;

Whereas, Secretarial Order 3310 seeks to establish new wilderness study areas in Utah and throughout the West based on the new Wild Lands definition and BLM inventory guidance providing the BLM broader authority to stop energy development, livestock grazing; mineral extraction, and recreational activities;

Whereas, jobs generated through multiple use activities on the public lands provide family sustaining, well paying jobs to hundreds of thousands of Utahns and are the economic backbone of Utah’s rural communities;

Whereas, in recent testimony before Congress’s House Natural Resources Committee, the Director of the BLM indicated that he lacked the statutory authority to implement the policies of Secretarial Order 3310; and

Whereas, the Secretary of the Interior’s decision to withdraw from the 2003 Utah—Interior Settlement Agreement is an insult to Utahns, and Secretarial Order 3310 is a violation of the spirit and the letter of the Wilderness Act of 1964, ultimately undermining the goodwill and collaborative efforts currently underway in Utah to find mutually agreeable land use solutions: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Secretary of the Interior to honor the 2003 Settlement Agreement and abandon the “Wild Lands” wilderness re-inventory; be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to honor the longstanding commitment to multiple use management of public lands in Utah and the Western United States; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of the Interior, the President of the United States, and to the members of Utah’s congressional delegation.

POM-25. A joint resolution adopted by the Legislature of the State of Utah urging Congress to relinquish to the state of Utah all right, title, and jurisdiction in those lands that were committed to the purposes of this state by terms of its enabling act compact with them and that now reside within the state as public lands managed by the Bureau of Land Management that were reserved by Congress after the date of Utah statehood; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION NO. 39

Whereas, under the United States Constitution, the American states reorganized to form a more perfect union, yielding up certain portions of their sovereign powers to the elected officers of the government of their union, yet retaining the residuum of sovereignty for the purpose of independent internal self-governance;

Whereas, the aims of the Constitutional Convention provided that state governments would clearly retain all the rights of sovereignty and independence which they before had and which were not exclusively delegated to the United States Congress;

Whereas, among the rights of sovereignty held most jealously by the states was the right of sovereignty over the land within their respective borders;

Whereas, in due time, the American states came to own vast tracts of land as federal territories;

Whereas, by compact between the original states, territorial lands were divided into “suitable extents of territory” and upon attaining a certain population, were to be admitted into the union upon “an equal footing” as members possessing “the same rights of sovereignty, freedom and independence” as the original states;

Whereas, the federal trust respecting public lands was established eight years before the Constitution by the Continental Congress and by the states which accepted the terms of the trust;

Whereas, the federal trust respecting public lands was subsequently codified within the text of at least five clauses of the Constitution and is the foundation upon which the Constitution and the American union of states were erected for the benefit of every state without prejudice;

Whereas, the federal trust respecting public lands obligates the United States, through their agent, Congress, to extinguish both their governmental jurisdiction, and their title on the public lands that are held in trust by the United States for the states in which they are located;

Whereas, for, as long as the United States retains title in and jurisdiction over federal public lands in the state of Utah, the state is denied the same complete and independent sovereignty and jurisdiction that was expressly retained by the original states, and its citizens are denied the political right to establish or administer their own republican self-governance as is their right, under the Equal Footing Clause;

Whereas, Utah, by terms of its enabling act compact, disclaimed all right and title in the public lands within its borders;

Whereas, “right and title” are elements of proprietorship, and “right and title” are neither sovereignty nor jurisdiction;

Whereas, Utah is entitled, under the Equal Footing Doctrine, to the same rights of sovereignty, freedom, and independence as the original states;

Whereas, Section 3 of Utah’s Enabling Act, with respect to disposition of public land, reads: “And said Convention shall provide by ordinance irrevocable with the consent, of the United States and the people of said State . . . that until the title (to the unappropriated public lands) have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States”;

Whereas, by these words the United States may only shelter public lands from the obligation of disposal by the consent of the state of Utah;

Whereas, with the passage of the Federal Land Policy and Management Act (FLPMA) of 1976, the United States shifted from a policy of disposal of public lands and extinguishment of the Federal title to one of retention of public lands and their management in perpetuity through the United States Bureau of Land Management (BLM);

Whereas, the BLM now claims jurisdiction of over 22,600,000 acres of public land in Utah, which is nearly twice as much land as the 11,512,000 acres of land in private ownership;

Whereas, the BLM was directed to manage the public lands for multiple use and sustained yield and to afford Utah and other Western States a share of the revenues from the production of the natural resources on public lands, including revenues from timbering, oil and gas production, and mining;

Whereas, the state and federal partnership of public lands management has been eroded by an oppressive and over-reaching federal management agenda that has adversely impacted the sovereignty and the economies of the state of Utah and local governments;

Whereas, Sections 6, 7, 8, and 12 of Utah’s Enabling Act provided for land grants to fund critical public functions such as primary and secondary education, public buildings, and water development;

Whereas, federal courts, including the United States Supreme Court, have recognized this land grant as the establishment of a trust, even a “solemn contract” between the United States and the state of Utah, with the United States in the role as settlor of the trust and the state of Utah in the role of trustee;

Whereas, as settlor of the trust, the United States has an obligation to pursue actions and policies that support the trustee in its efforts to fulfill the purposes of the trust;

Whereas, federal land-management actions, even when applied exclusively to the federal lands, directly impact the ability of the state of Utah to manage its trust lands in accordance with the mandate of the Utah Enabling Act and to meet its obligation to the beneficiaries of the trust;

Whereas, the United States Department of the Interior has arbitrarily and illegally affected private contracts by cancelling duly awarded oil and gas leases at the time of public auction, the validity of which were subsequently upheld by a federal court of competent jurisdiction;

Whereas, in October of 2008, the BLM completed six of its fundamental documents for the allocation of resource use and conservation on BLM lands, called Resource Management Plans, after up to eight years of study, public participation, and the expenditure of millions of dollars;

Whereas, the BLM evaluated the allocation of all multiple-use activities in these plans, including the primary multiple-uses of grazing, timber, minerals, recreation, and conservation, and made definitive allocation decisions at the conclusion of the process;

Whereas, the BLM's failure to act affirmatively on these definitive allocation decisions has created uncertainty in the future of public land use in Utah and has caused capital to flee the state;

Whereas, during the process of finalizing the six Resource Management Plans, the BLM refused to consider state and local government acknowledgments of R.S. 2477 rights-of-way, or other evidence of the existence of R.S. 2477 rights-of-way, which led to the closure of many R.S. 2477 rights-of-way in the Grand Staircase Escalante National Monument;

Whereas, the Congress of the United States recently passed the Omnibus Public Land Management Act of 2009, which included the designation of lands as wilderness and national conservation areas in Washington County, Utah, and released all other lands to the general multiple-use mandate of the BLM;

Whereas, the United States Department of the Interior has arbitrarily created a new category of lands, denominated "Wild Lands," and has superimposed these mandatory protective management provisions upon BLM operations and planning decisions in violation of the provisions of the Federal Land Policy and Management Act, the provisions of the Administrative Procedures Act, and Presidential Executive Order 13563 concerning openness in policymaking;

Whereas, the new Wild Lands provisions threaten to reopen the issue of wilderness in Washington County, in violation of the resolution of the issue through Congressional action;

Whereas, the creation of a new Wild Lands category, and the immediate effect of its mandatory restrictive provisions, has arbitrarily undermined the effectiveness of the six recently completed Resource Management Plans of the BLM in eastern and southern Utah, is contrary to the multiple-use mandate outlined by FLPMA and other federal law, and threatens to derail efforts underway locally to seek certainty in land use allocation decisions through Congressional actions, such as that recently completed in Washington County;

Whereas, other proposals to make use of the important natural resources of the state, such as phosphate and beneficial range improvement proposals, are how under threat from these ill-conceived Wild Lands provisions;

Whereas, the United States Department of the Interior has failed to enunciate a valid source of statutory or constitutional authority for the imposition of the restrictive Wild Lands provisions;

Whereas, the cumulative effect of the Wild Lands provisions, the illegal decision to withdraw validly granted and gas leases, the duplicative Master Leasing Plan process, and the United States Department of Interior's disdain for the use of public review processes, has led to the demise of a robust and viable oil and gas leasing program in Utah, which negates an important revenue source to the state, and eventually jobs for the citizens of Utah;

Whereas, the BLM has demonstrated a chronic inability to handle the proliferation of wild horses and burros on the public lands, to the detriment of the rangeland resource;

Whereas, the United States Department of Agriculture has repeatedly tried to impose severe restrictive management provisions on lands defined as inventoried roadless areas, in violation of Congressional authorities, as reviewed by a federal court of competent jurisdiction.

Whereas, the United States Army Corps of Engineers is proposing to extend its jurisdiction to areas traditionally dry, except dur-

ing severe weather events, in violation of the common definition of jurisdictional waters;

Whereas, in 1996, the President of the United States abused the intent of the Antiquities Act by the creation of the Grand Staircase Escalante National Monument without any consultation with state and local authorities or citizens;

Whereas, the BLM's Resource Management Plan for the Kanab Field Office eliminated the filming of movies and filming for commercial purposes within the Grand Staircase-Escalante National Monument, thereby eliminating a source of economic opportunity for Kane County through the loss of use of its iconic "Little Hollywood" film site and other locations;

Whereas, bureaucrats within the United States Department of the Interior are assembling information to prepare for further designations without consultation;

Whereas, the United States Fish and Wildlife Service is making decisions concerning various species on BLM lands under the provisions of the Endangered Species Act without serious consideration of state wildlife management activities and protections designed to prevent the need for a listing, or recognizing the ability to delist a species, thereby affecting the economic vitality of the state and local regions;

Whereas, the BLM has not authorized all necessary rangeland improvement projects involving the removal of pinyon-juniper and other climax vegetation, thereby reducing the biological diversity of the range, reducing riparian viability and water quality, and reducing the availability of forage for both livestock and wildlife;

Whereas, differences of opinion about the appropriate use of the public lands has created a massive logjam in the advancement of any proposal for use of the public lands, whether for energy production, recreation, conservation, timber production, or similar uses;

Whereas, the states have been instrumental in convening groups of stakeholders to consider protection for and responsible use of federal lands;

Whereas, efforts in Washington County, Utah, the Owyhee region of Idaho, and the Front Range region in Montana have involved many various stakeholders, including ranchers, energy officials, environmental groups, and state and local government officials in an effort to achieve agreement on proposals for wilderness and other congressionally established conservation units, lands available for local privatization of lands, and areas available for traditional multiple-use;

Whereas, these efforts led to congressional approval of a jointly prepared proposal in Washington County, Utah, and to other proposals currently pending before Congress;

Whereas, the state is willing to sponsor, evaluate, and advance these locally driven efforts in a more efficient manner than the federal government, to the benefit of all users, including recreation, conservation, and the responsible development of energy, grazing, timber, and other economic industries;

Whereas, citizens of the state of Utah have a love of the land and have demonstrated responsible stewardship of lands within state jurisdiction;

Whereas, the state of Utah has a proven regulatory structure to manage public lands for multiple use and sustained yield;

Whereas, federal land management policies are eroding the fundamental pillars of sovereignty, freedom, and independence upon which all states and the state of Utah founded under the Equal Footing clause;

Whereas, by means provided under the Constitution, damaged states may assert

their rightful claim to the public lands within their borders and restore the constitutional design for the benefit of present and future generations; and

Whereas, Utah fully reserves and asserts all sovereign and constitutional claims to its public lands: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah calls on the United States, through their agent, Congress, to relinquish to the state of Utah all right, title, and jurisdiction in those lands that were committed to the purposes of this state by terms of its enabling act compact with them and that now reside within the state as public lands managed by the Bureau of Land Management that were reserved by Congress after the date of Utah statehood; and be it further

*Resolved*, That a copy of this resolution be sent to the Secretary of the United States Department of Interior, to the United States Director of the Federal Bureau of Land Management, to the Majority Leader of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of Utah's Congressional delegation.

POM-26. A joint resolution adopted by the Legislature of the State of Utah urging Congress to adopt legislation relative to public lands; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION No. 21

Whereas, for purposes of this resolution:

(1) "Federally owned land" means all land held in the name of the United States or any agency of the United States, including land held in trust, United States military reservations, Indian reservations, and any other land used for federal purposes.

(2) (a) "Unappropriated public lands" means all land under the management and control of the Bureau of Land Management or United States Forest Service.

(b) "Unappropriated public lands" do not include lands which are:

- (i) held in trust;
- (ii) located within a United States military reservation;
- (iii) a unit of the National Park System;
- (iv) a Wildlife Refuge;
- (v) a Wilderness Area designated by Congress; or
- (vi) a National Historic Site.

(3) "Western States" means Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming.

Whereas, Western States, as a group, are falling behind in education funding as measured from 1979 to 2007 by growth of real per pupil expenditures of 56% compared to 92% in the remaining states;

Whereas, 11 of the 17 states with the lowest real growth in per pupil expenditures are Western States;

Whereas, one effect of less funding for public education in the West is higher pupil-per-teacher ratios;

Whereas, nine of the 12 states with the largest pupil-per-teacher ratios are Western States;

Whereas, on average, the 13 Western States have 3.7 more students per classroom than the remaining 37 states;

Whereas, between 2012 and 2018, the rate of enrollment growth in Western States is projected to increase 9%, while the rate of enrollment growth in other states is projected to increase by only 3.3%;

Whereas, state and local taxes of Western States, as a percentage of personal income, are as high as or higher than other states;

Whereas, despite the fact that Western States tax at a comparable rate and allocate nearly as much of their budgets to public

education as other states, Western States have lower real growth in per pupil expenditures and have higher pupil-per-teacher ratios;

Whereas, the federal government is the source of and has the potential to solve the problem because of the enormous amount of federally owned land in Western States;

Whereas, all states east of an imaginary vertical line from Montana to New Mexico have, on average, 4.1% of their land federally owned, while the Western States on average have 51.9% of their land federally owned;

Whereas, many of the Acts enabling the people of American West territories to form their constitutions and state governments and providing for the admission of those states into the Union on equal footing with the original states, included a common provision of which the following example is typical: "That five per centum of the proceeds of the sales of public land lying within said state, which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said state, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said state.";

Whereas, the plan language of these enabling acts proclaims that the public land shall be sold by the United States subsequent to the admission of the states into the Union;

Whereas, the United States honored this language by selling public land within the Western States until the passage of the Federal Land Policy and Management Act of 1976, wherein Congress declared that the policy of the United States was to retain public land in federal ownership and management;

Whereas, the United States has broken its solemn compact with the Western States and breached its fiduciary duty to the school children who are designated beneficiaries of the sale of public land under the terms of the respective enabling Acts of many Western States;

Whereas, the current shortfall in funding public education in the Western States requires immediate Congressional action to remedy this discriminatory federal land policy and prevent the further disadvantaging of the school children of the Western States; and

Whereas, the most efficient and cost effective remedy now available to the United States is to grant to the Western States 5% of the remaining federally owned land located within each state and authorize each state to select land from the unappropriated public land of the United States within the boundaries of each state to satisfy the grant: Now, therefore, be it

*Resolved*, that the Legislature of the state of Utah urges Congress to adopt legislation that would include the following provisions:

(1) instead of receiving, for the support of the common schools, 5% of the proceeds of the sales of federally owned land lying within the Western States which have not been sold by the United States, grants of land will be made to each Western State in the amount of land equal to 5% of the number of acres of federally owned land within the state;

(2) each Western State shall select from the unappropriated public lands within the borders of the, state in a manner determined by the legislature of the state, land equal in acreage to 5% of the federally owned land in the state;

(3) selection and transfer of land to Western States, shall not be considered a major federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969;

(4)(a) all mineral, oil, and gas rights to the land selected by the Western States shall become the property of that Western State unless the federal lessee of the selected land is making royalty payments to the United States from production of minerals, oil, or gas, in which case that leasehold interest shall remain in the Ownership of the United States until the leasehold interest terminates; and

(b) after the leasehold interest described in Subsection (4)(a) terminates, the mineral oil, and gas rights shall become the property of the respective Western State;

(5) all land selected by each of the Western States shall be held in trust by a state educational agency empowered to sell or lease the land, the proceeds of which shall be used as a permanent fund, the interest of which shall be expended only for the support of public education; and

(6) Utah fully and unconditionally reserves all sovereign and constitutional claims to its public lands; and be it further

*Resolved*, that a copy of this resolution be sent to the Majority leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, and Utah's Congressional Delegation.

POM-27. A joint resolution adopted by the Legislature of the State of Utah urging Congress to impose a moratorium on the promulgation of any new greenhouse gas (GHG) emissions regulation by the Environmental Protection Agency for a period of at least two years, except for the need to directly address an imminent health or environmental emergency; to the Committee on Environment and Public Works.

#### HOUSE JOINT RESOLUTION NO. 19

Whereas, concern is growing that with the failure of cap-and-trade legislation in Congress the United States Environmental Protection Agency (EPA) is attempting to reduce greenhouse gas (GHG) emissions through the adoption and implementation of regulations without Congressional approval;

Whereas, the EPA is proposing numerous new rules to regulate GHG emissions as pollutants through the Clean Air Act;

Whereas, the EPA has not performed any comprehensive study of the environmental benefits; its GHG regulation in terms of impacts on global climate;

Whereas, the EPA's regulatory activity of GHG has numerous and overlapping requirements that are likely to have major effects on the nation's economy, jobs, and U.S. competitiveness in worldwide markets;

Whereas, neither the EPA nor the current administration has undertaken any comprehensive study on the cumulative effect that regulating GHGs will have on the nation's economy, jobs, and U.S. competitiveness;

Whereas, state agencies are routinely required to identify the costs of their regulations and to justify those costs in light of the benefits;

Whereas, since the EPA has identified "taking action on climate change and improving air quality" its first strategic goal for the time frame of 2011-15, it should be required to identify the specific actions it intends to take to achieve these goals and to assess the cumulative effect of these actions on public health, climate change, and on the U.S. economy;

Whereas, the primary goal of government at the present time must be to promote economic, recovery and to foster a stable and predictable business environment that will lead to the creation of new jobs; and

Whereas, the public's health and welfare will suffer without significant new job cre-

ation and economic improvement since environmental improvement is most successful in a society that generates wealth: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah calls on Congress to adopt legislation prohibiting the United States Environmental Protection Agency (EPA) from regulating greenhouse gas (GHG) emissions without Congressional approval, including, if necessary, not funding EPA greenhouse gas regulatory activities; be it further

*Resolved*, That the Legislature calls on Congress to impose a moratorium on, the promulgation of any new GHG regulation by the EPA for a period of at least-two years, except for the need to directly address an imminent health or environmental emergency; be it further

*Resolved*, That the Legislature calls on Congress to require the Administration to carry out a study identifying all regulatory activity that the EPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and, provide an objective cost-benefit analysis and cumulative effect that EPA's current and planned regulation will have on global climate, public health, the U.S. economy, jobs, and economic competitiveness in worldwide markets; be it further

*Resolved*, That the Legislature expresses its support for continuing improvements to the quality of the nation's air and declares that such improvements can be made without damaging the economy as long as there is a full understanding of the costs and benefits of the regulations at issue; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, the governor of each state outside of Utah, the Senate President or President pro tem and the Speaker of the House of each state legislature outside of Utah, and to the members of Utah's Congressional Delegation.

POM-28. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to take action to maintain the integrity of the Endangered Species Act by exempting wolves from the Act in every state and allowing each state to protect its rural economies, game herds, livestock, and pets; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT RESOLUTION NO. 15

Whereas, with a population of 60,000 in North America, wolves are no longer an endangered species;

Whereas, the agreed-upon recovery goals of 30 packs and 300 wolves in the northern Rocky Mountains has been exceeded since 2002;

Whereas, wolf populations currently exceed by more than 600% recovery goals agreed upon by all parties, yet extremist groups and courts block management as all parties had previously agreed upon;

Whereas, excessive wolf populations are causing tremendous negative impacts to game populations, livestock, and pets at the cost of tens of millions of dollars each year to state economies, and the problem is growing exponentially;

Whereas, excessive wolf populations are costing rural economies many jobs;

Whereas, wolves are beginning to threaten and challenge people;

Whereas, the experiences of Montana, Wyoming, Idaho, and Minnesota prove that the administrative and legal process is broken and does not serve the people, private property, wildlife, or rural economies;

Whereas, the United States Fish and Wildlife Service has repeatedly failed to listen to

Utah's entire elected body of Governors, Senators, and bipartisan Congressman to include the entire state of Utah in the Northern Rockies population;

Whereas, the United States Fish and Wildlife Service only included a small portion of northern Utah in the potential delisting zone, leaving nearly the entire state of Utah as an endangered species classification with no hope or promise of a solution to the wolf problem for decades into the future;

Whereas, the United States Fish and Wildlife Service proposes to spend \$25,000,000 to monitor and watch wolf populations grow while they eliminate jobs and destroy game populations, livestock, and pets;

Whereas, the court system has failed to allow the United States Fish and Wildlife Service to delist wolves in spite of scientific data, costing over \$40,000,000 to gather, justifying delisting, with national experts inside and outside the government providing sworn testimony that wolves should be removed from the endangered species list;

Whereas, 32 state wildlife agencies have requested wolves to be removed from the Endangered Species Act through congressional action;

Whereas, state game and fish agencies are much better prepared and capable of managing wolves than the federal government;

Whereas, western states face many habitat conservation challenges, and the focus of investment of limited wildlife funds should be to protect habitats and abundant herds that provide hundreds of millions of dollars each year to rural economies and food for tens of thousands of families; and

Whereas, the state of Utah, in consultation with the United States Fish and Wildlife Service, and based on extensive professional wildlife management input and a two-year public process, has adopted a wolf management plan; now, therefore, be it

*Resolved*, that the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress to take action to maintain the integrity of the Endangered Species Act by exempting wolves from the Act in every state and allowing each state to protect its rural economies, game herds, livestock, and pets; and be it further

*Resolved*, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Director of the United States Fish and Wildlife Service, the executive director of the Utah Department of Natural Resources, the United States Secretary of the Interior, members of Utah's congressional delegation, and governors and presidents of the Senate in all 50 states.

POM-29. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to defend the democratic right of the Iranian people; to the Committee on Foreign Relations.

#### SENATE CONCURRENT RESOLUTION NO. 16

Whereas, the American people recognize and support the Iranian people in their century-long struggle for democracy, freedom, justice, and human rights;

Whereas, the government of the Islamic Republic's crackdowns on democracy, support for terrorism, and pursuit of nuclear weapons pose a grave threat to the Iranian people as well as the security of the United States, Israel, and their allies in the Persian Gulf;

Whereas, since its establishment in 1979, the government of the Islamic Republic of Iran has engaged in numerous criminal and terrorist acts, including the arbitrary and unlawful judicial murder of thousands of Iranian political and religious dissidents as well as minors and juveniles;

Whereas, the Islamic Republic has also established a system of religious apartheid in which Iranian women are treated as second class citizens, and Iran's minorities are persecuted for exercising their freedom of religion;

Whereas, in 2009, the government of the Islamic Republic of Iran staged a presidential election that was marred by fraud and violence in which President Mahmoud Ahmadinejad dismissed millions of Iranian voters demanding free and fair elections as "dust and dirt";

Whereas, Iran's Supreme Leader, Ali Khamenei, sanctified the rigged election by equating the fundamentals of religion with fraud, force, terrorism, and tyranny;

Whereas, since the fraudulent elections, grieving mothers and families searching for missing relatives and demanding the release of political prisoners have been denied justice;

Whereas, there has been a dramatic surge in death sentences carried out by the government of the Islamic Republic of Iran despite United Nations' calls for a moratorium on executions;

Whereas, there has been a systematic crackdown on students, scholars, workers, teachers, clerics, and journalists for exercising their freedoms of speech and assembly;

Whereas, the American and Iranian people have been and remain steadfast friends and allies;

Whereas, over the past century, the American people's support for Iran's political and economic independence enabled the Iranian government to end the Soviet occupation of Northern Iran and led to the peaceful withdrawal of the Red Army from Iran in the aftermath of the Second World War;

Whereas, the United States played a pivotal role in Iran's economic development from 1946 to 1979, and American aid and assistance helped the Iranian people's efforts to eradicate poverty, famine, disease, and illiteracy;

Whereas, Iranian-Americans have emerged as a vital and vibrant force in American political, economic, and civic life;

Whereas, successive American presidents and statesmen have stood by the Iranian people in their struggle for justice, democracy, peace, and prosperity;

Whereas, the Iranian people's call for democracy and freedom has helped to light the torch of hope, liberty, dignity, and justice not only in Iran but throughout the Middle East and the Islamic world; and

Whereas, the liberation of humankind from under the yoke of fascism, communism, and other false ideologies that elevate the state above the individual depends on the moral conviction of free people everywhere to reject oppression, slavery, tyranny, and terrorism; Now therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, declare that the people of Utah stand with the people of Iran in their struggle for freedom, justice, peace, and prosperity for Iran, and reaffirm the bonds of friendship between the people of Utah and the people of Iran; be it further

*Resolved*, That the Legislature and the Governor call on the government of the United States, as well as the international community and the Islamic world, to support the Iranian people by defending the democratic right of the Iranian people to choose their own government through free and fair elections, demanding that Iran's supreme leader recognize and respect the sovereignty of the Iranian people and that he cease abusing his religious and political standing by rigging elections and equating fraud and force with the fundamentals of religion and democracy, to protect Iran's civil society by demanding that the Iranian judiciary end the arbitrary arrest, detention, torture, and execution of Iranian citizens for defending the right to elect their own government, determine their own destiny, and exercise their freedom of religion, to prevent Iran's leaders from using proceeds from the sale of oil to arm and finance private militias, terrorist groups, and other extremists responsible for committing acts of terrorism against the Iranian people as well as the United States and its allies in the Middle East, to deny Iran's leaders the capacity to hold the Iranian people and the rest of the world hostage by developing nuclear weapons and engaging in nuclear blackmail, and to help facilitate the Iranian people's struggle to transform Iran into a bastion of democracy, prosperity, and peace in the region; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary General of the United Nations, the chairman of the United States Senate Committee on Foreign Relations, the chairman of the United States House of Representatives Committee on Foreign Affairs, and to the members of Utah's congressional delegation.

POM-30. A joint resolution adopted by the Legislature of the State of Utah urging Congress to take swift and decisive action to resolve the many pressing immigration issues facing the nation and the states; to the Committee on the Judiciary.

#### SENATE JOINT RESOLUTION NO. 12

Whereas, the national debate over immigration is creating great controversy throughout the United States;

Whereas, measures addressing immigration are also being extensively debated in state legislatures across the nation;

Whereas, since 1875, when the United States Supreme Court stated that "the passage of laws which concern the admission of citizens and subjects of foreign nations to our shores belongs to Congress, and not to the States" (Chy Lung v. Freeman, 92 U.S. 275), states have been severely restricted in their authority to pass legislation governing those individuals not lawfully present within their borders;

Whereas, the expectation of Utah's voters is that, on a subject like immigration, the state Legislature has front line responsibility, and Utah should have an impact on immigration policy within its own borders;

Whereas, in recent years, opportunities for the United States Congress to resolve many pressing immigration issues have failed and left states bearing the brunt of these problems as they impact the health, safety, and welfare of their citizens with little or no authority to act;

Whereas, Utah's congressional delegation should sponsor legislation to resolve the immigration policy stalemate; and

Whereas, if the United States Congress will not act decisively to address the nation's immigration policy challenges, it should grant the states the authority to resolve their unique immigration issues within their borders; Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah recognizes that the United States Congress presently has assumed authority to make immigration policy in the United States; be it further

*Resolved*, That the Legislature of the state of Utah urges Utah's congressional delegation to sponsor and support legislation to resolve the immigration policy issues facing the nation; be it further

*Resolved*, That the Legislature strongly urges the United States Congress to take

swift and decisive action to resolve the many pressing immigration issues facing the nation and the states; be it further

*Resolved*, That the Legislature of the state of Utah urges that if the United States Congress does not have the collective will to resolve the immigration issues facing the nation and the states, that Congress should act to grant authority to the states to resolve the immigration policy challenges within their own borders; be it further

*Resolved*, That the Legislature of the state of Utah calls upon its congressional delegation to advance legislation giving the state of Utah the authority to manage immigration policy and actions within its borders; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, to the members of Utah's congressional delegation, and all states.

POM-31. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to pass an amendment to the United States Constitution by October 1, 2011, requiring a balanced budget and send it to the states for ratification; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 3

Whereas, for many years a persistent political issue facing Congress has been whether to require that the budget of the United States to be in balance;

Whereas, although a balanced federal budget has long been held as a political ideal, the accumulation of alarming deficits in recent years has heightened concern that immediate action to require a balance between revenues and expenditures at the national level is necessary if not critical to the financial well being of the United States;

Whereas, while financial and social ills are aggravated by ever increasing personal and family debt, spiraling national debt aggravates ills that may not be immediately felt but are equally harmful to society;

Whereas, the national debt, which is approximately 14 trillion dollars, has increased by over 3 trillion dollars in the last two years alone;

Whereas, out of control deficits and the massive federal debt suggest that tough decisions lie ahead if the United States is to have control of its financial destiny;

Whereas, the leaders of this nation must be held accountable for the financial decisions they make and not be allowed to spend the nation into financial oblivion; and

Whereas, ratifying a proposed constitutional amendment requiring a balanced budget would clearly communicate to the federal government that the states, on behalf of their citizens, insist that their tax money be spent in a manner that demonstrates fiscal responsibility: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, strongly urge the United States Congress to pass an amendment to the United States Constitution by October 1, 2011, requiring a balanced budget and send it to the states for ratification; be it further

*Resolved*, That the Legislature and the Governor urge that the United States Congress approve debt only in the event of a constitutional declaration of war; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-32. A concurrent resolution adopted by the Legislature of the State of Utah urg-

ing modification of the current design of the state flag to accurately reflect the description of the flag as approved by the Utah Legislature in 1913; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 2

Whereas, the first Utah state flag was created in 1903 at the request of Governor Heber M. Wells;

Whereas, the Governor's request came by way of an invitation from the President of the St. Louis World's Fair to have a delegation from Utah travel to St. Louis and dedicate the site of the Utah Exhibit and have the state flag flown in a parade of the 45 states at the World's Fair;

Whereas, the Utah State Society of the Daughters of the Revolution responded to the Governor's request to sponsor the manufacture of the flag;

Whereas, the flag was presented to the Governor by the Society on March 31, 1903;

Whereas, alterations were made to the flag so that its appearance more closely reflected the official state seal from which the design was taken;

Whereas, the Society enlisted Utah artist H.L.A. Culmer to help seamstress and flag maker Agnes Teudt Fernelius in finalizing the design of the flag;

Whereas, on May 1, 1903, the Utah delegation to the St. Louis World's Fair marched proudly alongside the state's new flag in the Parade of States;

Whereas, the flag was formally referred to as the Governor's flag or the Governor's regimental flag until 1911, when the Legislature formally adopted its design as the official state flag;

Whereas, a second flag was finished in early 1913 and presented by the state to the battleship U.S.S. Utah on June 25, 1913.

Whereas, that same year, Representative Annie Wells Cannon successfully introduced House Joint Resolution 1, which established the current flag design reflected in statute;

Whereas, Utah Code Section 63G-1-501 describes the flag as, "a flag of blue field, fringed, with gold borders, with the following device worked in natural colors on the center of the blue field:

The Center is a shield; above the shield and thereon an American eagle: with outstretched wings, the top of the shield pierced with six arrow's arranged crosswise; upon the shield under the arrows the word "Industry" and below the word "Industry" on the center of the shield, a beehive; on each side of the beehive, growing sego lilies; below the beehive, and near the bottom of the shield, the word "Utah," and below the word "Utah" and on the bottom of the shield, the figures "1847", with the appearance of being back of the shield there shall be two American flags on flagstuffs placed crosswise with the flag so draped that they will project beyond each side of the shield, the heads of the flagstuffs appearing in front of the eagle's wings and the bottom of each staff appearing over the face of the draped flag below the shield; below the shield and flags and upon the blue field, the figures "1896"; around the entire design, a narrow circle in gold";

Whereas, a third state flag was prepared in 1922 which mistakenly has the year 1847 beneath the shield instead of on the shield, and the error has been perpetuated to this day; and

Whereas, in the interest of accurately preserving a symbol of the state's rich history, and to follow the wording of Utah Code Section 63G-1-501, all new flags should be made to reflect the statutory flag description and all Utah flags currently in use or in stock should be utilized until unserviceable: now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein,

recognize that Utah Code Section 63G-1-501 accurately reflects the 1913 description of the official state flag of Utah; be it further

*Resolved*, That the Legislature and the Governor urge manufacturers of the state flag to modify the current design of the official flag of the state of Utah to accurately reflect the description of the flag as approved by the Utah Legislature in 1913; be it further

*Resolved*, That the Legislature and the Governor urge that all Utah flags be prepared in honor of past generations and for the benefit of present and future generations; and be it further

*Resolved*, That a copy of this resolution be sent to Colonial Flag, Annin & Company, C.F. Flag, J.C. Schultz Enterprises, Inc./FlagSource, Valley Forge Flag, Flag Zone, Quinn Flags, and to the Dixie Flag Manufacturing Company and North American Vexillological Association.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

\*Lisa O. Monaco, of the District of Columbia, to be an Assistant Attorney General.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### 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. CORNYN (for himself and Mr. BURR):

S. 1051. A bill to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself and Mr. VITTER):

S. 1052. A bill to amend the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. COCHRAN, Mr. AKAKA, Mr. BENNET, Mr. BLUNT, Mr. BROWN of Ohio, Mr. CHAMBLISS, Mr. CONRAD, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. UDALL of Colorado, and Mr. LEAHY):

S. 1053. A bill to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, and Mr. WHITEHOUSE):

S. 1054. A bill to address remedies in bankruptcy for negligent, reckless, or fraudulent

assertion of claim; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 1055. A bill to amend the Internal Revenue Code of 1986 to encourage teachers to pursue teaching science, technology, engineering, and mathematics subjects at elementary and secondary schools; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. CARPER, Mr. LAUTENBERG, Mr. BEGICH, Mr. LEAHY, Mr. LEVIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. FRANKEN, Mr. MERKLEY, Ms. KLOBUCHAR, and Mr. CARDIN):

S. 1056. A bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways; to the Committee on Environment and Public Works.

By Mr. COBURN:

S. 1057. A bill to repeal the Volumetric Excise Tax Credit; read the first time.

By Mr. PRYOR (for himself and Mr. MORAN):

S. 1058. A bill to amend the Public Health Service Act to ensure transparency and proper operation of pharmacy benefit managers; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CARDIN (for himself, Ms. SNOWE, Mr. REID, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. MENENDEZ):

S. Res. 196. A resolution calling upon the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. NELSON of Nebraska, Mr. KERRY, Ms. AYOTTE, Mrs. SHAHEEN, Mr. ENZI, Mr. CARDIN, and Mr. RISCH):

S. Res. 197. A resolution honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 15, 2011; considered and agreed to.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. Res. 198. A resolution congratulating the Alaska Aces hockey team on winning the 2011 Kelly Cup and becoming the East Coast Hockey League champions for the second time in team history; considered and agreed to.

By Mr. MCCAIN:

S. Con. Res. 22. A concurrent resolution expressing the sense of Congress that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and heroic significance of Jack Johnson and unduly tarnished his reputation; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 146

At the request of Mr. BEGICH, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 146, supra.

S. 202

At the request of Mr. PAUL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 370

At the request of Mr. CASEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 370, a bill to require contractors to notify small business concerns that have been included in offers relating to contracts led by Federal agencies, and for other purposes.

S. 534

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 668

At the request of Mr. CORNYN, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 758

At the request of Mr. FRANKEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 758, a bill to establish a Science, Technology, Engineering, and Math (STEM) Master Teacher Corps program.

S. 809

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor

of S. 809, a bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate.

S. 815

At the request of Ms. SNOWE, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Michigan (Ms. STABENOW) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 838

At the request of Mr. TESTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 847

At the request of Mr. LAUTENBERG, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 855

At the request of Ms. STABENOW, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 855, a bill to make available such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. 866

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 949, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 955

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 955, a bill to provide

grants for the renovation, modernization or construction of law enforcement facilities.

S. 960

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 964

At the request of Mr. ALEXANDER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 964, a bill to amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect.

S. 982

At the request of Ms. AYOTTE, the names of the Senator from Indiana (Mr. COATS) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 982, a bill to reaffirm the authority of the Department of Defense to maintain United States Naval Station, Guantanamo Bay, Cuba, as a location for the detention of unprivileged enemy belligerents held by the Department of Defense, and for other purposes.

S. 983

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 983, a bill to amend the Internal Revenue Code of 1986 to disallow a deduction for amounts paid or incurred by a responsible party relating to a discharge of oil.

S. 1006

At the request of Mr. RUBIO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1006, a bill to allow seniors to file their Federal income tax on a new Form 1040SR.

S. 1009

At the request of Mr. RUBIO, the names of the Senator from Indiana (Mr. COATS), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1009, a bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mr. SCHUMER), the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. VITTER), the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Kansas (Mr. MORAN), the Senator from Minnesota (Mr. FRANKEN), the Senator from Illinois (Mr. KIRK), the Senator from Maine (Ms. SNOWE), the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. ROBERTS), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

AMENDMENT NO. 323

At the request of Mr. PAUL, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 323 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

AMENDMENT NO. 330

At the request of Mr. UDALL of Colorado, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 330 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

AMENDMENT NO. 331

At the request of Mr. UDALL of Colorado, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 331 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

AMENDMENT NO. 332

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 332 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

AMENDMENT NO. 334

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. MERKLEY), the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 334 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, and Mr. WHITEHOUSE):

S. 1054. A bill to address remedies in bankruptcy for negligent, reckless, or fraudulent assertion of claim; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to introduce the Fighting Fraud in Bankruptcy Act of 2011. I thank Senator WHITEHOUSE and Senator BLUMENTHAL for joining me as cosponsors of this legislation. This bill will give the Department of Justice and the United States bankruptcy trustee important new tools to combat creditor abuses in the bankruptcy process. The Fighting Fraud in Bankruptcy Act is another step forward in the Judiciary Committee's important efforts to protect American citizens from fraud.

Since the onset of the housing market's collapse, the bankruptcy courts and the United States trustee have encountered serious problems related to foreclosure documentation submitted by mortgage lenders and servicers in the bankruptcy process. As scrutiny has been brought to bear on foreclosure-related filings by bankruptcy judges, attorneys, and the United States trustee, a pattern of negligent, reckless, or fraudulent conduct on the part of mortgage lenders and servicers has been revealed with a consistency that indicates systemic problems.

Under Attorney General Holder's leadership, the Department of Justice is making a considerable effort to ensure that mortgage lenders and servicers are playing by the rules and treating homeowners fairly and honestly. As part of its efforts to more closely scrutinize foreclosure documentation in bankruptcy cases, the United States trustee's office reviewed 10,000 proofs of claim filed by mortgage servicers. What was found was far more serious than what mortgage servicing industry officials have been asserting. For example, in testimony before the Senate Judiciary Committee in 2008, an industry executive stated that the rate of loan servicing errors in bankruptcy cases adverse to a homeowner was "less than one percent."

In its review, however, the trustee found an error rate based upon blatant,

obvious errors more than ten times greater than what was testified to before the Judiciary Committee. And these errors are not harmless. In some cases, they were wildly inaccurate statements of what a homeowner owed to the lender, in others, the claims contained unsupported junk fees that servicers had piled on, yet for which they provided no documentation. If left unchallenged, the result would be that a homeowner not only loses a home, but is cheated on what he or she owes on that home. Americans in foreclosure, and the trustee as guardian of the system are right to demand accuracy and truthfulness from creditors' representations in court.

Unfortunately, the major players in the mortgage industry are showing little interest in addressing these problems head-on. Instead, when faced with the trustee's scrutiny of their claims, some major mortgage servicers have resorted to engaging in litigation challenging the authority of the United States trustee to look behind their claims and provide sanctions where warranted. The United States trustees in districts around the country are now facing hundreds of challenges to their authority to effectively police the system. It is a great disappointment to see some of the very same banking entities that have benefited so much from congressional action and taxpayer funded assistance put up so much resistance to simple demands for accuracy and truthfulness in their representations to the court and those whose homes they are seeking to repossess.

The unfortunate reality is that lenders in many cases will continue to exercise their legal right to foreclose, rather than work with the homeowner to modify a loan. What is entirely unacceptable is for homeowners on the precipice of losing their homes to be mistreated by their lenders—whether through unsupported fees, willfully inaccurate or negligent accounting, or a lack of supporting documentation. This conduct only adds to the pain and hardship so many are experiencing.

In 2010, over one million Americans lost their homes to foreclosure. This year, housing industry analysts expect the problem to get worse. The magnitude of this problem, and its effect on American families, is difficult to comprehend. As this crisis continues to deepen, the incentives for lenders and servicers to cut corners, inflate profits, rush foreclosures, and hide from their misconduct will only increase.

The legislation I introduce today is about ensuring fair treatment for homeowners, preventing a fraud on the bankruptcy courts, and holding wrongdoers accountable. When Congress created the United States trustee program in 1978, it described the trustee's role as the "watchdog" of the bankruptcy system, and vested the trustee's office with the power to investigate fraud in the process. This legislation will support and strengthen this important role so that all participants in the

bankruptcy system conduct themselves in accordance with the law.

My legislation will do four things. First, it clarifies the United States trustee's inherent power and duty to police all corners of the bankruptcy system. Second, it provides the trustee and the courts with remedies to correct and sanction misconduct and fraud committed by creditors in the bankruptcy process. Third, the legislation empowers the trustee to establish a system of audits to ensure that creditors are complying with the law. These provisions taken together will help make certain that debtors and creditors are held to the same standard in the bankruptcy process.

Finally, the legislation addresses a particularly offensive form of mortgage servicer misconduct against men and women serving in our military. The Servicemembers Civil Relief Act (SCRA) protects active duty military personnel by requiring a stable, manageable interest rate for military homeowners on active duty, and by staying foreclosure actions during their deployment. A Government Accountability Office report released this month found that among just two of 14 major mortgage servicing organizations that provided data to Federal regulators, 50 foreclosure actions were carried out in violation of the SCRA.

In response to this finding, and to bolster the SCRA's protections for the men and women serving in the military, this legislation would require a mortgage lender seeking relief from the automatic stay to certify under penalty of perjury that the foreclosure was in compliance with the SCRA.

As Congress looks at ways to mitigate the foreclosure crisis to reduce its impact on homeowners and the economy, I hope all Senators can agree that the foreclosure process for Americans should be a fair one and one in which there is accountability for fraud or other misconduct. And I hope we can all agree that the integrity of our judicial system is something worth protecting.

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

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

S. 1054

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Fighting Fraud in Bankruptcy Act of 2011".

**SEC. 2. REMEDIES FOR NEGLIGENT, RECKLESS, OR FRAUDULENT ASSERTION OF CLAIM.**

Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

**“§ 113. Remedies for negligent, reckless, or fraudulent assertion of claim**

“(a) In this section—

“(1) a person 'asserts a claim' by, without limitation, preparing, signing, filing, submitting, or later advocating a proof of claim under section 501 of this title, a motion seek-

ing relief from the stay imposed under section 362 of this title, or other paper, representing to the court that a claim is owed or that it is owed in a specific amount;

“(2) a person who assists another person in asserting a claim shall also be deemed to have asserted the claim, including—

“(A) any officer, director, employee, or agent of the person asserting a claim; and

“(B) any attorney, accountant, or other professional person who is employed by or is assisting the person asserting a claim; and

“(3) the term 'relief' means, without limitation, and in addition to any legal, equitable, monetary or injunctive relief otherwise available under any provision of this title or other provision of law, or under a court's inherent powers—

“(A) an order or judgment imposing upon a person in one or more cases, wherever situated, in which the person has asserted a claim or claims in violation of subsection (b) a civil penalty of not more than \$5,000 for each such claim;

“(B) an order or judgment requiring a person in one or more cases, wherever situated, in which the person has asserted a claim or claims in violation of subsection (b), to pay actual damages to an injured debtor, or trustee; and

“(C) an order or judgment imposing upon a person in one or more cases, wherever situated, in which the person has asserted, or could assert, a claim or claims in violation of subsection (b) of this section, other prospective or retrospective relief, including but not limited to declaratory relief, injunctive relief, or an auditing requirement.

“(b) Notwithstanding any other provision of Federal or State law, and in addition to any other remedy provided under Federal or State law, if a court, on its own motion or on the motion of the United States trustee (or bankruptcy administrator, if any), finds, based upon a preponderance of the evidence, that a person has, through negligence, recklessness, or fraud, improperly asserted a claim in any case under chapter 7 or chapter 13 of this title before the court, the court may—

“(1) enter relief against the person in the case before the court; and

“(2) enter relief against the person in any other case under chapter 7 or chapter 13 that is pending or might thereafter be filed under this title, wherever situated, to the extent the court deems it necessary—

“(A) to rectify the person's negligent, reckless, or fraudulent assertion of a claim; or

“(B) to prevent the person from asserting any negligent, reckless, or fraudulent claim.

“(c)(1) Civil penalties imposed under this section in judicial districts served by United States trustees shall be paid to the United States trustees, who shall deposit an amount equal to such fines in the United States Trustee Fund.

“(2) Civil penalties imposed under this section in judicial districts served by bankruptcy administrators shall be deposited as offsetting receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and maintenance of the courts of the United States.”.

**SEC. 3. DUTY OF THE UNITED STATES TRUSTEE TO ADDRESS CLAIMS.**

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (7)(C), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting ";; and"; and

(3) by adding at the end the following:



“(9) when the United States trustee deems it appropriate—

“(A) monitor and investigate the conduct of other parties in interest with respect to claims; and

“(B) take action that the United States trustee deems necessary to prevent or remedy any negligent, reckless, or fraudulent assertion of a claim, as defined in section 113(a) of title 11, by exercising any of the United States trustee’s powers and authorities under this title and under title 11 respecting claims, including—

“(i) filing, pursuing, or commenting upon any action brought under section 113 of title 11; and

“(ii) filing, pursuing, or commenting upon any civil action, or upon any civil proceeding arising under title 11, or arising in or related to a case under title 11.”

#### SEC. 4. PROCEDURES FOR THE AUDITING OF PROOFS OF CLAIM.

(a) TITLE 28.—Section 586 of title 28, United States Code, is amended by adding at the end the following:

“(g)(1) CLAIMS AUDIT PROCEDURES.—

“(A) The Director of the Executive Office for United States Trustees shall establish audit procedures to determine the accuracy, veracity, and completeness of proofs of claim filed under section 501(a) of title 11, with respect to cases filed under chapter 7 or 13 of title 11, in which the debtor is an individual.

“(B) The procedures established pursuant to subparagraph (A) shall—

“(i) establish a method of selecting appropriate qualified persons to contract to perform audits;

“(ii) establish a method of selecting proofs of claim to be audited, except that the number of audits to be performed shall be within the sole discretion of the Director of the Executive Office for United States Trustees; and

“(iii) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits, including the percentage of cases, by district, in which inaccurate, untrue, or incomplete proofs of claim were filed.

“(2) The United States trustee for each district is authorized to contract with auditors to perform audits of proofs of claim designated by the United States trustee, in accordance with the procedures established under paragraph (1). An audit may, in the discretion of the United States trustee, encompass multiple proofs of claim filed by the same entity in one case or multiple cases, whether in the same district or multiple districts. The United States trustees from multiple regions may contract with a single auditor to audit proofs of claim filed by the same entity in districts within their regions.

“(3)(A) The report of each audit performed pursuant to paragraph (2) shall be filed with the court where the case is pending and transmitted to the United States trustee and to any trustee serving in the case. Each such report shall clearly and conspicuously specify any findings that the claim asserted in the proof of claim is—

“(i) not valid;

“(ii) not owed in the amount claimed; or

“(iii) not supported by adequate documentation.

“(B) If a claims audit report identifies deficiencies in the proof of claim as described in paragraph (2)(A), the United States trustee shall—

“(i) if appropriate, report the deficient filing to the United States Attorney pursuant to section 3057 of title 18; and

“(ii) if advisable, take appropriate action, including objecting to the proof of claim under section 502(b) of title 11, or commencing an action under section 113(b) of

title 11, against entities responsible for the deficiencies.”

(b) TITLE 11.—Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) the court finds the entity filing a proof of claim that was selected for audit under section 586(g) of title 28 failed to make available to the auditor for inspection necessary accounts, papers, documents, financial records, files, or other papers, that were requested by the auditor.”

#### SEC. 5. TREATMENT OF SERVICEMEMBERS IN FORECLOSURE.

Section 362(d) of title 11, United States Code, is amended by adding at the end of the undesignated matter following paragraph (4) the following: “In any case under this title involving a servicemember, as defined in section 101 of the Servicemembers Civil Relief Act, to whom section 303 of that Act applies, no action may be taken under this subsection unless the party in interest certifies, under penalty of perjury, that the requirements of section 303 of the Servicemembers Civil Relief Act have been met.”

#### SEC. 6. EFFECTIVE DATES.

(a) REMEDIES; DUTY TO ADDRESS CLAIMS.—The provisions of section 113 and section 362(d) of title 11, United States Code, and paragraph (9) of section 586(a) of title 28, United States Code, added by this Act, shall become effective with respect to all cases filed or pending under title 11, United States Code, on or after the date of enactment of this Act.

(b) AUDITING OF PROOFS OF CLAIM.—Section 586(g) of title 28, United States Code, as added by this Act, shall become effective 18 months after the date of enactment of this Act for all cases filed or pending on or after that date of enactment, except that the Director of the Executive Office for United States Trustees may, in the sole discretion of the Director, establish an earlier effective date by publishing notice in the Federal Register at least 2 weeks before the proposed effective date.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 196—CALLING UPON THE GOVERNMENT OF TURKEY TO FACILITATE THE REOPENING OF THE ECUMENICAL PATRIARCHATE’S THEOLOGICAL SCHOOL OF HALKI WITHOUT CONDITION OF FURTHER DELAY

Mr. CARDIN (for himself, Ms. SNOWE, Mr. REID of Nevada, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 196

Whereas the Ecumenical Patriarchate is an institution with a history spanning 17 centuries, serving as the center of the Orthodox Christian Church throughout the world;

Whereas the Ecumenical Patriarchate sits at the crossroads of East and West, offering a unique perspective on the religions and cultures of the world;

Whereas the title of Ecumenical Patriarch was formally accorded to the Archbishop of Constantinople by a synod convened in Constantinople during the sixth century;

Whereas, since November 1991, His All Holiness, Bartholomew I, has served as Archbishop of Constantinople, New Rome and Ecumenical Patriarch;

Whereas Ecumenical Patriarch Bartholomew I was awarded the Congressional Gold Medal in 1997, in recognition of his outstanding and enduring contributions toward religious understanding and peace;

Whereas, during the 110th Congress, 75 Senators and the overwhelming majority of members of the Committee on Foreign Affairs of the House of Representatives wrote to President George W. Bush and the Prime Minister of Turkey to express congressional concern, which continues today, regarding the absence of religious freedom for Ecumenical Patriarch Bartholomew I in the areas of church-controlled Patriarchal succession, the confiscation of the vast majority of Patriarchal properties, recognition of the international Ecumenicity of the Patriarchate, and the reopening of the Theological School of Halki;

Whereas the Theological School of Halki, founded in 1844 and located outside Istanbul, Turkey, served as the principal seminary for the Ecumenical Patriarchate until its forcible closure by the Turkish authorities in 1971;

Whereas the alumni of this preeminent educational institution include numerous prominent Orthodox scholars, theologians, priests, bishops, and patriarchs, including Bartholomew I;

Whereas the Republic of Turkey has been a participating state of the Organization for Security and Cooperation in Europe (OSCE) since signing the Helsinki Final Act in 1975;

Whereas in 1989, the OSCE participating states adopted the Vienna Concluding Document, committing to respect the right of religious communities to provide “training of religious personnel in appropriate institutions”;

Whereas the continued closure of the Ecumenical Patriarchate’s Theological School of Halki has been an ongoing issue of concern for the American people and the United States Congress and has been repeatedly raised by members of the Commission on Security and Cooperation in Europe and by United States delegations to the OSCE’s annual Human Dimension Implementation Meeting;

Whereas, in his address to the Grand National Assembly of Turkey on April 6, 2009, President Barack Obama said, “Freedom of religion and expression lead to a strong and vibrant civil society that only strengthens the state, which is why steps like reopening Halki Seminary will send such an important signal inside Turkey and beyond.”;

Whereas, in a welcomed development, the Prime Minister of Turkey, Recep Tayyip Erdogan, met with the Ecumenical Patriarch on August 15, 2009, and, in an address to a wider gathering of minority religious leaders that day, concluded by stating, “We should not be of those who gather, talk, and disperse. A result should come out of this.”;

Whereas, during his visit to the United States in November 2009, Ecumenical Patriarch Bartholomew I raised the issue of the continued closure of the Theological School of Halki with President Obama, congressional leaders, and others;

Whereas, in a welcome development, for the first time since 1922, the Government of Turkey in August 2010 allowed the liturgical celebration by the Ecumenical Patriarch at the historic Sumela Monastery; and

Whereas, following a unanimous decision by the European Court of Human Rights in Strasbourg in 2010, ruling that Turkey return the former Greek Orphanage on Buyukada Island to the Ecumenical Patriarchate, on the eve of the feast day of St.

Andrew observed on November 30, the Government of Turkey provided lawyers representing the Ecumenical Patriarchate with the formal property title for the confiscated building; Now, therefore, be it

*Resolved, That the Senate—*

(1) welcomes the historic meeting between Prime Minister Recep Tayyip Erdogan and Ecumenical Patriarch Bartholomew I;

(2) welcomes the positive gestures by the Government of Turkey, including allowing allowed the liturgical celebration by the Ecumenical Patriarch at the historic Sumela Monastery and the return of the former Greek Orphanage on Buyukada Island to the Ecumenical Patriarchate;

(3) urges the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay; and

(4) urges the Government of Turkey to address other longstanding concerns relating to the Ecumenical Patriarchate.

Mr. CARDIN. Mr. President, I am pleased to be joined today by Senators SNOWE, REID, SHAHEEN, WHITEHOUSE, and MENENDEZ in introducing a resolution calling upon the government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay.

I was privileged to again meet with the Ecumenical Patriarch, Bartholomew I, during his 2009 visit to the United States. His impassioned request to those of us gathered was for our support for the reopening of the Theological School of Halki, forcibly closed by the Turkish authorities in 1971. In this year marking the 40th anniversary of that tragic action, I urge the Turkish leadership to reverse this injustice and allow this unique religious institution to reopen

Founded in 1844, the Theological School of Halki, located outside modern-day Istanbul, served as the principal seminary of the Ecumenical Patriarchate until its forced closure. Counted among alumni of this preeminent educational institution are numerous prominent Orthodox scholars, theologians, priests, and bishops as well as patriarchs, including Bartholomew I. Many of these scholars and theologians have served as faculty at other institutions serving Orthodox communities around the world.

Past indications by the Turkish authorities of pending action to reopen the seminary have, regrettably, failed to materialize. Turkey's Prime Minister, Recep Tayyip Erdogan, met with the Ecumenical Patriarch in August 2009. In an address to a wider gathering of minority religious leaders that day, Erdogan concluded by stating, "We should not be of those who gather, talk and disperse. A result should come out of this." I could not agree more with the sentiment. But resolution of this longstanding matter requires resolve, not rhetoric.

In a positive development last August, the authorities in Ankara, for the first time since 1922, permitted a liturgical celebration to take place at the historic Sumela Monastery. The Ecumenical Patriarch presided at that

service, attended by pilgrims and religious leaders from several countries, including Greece and Russia. Last November, a Turkish court ordered the Buyukada orphanage to be returned to Ecumenical Patriarchate and the transfer of the property has been completed.

As one who has followed issues surrounding the Ecumenical Patriarchate with interest for many years, I welcome these positive developments. My hope is that they will lead to the return of scores of other church properties seized by the government. In 2005, the Helsinki Commission, which I co-chair, convened a briefing, "The Greek Orthodox Church in Turkey: A Victim of Systematic Expropriation." The Commission has consistently raised the issue of the Theological School for well over a decade and will continue to closely monitor related developments.

The State Department's 2010 Report on International Religious Freedom is a reminder of the challenges faced by Orthodox and other minority religious communities in Turkey. I urge the Turkish Prime Minister to ensure respect for the rights of individuals from these groups to freely profess and practice their religion or beliefs, in keeping with Turkey's obligations as an OSCE participating State.

The 1989 OSCE Vienna Concluding Document affirmed the right of religious communities to provide "training of religious personnel in appropriate institutions." The Theological School of Halki served that function for over a century until its forced closure four decades ago. The time has come to allow the reopening of this unique institution without further delay.

I urge my colleagues to support this resolution.

SENATE RESOLUTION 197—HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESS CONCERNS IN THE UNITED STATES DURING NATIONAL SMALL BUSINESS WEEK, WHICH BEGINS ON MAY 15, 2011

Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. NELSON of Nebraska, Mr. KERRY, Ms. AYOTTE, Mrs. SHAHEEN, Mr. ENZI, Mr. CARDIN, and Mr. RISCH) submitted the following resolution; which was considered and agreed to:

S. RES. 197

Whereas the approximately 27,200,000 small business concerns in the United States are the driving force behind the Nation's economy, creating 2 out of every 3 new jobs and generating more than 50 percent of the Nation's non-farm gross domestic product;

Whereas small businesses are the driving force behind the economic recovery of the United States;

Whereas small businesses represent 99.7 percent of employer firms in the United States;

Whereas small business concerns are the Nation's innovators, serving to advance technology and productivity;

Whereas small business concerns represent 97.6 percent of all exporters and produce 32.8 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total Federal Government purchases, contracts, and subcontracts for property and services are placed with small business concerns, to ensure that a fair proportion of the total sales of government property are made to such small business concerns, and to maintain and strengthen the overall economy of the United States;

Whereas every year since 1963, the President has designated a "National Small Business Week" to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2011, National Small Business Week will honor the estimated 27,200,000 small businesses in the United States;

Whereas the Small Business Administration has helped small business concerns by providing access to critical lending opportunities, protecting small business concerns from excessive Federal regulatory enforcement, helping to ensure full and open competition for government contracts, and improving the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business concern, and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 15, 2011, as "National Small Business Week": Now, therefore, be it

*Resolved, That the Senate—*

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 15, 2011;

(2) applauds the efforts and achievements of the owners and employees of small business concerns, whose hard work and commitment to excellence have made such small business concerns a key part of the economic vitality of the United States;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns; and

(4) recognizes the importance of ensuring that—

(A) guaranteed loans, including microloans and microloan technical assistance, for start-up and growing small business concerns, and venture capital, are made available to all qualified small business concerns;

(B) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide invaluable counseling services to entrepreneurs in the United States;

(C) the Small Business Administration continues to provide timely and efficient disaster assistance so that small businesses in areas struck by natural or manmade disasters can quickly return to business to keep local economies alive in the aftermath of such disasters;

(D) affordable broadband Internet access is available to all people in the United States, particularly people in rural and underserved communities, so that small businesses can use the Internet to make their operations more globally competitive while boosting local economies;

(E) regulatory relief is provided to small businesses through the reduction of duplicative or unnecessary regulatory requirements that increase costs for small businesses; and

(F) leveling the playing field for contracting opportunities remains a primary focus, so that small businesses, particularly minority-owned small businesses, can compete for and win more of the \$400,000,000,000 in contracts that the Federal Government enters into each year for goods and services.

SENATE RESOLUTION 198—CONGRATULATING THE ALASKA ACES HOCKEY TEAM ON WINNING THE 2011 KELLY CUP AND BECOMING THE EAST COAST HOCKEY LEAGUE CHAMPIONS FOR THE SECOND TIME IN TEAM HISTORY

Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 198

Whereas on Saturday, May 21, 2011, the Alaska Aces won the second Kelly Cup championship in the history of the team with a 5-3 victory over the Kalamazoo Wings;

Whereas the Alaska Aces lost only 1 game throughout the entire 2011 Kelly Cup playoffs;

Whereas the Alaska Aces finished the regular season by winning an impressive 35 of the final 41 games;

Whereas the Alaska Aces won the Brabham Cup with the best record in the East Coast Hockey League regular season;

Whereas head coach Brent Thompson led the Alaska Aces to the Kelly Cup championship in only his second year as head coach and received the John Brophy award as the East Coast Hockey League's Coach of the Year;

Whereas Alaska Aces Captain Scott Burt became the first player in East Coast Hockey League history to win 3 Kelly Cups;

Whereas Alaska Aces forward Scott Howes was named the Most Valuable Player of the Kelly Cup playoffs with 7 goals and 19 points earned during the postseason;

Whereas Alaska Aces forward Wes Goldie was named Most Valuable Player for the 2010-2011 East Coast Hockey League regular season with 83 points;

Whereas Alaska Aces goaltender Gerald Coleman backstopped the Alaska Aces with a record of 11 wins and 1 loss during the Kelly Cup playoffs and was selected as the East Coast Hockey League's Goaltender of the Year;

Whereas the Alaska Aces benefitted from the veteran leadership of center and native Alaskan Brian Swanson;

Whereas the hard work and dedication of the entire team lead the Alaska Aces to victory;

Whereas the East Coast Hockey League has developed some of the greatest hockey players who have later enjoyed successful careers in the National Hockey League and the American Hockey League; and

Whereas Alaskans everywhere are proud of the accomplishments of the Alaska Aces in the 2011 season: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates each member and the coaching staff of the Alaska Aces hockey team on an impressive championship season;

(2) recognizes the achievements of the East Coast Hockey League on another fine season of developing players and promoting ice hockey in North America; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Alaska Aces ownership;

(B) the Commissioner of the East Coast Hockey League, Brian McKenna; and

(C) the Commissioner Emeritus of the East Coast Hockey League, Patrick J. Kelly.

SENATE CONCURRENT RESOLUTION 22—EXPRESSING THE SENSE OF CONGRESS THAT JOHN ARTHUR “JACK” JOHNSON SHOULD RECEIVE A POST-HUMOUS PARDON FOR THE RACIALLY MOTIVATED CONVICTION IN 1913 THAT DIMINISHED THE ATHLETIC, CULTURAL, AND HEROIC SIGNIFICANCE OF JACK JOHNSON AND UNDULY TARNISHED HIS REPUTATION

Mr. MCCAIN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 22

Whereas John Arthur “Jack” Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the “great white hope”;

Whereas in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the “Battle of the Century”;

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas between 1901 and 1910, 754 African-Americans were lynched, some for simply for being “too familiar” with White women;

Whereas in 1910, Congress passed the Act of June 25, 1910 (commonly known as the “White Slave Traffic Act” or the “Mann Act”) (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce “for the purpose of prostitution or debauchery, or for any other immoral purpose”;

Whereas in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an “immoral purpose” in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of “prostitution and debauchery”;

Whereas in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946;

Whereas in 1954, Jack Johnson was inducted into the Boxing Hall of Fame; and

Whereas on July 29, 2009, the 111th Congress agreed to Senate Concurrent Resolution 29, which expressed the sense of the 111th Congress that Jack Johnson should receive a posthumous pardon for his racially motivated 1913 conviction: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it remains the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

Mr. MCCAIN. Mr. President, today I am re-introducing a resolution calling on the President of the United States to posthumously pardon the world's first African-American heavyweight boxing champion, John Arthur “Jack” Johnson.

As you may remember, Representative PETER KING and I introduced a similar bipartisan resolution during the last session of Congress, and it passed both chambers unanimously. I was very pleased that two of the resolution's strongest supporters were the Senate Majority Leader, my friend Senator REID, and the Chairman of the Judiciary Committee, Senator LEAHY. However, I am disappointed to say that the President still has not pardoned Mr. Johnson. Today, I call upon my Senate colleagues to once again pass this resolution and send a clear message to our President that this unacceptable historical injustice must be rectified.

For those who may not be familiar with the plight of Jack Johnson, he is considered by many to be the most dominant athlete in boxing history. John Arthur Johnson was born March 31, 1878, in Galveston, TX, to parents who were former slaves. At an early age he realized his talent for the sweet science. In order to make a living, Johnson traveled across the country fighting anyone willing to face him. But he was denied repeatedly, on purely racial grounds, a chance to fight for the world heavyweight title. For too long, African-American fighters were not seen as legitimate contenders for the championship. Fortunately, after years of perseverance, Johnson was finally granted an opportunity in 1908 to fight the then-reigning title holder, Tommy Burns. Johnson handily defeated Burns to become the first African-American heavyweight champion.

Mr. Johnson's success in the ring, and sometimes indulgent lifestyle outside of it, fostered resentment among many and raised concerns that his continued sporting dominance would somehow disrupt what was then perceived by many as a "racial order." So, a search for a Caucasian boxer who could defeat Johnson began, a campaign dubbed as the search for the "Great White Hope." That hope arrived in the person of a former champion, Jim Jeffries, who returned from retirement to fight Johnson in 1910. But when Johnson defeated Jeffries, race riots broke out as many sought to avenge the loss.

Following the defeat of the "Great White Hope," the Federal government launched an investigation into the legality of Johnson's relationships with Caucasian women. The Mann Act, which was enacted in 1910, outlawed the transport of Caucasian women across State lines for the purpose of prostitution or debauchery, or for "any other immoral purpose." Using the "any other immoral purpose" clause as a pretext, federal law enforcement officials set out to "get" Johnson.

On October 18, 1912, he was arrested for transporting his Caucasian girlfriend across State lines in violation of the Act. However, the charges were dropped when the Caucasian, whose mother had originally tipped off Federal officials, refused to cooperate with authorities. She later married Johnson.

Yet Federal authorities persisted in their persecution of Johnson, persuading a former Caucasian girlfriend of Johnson's to testify that he had transported her across State lines. Her testimony resulted in Johnson's conviction in 1913. He was sentenced to 1 year and 1 day in Federal prison. During Johnson's appeal, one prosecutor admitted that "Mr. Johnson was perhaps persecuted as an individual, but that it was his misfortune to be the foremost example of the evil in permitting the intermarriage of whites and blacks."

After the trial, Johnson fled the country to Canada, and then traveled

to various European and South American countries, before losing his heavyweight championship title in Cuba in 1915. He returned to the United States in 1920, surrendered to Federal authorities, and served nearly a year in Federal prison. Despite this obvious and clear injustice, Johnson refused to turn his back on the country that betrayed him. Mr. Johnson died in an automobile accident in 1946.

The Jack Johnson case is an ignominious stain on our Nation's history. Rectifying this injustice is long overdue. Again, this resolution calls on the President to pardon Mr. Johnson posthumously. It recognizes the unjustness of what transpired, and sheds light on the achievements of an athlete who was forced into the shadows of bigotry and prejudice. Johnson was a flawed individual who was certainly controversial. But he was also a historic American figure, whose life and accomplishments played an instrumental role in our Nation's progress toward true equality under the law. And he deserved much better than a racially motivated conviction, which denied him of his liberty and served to diminish his athletic, cultural, and historic significance.

We are quickly coming up on the 65th anniversary of Jack Johnson's death, and we should take this opportunity to allow future generations to grasp what he accomplished against great odds and appreciate his contributions to society unencumbered by the taint of his criminal conviction. We know that we cannot possibly right the wrong that was done to Jack Johnson, but we can take this small step towards once again acknowledging his mistreatment and removing the cloud that casts a shadow on his legacy. I urge my colleagues to support this resolution.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 335. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table.

SA 336. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 337. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 338. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 339. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 340. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 341. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 342. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 343. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 344. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 345. Mr. UDALL of New Mexico (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 346. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 347. Mr. REID proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

SA 348. Mr. REID proposed an amendment to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra.

SA 349. Mr. REID proposed an amendment to the bill S. 990, supra.

SA 350. Mr. REID proposed an amendment to the bill S. 990, supra.

SA 351. Mr. REID proposed an amendment to amendment SA 350 proposed by Mr. REID to the bill S. 990, supra.

SA 352. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table.

SA 353. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

**SA 335.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **SEC. 3. TERRORIST ASSAULTS, KIDNAPPINGS, AND MURDERS.**

(a) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury";

(2) in paragraph (2), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury"; and

(3) by striking the matter following paragraph (2) and inserting the following: "shall be punished as provided in section 2242, and, if the conduct would violate section 2241(a) if it occurred in the special territorial or maritime jurisdiction of the United

States, shall be punished as provided in section 2241(c).”.

(b) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, as amended by subsection (a), is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States shall be fined under this title and imprisoned for any term of years not less than 15 or for life.”.

(c) PENALTIES FOR TERRORIST MURDER AND MANSLAUGHTER.—Section 2332(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “fined under this title” and all that follows and inserting “punished as provided under section 1111(b);” and

(2) in paragraph (2), by striking “fined under this title” and all that follows and inserting “punished as provided under section 1112(b); and”.

**SA 336.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. . . IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.**

(a) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “or any other offense listed under section 2332b(g)(5)(B) of this title,” after “title 49;” and

(B) in paragraph (2), by striking subparagraphs (A), (B), and (C) and inserting the following:

“(A) shall be fined under this title and imprisoned for not less than 6 months nor more than 15 years;

“(B) if serious bodily injury results, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years; and

“(C) if death results, shall be fined under this title and imprisoned for not less than 10 years or for life.”; and

(2) by amending subsection (b) to read as follows:

“(b) CIVIL ACTION.—

“(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1) is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

“(2) EFFECT OF CONDUCT.—

“(A) IN GENERAL.—A person described in subparagraph (B) is liable in a civil action to any party described in subparagraph (B)(ii) for any expenses that are incurred by that party—

“(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

“(ii) after the person that engaged in that conduct should have informed that party of the actual nature of the activity.

“(B) APPLICABILITY.—A person described in this subparagraph is any person that—

“(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed to indicate that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1);

“(ii) receives actual notice that another party is taking emergency or investigative action because that party believes that the information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1); and

“(iii) after receiving such notice, fails to promptly and reasonably inform 1 or more parties described in clause (ii) of the actual nature of the activity.”.

(b) THREATENING COMMUNICATIONS.—

(1) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end the following:

“(e) For purposes of this section, the term ‘addressed to any other person’ includes a communication addressed to an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.”.

(2) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end following new undesignated paragraph:

“For purposes of this section, the term ‘addressed to any person’ includes a communication addressed to an individual, a corporation or other legal person, and a government or agency or component thereof.”.

**SA 337.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.**

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

**“§ 2339E. Providing material support to international terrorism**

“(a) DEFINITIONS.—In this section:

“(1) The term ‘facility of interstate or foreign commerce’ has the same meaning as in section 1958(b)(2).

“(2) The term ‘international terrorism’ has the same meaning as in section 2331.

“(3) The term ‘material support or resources’ has the same meaning as in section 2339A(b).

“(4) The term ‘perpetrator of an act’ includes any person who—

“(A) commits the act;

“(B) aids, abets, counsels, commands, induces, or procures its commission; or

“(C) attempts, plots, or conspires to commit the act.

“(5) The term ‘serious bodily injury’ has the same meaning as in section 1365.

“(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), pro-

vides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years, and if death results, shall be imprisoned for any term of years not less than 25 or for life.

“(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

“(1) the offense occurs in or affects interstate or foreign commerce;

“(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

“(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

“(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

“(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

“(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

“(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

“(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

“(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“2339D. Receiving military-type training from a foreign terrorist organization.

“2339E. Providing material support to international terrorism.”.

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting “2339E (relating to providing material support to international terrorism),” before “or 2340A (relating to torture)”.

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of title 18, United States Code, is amended by striking “15 years” and inserting “25 years”.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking “fined under this title” and all that follows and inserting “fined under this title and imprisoned for any term of years not less than 10 or for life, and, if the death of any person results, imprisoned for any term of years not less than 25 or for life. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”.

(3) FINANCING OF TERRORIST CRIMES.—Section 2339C(d)(1) of title 18, United States Code, is amended by striking “shall be fined under this title” and all that follows and inserting “shall be fined under this title and imprisoned for any term of years not less than 5 or for life.”.

(4) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking “ten years” and inserting “15 years”.

(5) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting “, or attempts or conspires to receive,” after “receives”.

**SA 338.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 10, add the following:  
**SEC. 3. BORDER FENCE COMPLETION.**

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: “Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) not later than 1 year after the date of the enactment of the PATRIOT Sunsets Extension Act of 2011, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).”; and

(3) in subparagraph (C), by adding at the end the following:

“(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).”.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section

102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

**SA 339.** Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. REPORT ON INTELLIGENCE COLLECTION ACTIVITIES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in democratic societies, citizens rightly expect that their government will not arbitrarily keep information secret from the public but instead will act with secrecy only in certain limited circumstances;

(2) the United States Government has an inherent responsibility to protect American citizens from foreign threats and sometimes relies on clandestine methods to learn information about foreign adversaries, and these intelligence collection methods are often most effective when they remain secret;

(3) American citizens recognize that their government may rely on secret intelligence sources and collection methods to ensure national security and public safety, and American citizens also expect intelligence activities to be conducted within the boundaries of publicly understood law;

(4) it is essential for the American public to have access to enough information to determine how government officials are interpreting the law, so that voters can ratify or reject decisions that elected officials make on their behalf;

(5) it is essential that Congress have informed and open debates about the meaning of existing laws, so that members of Congress are able to consider whether laws are written appropriately, and so that members of Congress may be held accountable by their constituents;

(6) United States Government officials should not secretly reinterpret public laws and statutes in a manner that is inconsistent with the public’s understanding of these laws, and should not describe the execution of these laws in a way that misinforms or misleads the public;

(7) On February 2, 2011, the congressional intelligence committees received a secret report from the Attorney General and the Director of National Intelligence that has been publicly described as pertaining to intelligence collection authorities that are subject to expiration under section 224 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 295); and

(8) while it is entirely appropriate for particular intelligence collection techniques to be kept secret, the laws that authorize such techniques, and the United States Government’s official interpretation of these laws, should not be kept secret but should instead be transparent to the public, so that these laws can be the subject of informed public debate and consideration.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish in the Federal Register a report—

(1) that details the legal basis for the intelligence collection activities described in the February 2, 2011, report to the congressional intelligence committees; and

(2) that does not describe specific intelligence collection programs or activities, but that fully describes the legal interpretations and analysis necessary to understand the United States Government’s official interpretation of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

**SA 340.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . DEATH PENALTY FOR CERTAIN TERROR RELATED CRIMES.**

(a) PARTICIPATION IN NUCLEAR AND WEAPONS OF MASS DESTRUCTION THREATS TO THE UNITED STATES.—Section 832(c) of title 18, United States Code, is amended by inserting “punished by death if death results to any person from the offense, or” after “shall be”.

(b) MISSILE SYSTEMS TO DESTROY AIRCRAFT.—Section 2332g(c)(3) of title 18, United States Code, is amended by inserting “punished by death or” after “shall be”.

(c) ATOMIC WEAPONS.—The last sentence of section 222 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2272) is amended by inserting “death or” before “imprisonment for life” the last place it appears.

(d) RADIOLOGICAL DISPERSAL DEVICES.—Section 2332h(c)(3) of title 18, United States Code, is amended by inserting “death or” before “imprisonment for life”.

(e) VARIOLA VIRUS.—Section 175c(c)(3) of title 18, United States Code, is amended by inserting “death or” before “imprisonment for life”.

**SA 341.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.**

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“**§ 2339E. Denial of Federal benefits to terrorists**

“(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

“(b) FEDERAL BENEFIT DEFINED.—In this section, the term ‘Federal benefit’ has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“2339D. Receiving military-type training from a foreign terrorist organization.

“2339E. Denial of Federal benefits to terrorists.”.

**SA 342.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. COUNTERINTELLIGENCE ACCESS TO ELECTRONIC COMMUNICATION TRANSACTIONAL RECORDS.**

Section 2709(b)(1) of title 18, United States Code, is amended—

(1) by striking “and local and long distance toll billing records” and inserting “local and long distance toll billing records information, and electronic communication transactional records”;

(2) by striking “and toll billing records sought” and inserting “toll billing records information, and electronic communication transactional records sought”.

**SA 343.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 10, add the following:

**SEC. 3. JUDICIAL REVIEW OF VISA REVOCATION.**

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking “There shall be no means of judicial review” and all that follows and inserting the following: “Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all visas issued before, on, or after such date.

**SA 344.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. NATIONAL SECURITY LETTER SUNSETS.**

(a) REPEAL.—Effective on December 31, 2013—

(1) section 2709 of title 18, United States Code, is amended to read as such provision read on October 25, 2001;

(2) section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended to read as such provision read on October 25, 2001;

(3) subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C.

1681u) are amended to read as subsections (a) and (b), respectively, of the second of the 2 sections designated as section 624 of such Act (15 U.S.C. 1681u) (relating to disclosure to the Federal Bureau of Investigation for counterintelligence purposes), as added by section 601 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104-93; 109 Stat. 974), read on October 25, 2001;

(4) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is repealed; and

(5) section 802 of the National Security Act of 1947 (50 U.S.C. 436) is amended to read as such provision read on October 25, 2001.

(b) TRANSITION PROVISION.—Notwithstanding subsection (a), the provisions of law referred to in subsection (a), as in effect on December 30, 2013, shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2013—

(1) section 3511 of title 18, United States Code, is amended by striking “or 627(a)” each place it appears;

(2) section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(A) in subparagraph (C), by adding “and” at the end;

(B) in subparagraph (D), by striking “; and” and inserting a period; and

(C) by striking subparagraph (E); and

(3) the table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by striking the item relating to section 627.

**SA 345.** Mr. UDALL of New Mexico (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “PATRIOT Sunsets Temporary Extension Act of 2011”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) In the wake of the terrorist attacks of September 11, 2001, Congress hastily passed the USA PATRIOT Act (Public Law 107-56; 115 Stat. 272), which significantly expanded the authority of the intelligence community and law enforcement agencies to collect intelligence on, and conduct surveillance of, citizens of the United States.

(2) Recognizing that the USA PATRIOT Act had significantly expanded Government authorities at a time of national crisis and with minimal deliberation, Congress established sunset dates for 16 of the most controversial provisions in the Act. Congress also included a sunset date in the amendments to section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 under the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3638), commonly known as the “Lone Wolf” provision.

(3) In 2005, Congress made 14 of those provisions permanent, but retained sunsets for the Lone Wolf provision, as well as provisions of the USA PATRIOT Act authorizing the Foreign Intelligence Surveillance Court to issue warrants for roving wiretaps and

broad orders compelling the production of business records or any other tangible thing.

(4) Since the enactment of the USA PATRIOT Act, the Inspector General of the Department of Justice has released various reports that highlight abuses of the provisions of the Act and sharp increases in the use of secret court orders, national security letters, and electronic and physical surveillance. Since passage of the Lone Wolf provision, it has not been used in a single investigation.

(5) The sunset dates provide a means for Congress to fulfill its oversight responsibilities and to hold careful and deliberative debate about the controversial provisions, to consider amendments to the laws, and to determine if the provisions should be granted additional long-term extensions.

(6) Congress has not devoted the time necessary to hold a substantive debate and to discuss and vote on a number of amendments before the provisions expire on May 27, 2011.

(7) Until such a debate occurs and an open amendment process is conducted, Congress should not grant a long-term extension of the expiring provisions.

**SEC. 3. SUNSET EXTENSIONS.**

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “May 27, 2011” and inserting “September 23, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended by striking “May 27, 2011” and inserting “September 23, 2011”.

**SA 346.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. PROHIBITION ON USE OF FUNDS FOR CRIMINAL INVESTIGATIONS OR PROSECUTIONS OF OFFICERS OR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.**

(a) IN GENERAL.—No funds made available in any provision of law may be used to further the criminal investigations or future prosecution of officers or employees of the Central Intelligence Agency for actions related to their interrogation of specific detainees at overseas locations.

(b) APPLICATION.—The prohibition in subsection (a) applies to funding—

(1) investigations opened by the Attorney General and described in his August 24, 2009 announcement; and

(2) the appointment of Assistant United States Attorney John Durham to determine whether Federal laws were violated in connection with the alleged use of enhanced interrogation techniques by officers or employees of the Central Intelligence Agency.

**SA 347.** Mr. REID proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “PATRIOT Sunsets Extension Act of 2011”.

**SEC. 2. SUNSET EXTENSIONS.**

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “May 27, 2011” and inserting “June 1, 2015”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; U.S.C. 1801 note) is amended by striking “May 27, 2011” and inserting “June 1, 2015”.

**SA 348.** Mr. REID proposed an amendment to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

**SA 349.** Mr. REID proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

**SA 350.** Mr. REID proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In the amendment, strike “3” and insert “2”.

**SA 351.** Mr. REID proposed an amendment to amendment SA 350 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In the amendment, strike “2” and insert “1”.

**SA 352.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE II—SAFE COPS ACT****SECTION 201. SHORT TITLE.**

This title may be cited as the “Safe Cops Act of 2011”.

**SEC. 202. SPECIAL PENALTIES FOR MURDER OR KIDNAPPING OF A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.**

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting “(a)” before “Whoever”;

(2) by adding at the end the following:

“(b) If the victim of an offense punishable under this section or section 1117 is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and—

“(1) in the case of murder in the first degree, or an attempt or conspiracy to commit murder in the first degree, death or imprisonment for life;

“(2) in the case of murder in the second degree, or an attempt or conspiracy to commit murder in the second degree, imprisonment for any term of years not less than 25 or for life; and

“(3) in the case of voluntary manslaughter, imprisonment for any term of years not less than 10 or for life.”.

(b) KIDNAPPING.—Section 1201 of title 18, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following:

“(f) If the victim of an offense punishable under subsection (a), (c), or (d) is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 20 or for life, or, if death results, may be sentenced to death.”.

**SEC. 203. SPECIAL PENALTIES FOR ASSAULTING A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.**

(a) IN GENERAL.—Section 111 of title 18, United States Code, is amended to read as follows:

**“§ 111. Assaulting or interfering with certain officers or employees**

“(a) OFFICERS AND EMPLOYEES.—

“(1) IN GENERAL.—It shall be unlawful to—

“(A) assault or interfere with an officer or employee described in section 1114, while such officer or employee is engaged in, or on account of the performance of, official duties;

“(B) assault or interfere with an individual who formerly served as an officer or employee described in section 1114 on account of the performance of official duties; or

“(C) assault or interfere with an individual on account of that individual’s current or former status as an officer or employee described in section 1114.

“(2) PENALTY.—Any person who violates paragraph (1), shall be—

“(A) fined under this title;

“(B)(i) in the case of an interference or a simple assault, imprisoned for not more than 1 year;

“(ii) in the case of an assault involving actual physical contact or the intent to commit any other felony, imprisoned for not more than 10 years;

“(iii) in the case of an assault resulting in bodily injury, imprisoned for not more than 20 years; or

“(iv) in the case of an assault resulting in substantial bodily injury (as that term is defined in section 113), or if a dangerous weapon was used or possessed during and in relation to the offense (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component), imprisoned for not more than 30 years; or

“(C) fined under subparagraph (A) and imprisoned under subparagraph (B).

“(b) LAW ENFORCEMENT OFFICERS AND JUDGES.—

“(1) IN GENERAL.—If the victim of an assault punishable under this section is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115)—

“(A) if the assault resulted in substantial bodily injury (as that term is defined in section 113), the offender shall be punished by a fine under this title and imprisonment for not less than 5 years nor more than 30 years; and

“(B) if the assault resulted in serious bodily injury (as that term is defined in section 2119(2)), or a dangerous weapon was used or possessed during and in relation to the offense, the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 10 or for life.

“(2) IMPOSITION OF PUNISHMENT.—Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 18, United States Code, is amended by striking the item relating to section 111 and inserting the following:

“111. Assaulting or interfering with certain officers or employees.”.

**SEC. 204. SPECIAL PENALTIES FOR RETALIATING AGAINST A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE BY MURDERING OR ASSAULTING A FAMILY MEMBER.**

(a) IN GENERAL.—Section 115 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c)(1) If an offense punishable under this section is committed with the intent to impede, intimidate, or interfere with a Federal law enforcement officer or a United States judge while that officer or judge is engaged in the performance of official duties, with the intent to retaliate against that officer or judge or a person who formerly served as such an officer or judge on account of the performance of official duties, or with the intent to retaliate against an individual on account of that individual’s current or former status as such an officer or judge, the offender shall be punished—

“(A) in the case of murder, attempted murder, conspiracy to murder, or manslaughter, as provided in section 1114(b);

“(B) in the case of kidnapping, attempted kidnapping, or conspiracy to kidnap, as provided in section 1201(f);

“(C) in the case of an assault resulting in bodily injury or involving the use or possession of a dangerous weapon during and in relation to the offense, as provided for a comparable offense against a Federal law enforcement officer or United States judge under section 111; and

“(D) in the case of any other assault or threat, by a fine under this title and imprisonment for not more than 10 years.

“(2) Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 18, United States Code, is amended—

(A) in section 119(b)(4) by striking “in section 115(c)(2)” and inserting “in section 115(d)(2)”;

(B) in section 2237(e)(1) of title 18, United States Code, by striking “in section 115(c)” and inserting “in section 115”.



(2) OTHER LAW.—Section 5(a) of the Act entitled “An Act to promote the development of Indian arts and crafts and to create a board to assist there in, and for other purposes” (25 U.S.C. 305d(a)) is amended by striking “section 115(c)” and inserting “section 115(d)”.

**SEC. 205. LIMITATION ON DAMAGES INCURRED DURING COMMISSION OF A FELONY OR CRIME OF VIOLENCE.**

(a) IN GENERAL.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by—

(1) striking “except that in any action” and all that follows through “relief was unavailable.” and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable; and

“(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), a court shall not have jurisdiction to consider a claim for damages other than for necessary out-of-pocket expenditures and other monetary loss.”; and

(2) indenting the last sentence as an undesignated paragraph.

(b) ATTORNEY’S FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by striking “except that in any action” and all that follows and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, such officer shall not be held liable for any costs, including attorneys fees, unless such action was clearly in excess of the jurisdiction of that officer; and

“(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), the court may not allow such party to recover attorney’s fees.”.

**SEC. 206. FEDERAL REVIEW OF STATE CONVICTION FOR MURDER OF A LAW ENFORCEMENT OFFICER OR JUDGE.**

(a) SHORT TITLE.—This section may be cited as the “Daniel Faulkner Law Enforcement Officers and Judges Protection Act of 2011”.

(b) FEDERAL REVIEW.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(j)(1) For an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)) or judge, while the public safety officer or judge was engaged in the performance of official duties, or on account of the public safety officer’s or judge’s performance of official duties or status as a public safety officer or judge—

“(A) the application shall be subject to the time limitations and other requirements under sections 2263, 2264, and 2266; and

“(B) the court shall not consider claims relating to sentencing that were adjudicated in a State court.

“(2) Sections 2251, 2262, and 2101 are the exclusive sources of authority for Federal courts to stay a sentence of death entered by a State court in a case described in paragraph (1).”.

(c) RULES.—Rule 12 of the Rules Governing Section 2254 Cases in the United States District Courts is amended by adding at the end the following: “Rule 60(b)(6) of the Federal Rules of Civil Procedure shall not apply to a proceeding under these rules in a case that is described in section 2254(j) of title 28, United States Code.”.

(d) FINALITY OF DETERMINATION.—Section 2244(b)(3)(E) of title 28, United States Code, is amended by striking “the subject of a petition” and all that follows and inserting: “reheard in the court of appeals or reviewed by writ of certiorari.”.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply to any case pending on or after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section impose a time limit for taking certain action, the period of which began before the date of enactment of this Act, the period of such time limit shall begin on the date of enactment of this Act.

(3) EXCEPTION.—The amendments made by this section shall not bar consideration under section 2266(b)(3)(B) of title 28, United States Code, of an amendment to an application for a writ of habeas corpus that is pending on the date of enactment of this Act, if the amendment to the petition was adjudicated by the court prior to the date of enactment of this Act.

**SA 353.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . TERMINATION OF INVESTIGATIONS OF EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.**

The Attorney General shall terminate the investigations of employees of the Central Intelligence Agency regarding treatment or interrogation of detainees at overseas locations during the period beginning on September 18, 2001 and ending on May 2, 2011.

**NOTICES OF HEARINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce 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 Tuesday, June 7, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 512, the Nuclear Power 2021 Act, and S. 937, the American Alternative Fuels Act of 2011.

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, United States Senate, Washington, DC 20510-6150, or by email to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Jonathan Epstein or Abby Campbell.

**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, June 9, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on bills to promote energy efficiency and alternative fuel vehicles as described in S. 963, S. 1000, and S. 1001.

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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Deborah Estes at (202) 224-5360 or Mike Carr at (202) 224-8164 or Abigail Campbell at (202) 224-1219.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FOREIGN RELATIONS**

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 24, 2011, at 9 a.m., to hold a hearing entitled, “Al Qaeda, the Taliban and Other Extremist Groups in Afghanistan and Pakistan.”

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m.

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

**COMMITTEE ON THE JUDICIARY**

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

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

## PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m., to conduct a hearing entitled, "Stimulus Contractors Who Cheat on Their Taxes: What Happened?"

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m.

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

## SUBCOMMITTEE ON AIRLAND

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 24, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON AVIATION OPERATIONS,  
SAFETY, AND SECURITY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Air Traffic Control Safety Oversight."

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

## SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate, on May 24, 2011, at 9 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Responding to the Prescription Drug Epidemic: Strategies for Reducing Abuse, Misuse, Diversion, and Fraud."

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

NATIONAL SMALL BUSINESS  
WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 197 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 197) honoring the entrepreneurial spirit of small business con-

cerns in the United States during National Small Business Week, which begins on May 15, 2011.

There being no objection, the Senate proceeded to consider the resolution.

Mr. COBURN. Mr. President, I do not believe small businesses need government assistance to exist. In fact, I believe the best thing our government can do is to shrink the size and cost of the Federal Government. With less government, minimal Federal regulation, and lower taxes, businesses—regardless of size, industry, and location—will innovate in meeting American consumer demands and achieve phenomenal growth.

Instead of encouraging dependence on the Federal Government, I believe politicians should seek to find ways to free businesses to thrive independently. Additionally, with a national debt of almost \$14.3 trillion, Congress should start considering ways to enable sustainable economic growth instead of authorizing or increasing more Federal subsidy programs that more often than not have limited or questionable benefits.

As a former small and large business owner, I know the struggles small businesses face because of unnecessary government regulations and taxes. In fact, the Federal Government's interference in my ability to practice medicine prompted me to first seek office. Small businesses are invaluable to the economic health of our great country and embody the American dream.

While I join the Senate and the President in recognizing the contributions of small businesses all over the country, I would like to join Senator PAUL in opposing a resolution passed by the Senate today that lauds big government and the use of taxpayer dollars to subsidize certain small businesses.

Mr. PAUL. Mr. President, I was a small businessman before I was elected to the Senate. I know well the struggles small businesses face because of government regulations and taxes. I also know that small businesses are a key driver of economic growth and employment. That is why I join the Senate and the President in recognizing the contributions of small businesses all over the country during National Small Business Week.

Unfortunately, this resolution goes a step beyond recognizing the hard-working entrepreneurs who are our small businessmen and businesswomen. The resolution also praises big government and using taxpayer dollars to subsidize small businesses. I do not believe small businesses need government assistance to exist. I do not believe we need an entire agency of the Federal Government to encourage entrepreneurs. Quite the opposite—I believe that with less government, businesses of all sizes will be created, existing businesses will grow, and the American spirit will thrive. That is why I voted against this resolution.

Mr. DURBIN. Mr. President, it is my understanding we are ready to act on this resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 197) was agreed to.

Mr. DURBIN. I now ask that we act on the preamble.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the preamble.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 197

Whereas the approximately 27,200,000 small business concerns in the United States are the driving force behind the Nation's economy, creating 2 out of every 3 new jobs and generating more than 50 percent of the Nation's non-farm gross domestic product;

Whereas small businesses are the driving force behind the economic recovery of the United States;

Whereas small businesses represent 99.7 percent of employer firms in the United States;

Whereas small business concerns are the Nation's innovators, serving to advance technology and productivity;

Whereas small business concerns represent 97.6 percent of all exporters and produce 32.8 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total Federal Government purchases, contracts, and subcontracts for property and services are placed with small business concerns, to ensure that a fair proportion of the total sales of government property are made to such small business concerns, and to maintain and strengthen the overall economy of the United States;

Whereas every year since 1963, the President has designated a "National Small Business Week" to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2011, National Small Business Week will honor the estimated 27,200,000 small businesses in the United States;

Whereas the Small Business Administration has helped small business concerns by providing access to critical lending opportunities, protecting small business concerns from excessive Federal regulatory enforcement, helping to ensure full and open competition for government contracts, and improving the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business concern, and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 15, 2011, as "National Small Business Week": Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 15, 2011;

(2) applauds the efforts and achievements of the owners and employees of small business concerns, whose hard work and commitment to excellence have made such small business concerns a key part of the economic vitality of the United States;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns; and

(4) recognizes the importance of ensuring that—

(A) guaranteed loans, including microloans and microloan technical assistance, for start-up and growing small business concerns, and venture capital, are made available to all qualified small business concerns;

(B) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide invaluable counseling services to entrepreneurs in the United States;

(C) the Small Business Administration continues to provide timely and efficient disaster assistance so that small businesses in areas struck by natural or manmade disasters can quickly return to business to keep local economies alive in the aftermath of such disasters;

(D) affordable broadband Internet access is available to all people in the United States, particularly people in rural and underserved communities, so that small businesses can use the Internet to make their operations more globally competitive while boosting local economies;

(E) regulatory relief is provided to small businesses through the reduction of duplicative or unnecessary regulatory requirements that increase costs for small businesses; and

(F) leveling the playing field for contracting opportunities remains a primary focus, so that small businesses, particularly minority-owned small businesses, can compete for and win more of the \$400,000,000,000 in contracts that the Federal Government enters into each year for goods and services.

#### CONGRATULATING THE ALASKA ACES HOCKEY TEAM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to Senate resolution 198 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 198) congratulating the Alaska Aces hockey team on winning the 2011 Kelly Cup and becoming East Coast Hockey League champions for the second time in team history.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 198) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 198

Whereas on Saturday, May 21, 2011, the Alaska Aces won the second Kelly Cup championship in the history of the team with a 5-3 victory over the Kalamazoo Wings;

Whereas the Alaska Aces lost only 1 game throughout the entire 2011 Kelly Cup playoffs;

Whereas the Alaska Aces finished the regular season by winning an impressive 35 of the final 41 games;

Whereas the Alaska Aces won the Brabham Cup with the best record in the East Coast Hockey League regular season;

Whereas head coach Brent Thompson led the Alaska Aces to the Kelly Cup championship in only his second year as head coach and received the John Brophy award as the East Coast Hockey League's Coach of the Year;

Whereas Alaska Aces Captain Scott Burt became the first player in East Coast Hockey League history to win 3 Kelly Cups;

Whereas Alaska Aces forward Scott Howes was named the Most Valuable Player of the Kelly Cup playoffs with 7 goals and 19 points earned during the postseason;

Whereas Alaska Aces forward Wes Goldie was named Most Valuable Player for the 2010-2011 East Coast Hockey League regular season with 83 points;

Whereas Alaska Aces goaltender Gerald Coleman backstopped the Alaska Aces with a record of 11 wins and 1 loss during the Kelly Cup playoffs and was selected as the East Coast Hockey League's Goaltender of the Year;

Whereas the Alaska Aces benefitted from the veteran leadership of center and native Alaskan Brian Swanson;

Whereas the hard work and dedication of the entire team lead the Alaska Aces to victory;

Whereas the East Coast Hockey League has developed some of the greatest hockey players who have later enjoyed successful careers in the National Hockey League and the American Hockey League; and

Whereas Alaskans everywhere are proud of the accomplishments of the Alaska Aces in the 2011 season: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates each member and the coaching staff of the Alaska Aces hockey team on an impressive championship season;

(2) recognizes the achievements of the East Coast Hockey League on another fine season of developing players and promoting ice hockey in North America; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Alaska Aces ownership;

(B) the Commissioner of the East Coast Hockey League, Brian McKenna; and

(C) the Commissioner Emeritus of the East Coast Hockey League, Patrick J. Kelly.

#### MEASURE READ THE FIRST TIME—S. 1057

Mr. DURBIN. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1057) to repeal the Volumetric Ethanol Excise Tax Credit.

Mr. DURBIN. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### ORDERS FOR WEDNESDAY, MAY 25, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, May 25; 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 proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of the motion to concur in the House message to accompany S. 990, the legislative vehicle for the PATRIOT Act extension.

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

#### PROGRAM

Mr. DURBIN. Mr. President, the majority leader filed cloture on the motion to concur in the House message to accompany S. 990, the legislative vehicle for the PATRIOT Act extension. Under the rule, a cloture vote on the motion to concur in the House message will occur 1 hour after the Senate convenes on Thursday, May 26.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:50 p.m., adjourned until Wednesday, May 25, 2011, at 10 a.m.

## EXTENSIONS OF REMARKS

IN HONOR OF VERA ANDRYCZYK

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor Vera M. Andryczyk who is being honored this Sunday by the Ukrainian Federation of America for her tireless efforts as an advocate on behalf of the Ukrainian-American community and Ukraine.

Vera's accomplishments and advocacy on behalf of Ukraine have been numerous and extensive and have spanned several decades.

During the Cold war, through her work as a member of the Human Right's Committee Vera was actively involved in drawing international attention to Soviet persecution of Ukrainian dissidents.

COMMENDATION OF DR. ANANDA PRASAD, M.C., PH.D.

**HON. HANSEN CLARKE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. CLARKE of Michigan. Mr. Speaker, I rise today to recognize Dr. Ananda Prasad as a pioneer in the field of health research. Dr. Prasad is responsible for over 50 years of research involving zinc as an element essential to human survival.

In 1963, Dr. Prasad was the first to describe cases of human zinc deficiency syndrome in young adults. While working at the University of Shiraz Medical School in Iran, Dr. Prasad met with a 21-year-old man who had the same physical characteristics as an 8-year-old boy. He diagnosed this patient as having extreme anemia and realized the condition was so prevalent in Iran it was considered an epidemic. Dr. Prasad continued to study patients with these symptoms, and discovered that a lack of zinc had an adverse affect on a human's height, weight, bone development, and sexual maturation.

During the past 50 years, Dr. Prasad has been at the forefront of scientific discoveries regarding zinc and zinc supplements. His work has saved countless lives in African and Asian countries, including his home country of India. In certain areas of South Asia where the infant mortality rate was as high as 85 percent, Dr. Prasad successfully worked to lower the mortality rate to 15 percent.

His lifelong work was recently awarded with the 2010 Mahidol Award in the Field of Public Health. This award, presented annually by the Prince Mahidol Award Foundation of Thailand, recognizes researchers and physicians for outstanding contributions in the field of public health for the sake and well-being of the peoples.

I honor and thank Dr. Prasad for his groundbreaking and pioneering work.

A TRIBUTE IN RECOGNITION OF THE JEWISH FEDERATION OF GREATER LOS ANGELES ON THE OCCASION OF ITS 100 YEAR ANNIVERSARY

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to recognize the Jewish Federation of Greater Los Angeles—the hub of Los Angeles' Jewish community—on the occasion of its 100 year anniversary.

Founded in 1911, the Federation is dedicated to ensuring the continuity of the Jewish people, supporting a secure state of Israel, caring for those in need, and mobilizing its members on political issues of concern to the Los Angeles community. In fulfilling its mission, the Federation spent more than \$50 million last year alone to enhance the lives of families throughout Los Angeles County.

The Jewish Federation is committed to ensuring the quality and reducing the cost of Jewish educational experiences by supporting pre-schools, religious/synagogue schools and day schools. The Federation offers financial aid to families to assist them in paying for full-time Jewish education. In addition, the Federation sends thousands of young Jews on educational missions to Israel each year to enable them to fully experience Jewish history and culture.

The well-being of low-income Jews and seniors is also a core priority for the Federation, especially when a senior is a Holocaust survivor. The Federation supports an array of programs to help survivors and vulnerable seniors, including senior centers that offer meals and social activities, as well as in-home services, legal services and reparations advocacy. Through its Emergency Cash Grant Program, the Federation provides aid for those who need help paying for necessities such as rent, food and medical care.

Reaching out to the broader community, the Federation is dedicated to ending hunger in Los Angeles and improving literacy among local public elementary school children. The Federation partners with other faith communities, civic groups and elected officials to reduce hunger across the City by implementing and funding hunger prevention and awareness activities. The Federation also operates the City's largest volunteer children's literacy program in the Los Angeles Unified School District. For more than 12 years, the Federation has trained and placed over 10,500 volunteers as reading partners reaching over 22,000 LAUSD students in high risk elementary schools. Through its many partnerships across Los Angeles, the Jewish Federation helps to provide aid to Jews and others who need assistance in areas such as job training and career counseling, scholarships, school loans, and emergency aid.

Throughout the course of its history, the Federation has also engaged the Jewish com-

munity in political advocacy. The Federation's long-held commitment to social justice was especially evident during the Civil Rights Movement.

My father, the late Congressman Edward Roybal, always credited coalition building among Mexican Americans and Jews as having played a major role in his successful election to the Los Angeles City Council in 1949, when he became the first L.A. City Councilmember of Latino heritage in modern times.

This unprecedented political alliance was born in part out of the history of Boyle Heights in my congressional district, where my father lived and I grew up. From 1910–1950, Boyle Heights was the largest Jewish community west of the Mississippi, with approximately 75,000 Yiddish-speaking Eastern European Jewish immigrants living side-by-side with neighbors from a variety of backgrounds and cultures.

Today, 62 years after my father won that landmark city council election, I am proud to be part of an effort to preserve the community's Jewish history through the restoration of the Breed Street Shul. This Shul—built in 1915 and expanded in 1923—is the last remaining synagogue of the 30 that once dotted Boyle Height's landscape. It is my hope that this ongoing multi-million preservation effort, which includes exhibition space, will re-tell the area's history for current and future generations.

While the Jewish community boasts a proud history in the 34th Congressional District and throughout Los Angeles, the Jewish Federation's centennial anniversary celebration will kick-off a new focus on its future. With an eye toward reinventing itself to best serve the changing needs of its membership and the community at large, Jay Sanderson, the Federation's President, says, "We must be innovative in our work, as well as incorporate new ways to reach and engage with our community so we can successfully ensure a strong Jewish future in Los Angeles, Israel and around the world for the next 100 years and beyond."

To spur new ideas, the Federation launched its Next Big Jewish Idea campaign in January of this year. The effort calls on individuals, businesses, non-profits and organizations to submit their innovative ideas for programs that will strengthen and benefit the greater Los Angeles Jewish community. The winning idea will receive a grant of \$100,000 and be assisted by the Jewish Federation to bring it to fruition. The Federation's centennial also includes a host of events throughout the year, including a community trip to Israel.

Mr. Speaker, as the Jewish Federation of Greater Los Angeles prepares for its May 25th centennial gala, I ask my colleagues to please join me in congratulating this year's special honorees: Stanley P. Gold of the law firm Gang Tyre Ramer & Brown; Bram Goldsmith, Chairman of the Board of City National Corporation; and Nina Tassler, President of CBS Entertainment, for their unwavering support for the federation and the community. They are

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

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

among a distinguished group of Los Angeles residents who make the Federation the go-to non-profit dedicated to meeting the needs of our area's 500,000-strong Jewish community. I also congratulate Jay Sanderson and the Federation's entire staff. They are all to be commended for their work to keep the Federation the vibrant and strong organization that it remains today and I extend to all of them my best wishes for many more successful years ahead.

IN RECOGNITION OF DR. LEE ANN NUTT

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. BURGESS. Mr. Speaker, today I rise to commemorate Dr. Lee Ann Nutt and her service as a longtime leader and champion of community college initiatives at North Central Texas College. Dr. Nutt, who has served as the provost of NCTC's Corinth Campus and as the face of the university for over 10 years, will begin the next chapter of her career as the Vice President of Instruction at the Tomball Campus of Lone Star College.

Dr. Nutt's educational expertise comes from both the public and private sectors, including service as the Director of Education at the New Mexico Health Care Association, various administrative positions, and college-level teaching experience at Texas Tech University and Lubbock Christian University. Her strong professional background and leadership abilities have not only enabled her to serve North Central Texas College, but also the community that surrounds it. She serves on the Board of Directors of the United Way of Denton County as well as the Denton Chamber of Commerce, and has been actively involved with the Family Resource Center of Denton County and Presbyterian Hospital. In addition, Dr. Nutt previously served on the 26th Congressional District Academy Board, providing professional advice on my selection of outstanding students to attend the U.S. Service Academies.

It is an honor to have the opportunity to represent North Central Texas College and the many individuals, like Dr. Nutt, who work to educate our young people in the 26th District of Texas. I would like to thank Dr. Nutt for her valuable contributions to the Denton County community and wish her the best of luck as she continues to positively impact the lives and futures of students throughout the State of Texas.

BRIANA MORGAN

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Briana Morgan for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Briana Morgan is a 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Briana Morgan is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Briana Morgan for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING THE LIFE AND CAREER OF HARMON KILLEBREW, MINNESOTA TWINS HERO AND MEMBER OF MAJOR LEAGUE BASEBALL HALL OF FAME

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. McCOLLUM. Mr. Speaker, I rise today to honor the life and career of former Minnesota Twins player and member of the Major League Baseball Hall of Fame, Harmon Killebrew.

Harmon Killebrew played for twenty-two years, fourteen as a member of the Minnesota Twins. He was an extraordinary player, hitting 573 home runs, earning a place in thirteen all-star games, and winning the American League's Most Valuable Player award in 1969. I remember watching Hammerin' Harmon slug the Twins to victory on many occasions at Minnesota's Metropolitan Stadium and on television. His heroics on the baseball field and his kind and warm personality with both teammates and fans alike made him a beloved figure in the community.

Mr. Killebrew's legacy extends long past his playing years on the baseball diamond. He will also be remembered for his devotion to charity and his tireless work on behalf of leukemia research.

Mr. Speaker, I extend my deepest condolences to Mr. Killebrew's family.

HONORING GLENDA F. BRITTON

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service; and

Whereas, Mrs. Glenda F. Britton has answered that call by giving of herself as an educator at Edward L. Bouie, Sr., Traditional Theme Elementary School, and as a beloved wife, daughter, mother and friend; and

Whereas, Mrs. Britton has been chosen as the 2011 Teacher of the Year, representing Edward L. Bouie, Sr., Traditional Theme Elementary School; and

Whereas, this phenomenal woman has shared her time and talents for the betterment

of our community and our Nation through her tireless works, motivational speeches and words of wisdom; and

Whereas, Mrs. Britton is a virtuous woman, a courageous woman and a fearless leader who has shared her vision, talents and passion to help ensure that our children, receive an education that is relevant not only for today, but well into the future, as she truly understands that our children are the future; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Glenda F. Britton for her leadership and service for our District and in recognition of this singular honor as 2011 Teacher of the Year at Edward L. Bouie, Sr., Traditional Theme Elementary School;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim April 22, 2011 as Mrs. Glenda F. Britton Day of Remarks in the Fourth Congressional District of Georgia.

Proclaimed, this 22nd day of April, 2011.

CASARA ORR

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Casara Orr for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Casara Orr is a 12th grader at Arvada West High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Casara Orr is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Casara Orr for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PERSONAL EXPLANATION

**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. CARSON of Indiana. Mr. Speaker, due to a previous commitment at the White House on May 12th, I unavoidably missed two votes. Had I been present, I would have voted "nay" on final passage of rollcall 321, and "nay" on final passage of rollcall 322.

PERSONAL EXPLANATION

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. ZOE LOFGREN of California. Mr. Speaker, I was absent from votes on Friday,

May 13, 2011, due to a family emergency. Had I been present, I would have recorded the following votes: rollcall No. 323—"nay," rollcall No. 324—"nay" rollcall No. 325—"aye," rollcall No. 326—"aye," rollcall No. 327—"aye," rollcall No. 328—"aye," rollcall No. 329—"aye."

CALVIN MERRILLS

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Calvin Merrills for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Calvin Merrills is an 8th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Calvin Merrills is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Calvin Merrills for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN HONOR OF FATHER GEORGE  
WANSER, S.J.

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. MATSUI. Mr. Speaker, I rise today in recognition of Father George Wanser, who has served the people of Sacramento since 1994 as a priest, campus minister, and chaplain. He has been with the Newman Catholic Community in Sacramento for close to 10 years, and as he moves on this summer to the Most Holy Trinity Parish in San Jose, I ask my colleagues to join me in saluting this man for the dedication he has shown the Sacramento area.

At a young age, Father Wanser became involved in the church. He excelled at both Fordham University and the Pontificia Universidad Catolica Javeriana de Bogota in Columbia. Father Wanser taught history, religious studies, and English in Puerto Rico from 1970 through 1973. He taught music, was head wrestling coach, and worked as the Puerto Rican High School Athletic Alliance Wrestling Commissioner.

In the 1970s, Father Wanser moved back to the U.S. and was ordained. He was assigned to several community organizing projects all over California, including churches in Fresno, Santa Ana, Fullerton, and San Diego.

Father Wanser arrived in Sacramento in 1999 when he began at Jesuit High School. Since his arrival he has contributed much to the Sacramento area. He has spent the last several decades as a campus minister and

chaplain, and has also worked at Christian Brothers High School, UC Davis, and Cristo Rey High School.

Father Wanser has served the Newman Catholic Community of Sacramento for the past 10 years, and has inspired countless people through his goodwill and leadership. His friends and followers have expressed their gratitude for his strength and conviction, and his presence will be sorely missed.

Mr. Speaker, I stand today to recognize the contributions that Father Wanser has made to Sacramento. His sincere commitment to those around him and his enthusiasm for inspiring others has made a difference for countless people in our community. I ask all my colleagues to join me in thanking Father Wanser for his years of leadership, and wish him the best in his future endeavors.

HONORING POPLAR SPRINGS  
BAPTIST CHURCH

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Poplar Springs Baptist Church is one of our most beloved treasures in the State of Georgia; and

Whereas, Pastor Ulysses and First Lady Annie Ponder are the two jewels that have been placed by God to lead and serve the members of Poplar Springs Baptist Church for the past 23 three years; and

Whereas, this tenacious man and virtuous woman of God give of themselves daily in order to uplift the kingdom, serve the community and to give to those in need; and

Whereas, honor, humility, courage and foresight are words that describe the Pastor and First Lady, we would be remiss if we did not speak of the love and admiration they have towards God, the Church and the Community; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Pastor Ulysses Ponder and First Lady Annie Ponder as they celebrate 23 years of outstanding leadership and service;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim May 1, 2011 as Pastor Ulysses and First Lady Annie Ponder Day in the Fourth Congressional District.

Proclaimed, this 1st day of May, 2011.

BRIANA MUNOZ

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Briana Munoz for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Briana Munoz is an 8th grader at North Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Briana Munoz is exemplary of the type of achieve-

ment that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Briana Munoz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

COMMEMORATING AZERBAIJAN'S  
REPUBLIC DAY AND 20 YEARS  
OF U.S.-AZERBIJAN RELATIONS

**HON. VIRGINIA FOXX**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. FOXX. Mr. Speaker, as it celebrates its 93rd anniversary of independence from the Russian Empire, I would like to take the opportunity to honor the Republic of Azerbaijan on the occasion of its May 28th Republic Day. Later this year, Azerbaijan will also celebrate the 20th anniversary of its freedom from the Soviet Union and the start of diplomatic relations with the United States.

Azerbaijan has made incredible progress in the last 20 years and has become a key ally of the United States in a strategically important region.

Azerbaijan is located between Russia and Iran in the strategic region between Europe and Asia. A stable and secular country, it is one of the few places in that part of the world where Muslims, Jews and Christians live together in peace.

The U.S.-Azerbaijan partnership is based on shared values and common goals and is a key component to regional security. As highlighted by Secretary of Defense Robert Gates during a recent visit to Azerbaijan, Azerbaijan provides multi-faceted support for U.S. and NATO operations in Afghanistan and is a key part of the Northern Distribution Network providing ground and naval transit for roughly 25 percent of the Coalition's supplies bound for Afghanistan.

Beyond support for U.S. security interests in the region, Azerbaijan plays a paramount role in strengthening U.S. and European energy security and is expanding its commercial and economic ties with the United States. Azerbaijan is a secular Muslim country that maintains close friendly ties with Israel and supplies roughly a quarter of Israel's oil.

My colleagues are encouraged to join me in honoring Azerbaijan on the occasion of its 93rd Republic Day and celebrating a robust U.S.-Azerbaijan relationship.

TO COMMEMORATE THE 100TH AN-  
NIVERSARY OF THE MV *PRU-  
DENCE*

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. KEATING. Mr. Speaker, I rise today to commemorate the 100th anniversary of the *MV Prudence*, what is believed to be the oldest continuously operated, fully documented merchant vessel in the United States.

The MV *Prudence* was originally christened as the *Madeline* in 1911 and commissioned for Former Boston City Councilor and Dedham State Representative Frank Gethro. Upon completion, the *Madeline* operated until 1920 providing ferry service from Marine Park in the City Point area of South Boston to Castle Island in South Boston and other Boston Harbor Islands.

The *Prudence* received her name in 1921 when the *Madeline* was sold to the Prudence Island Navigation Company in Bristol, Rhode Island. For over four decades, ferry goers were serviced by the *Prudence* between Bristol, Rhode Island and Prudence Island, Rhode Island. Following the 1960 election of President John F. Kennedy of Massachusetts, the *Prudence* was purchased by Hyannis Harbor Tours, Inc. founders, Richard "Dick" and Robert "Bob" Scudder in 1962 and returned to its home state.

Since 1962, millions of Cape Cod tourists have been serviced by the *Prudence's* sightseeing cruises from Hyannis Harbor to the Kennedy Compound in Hyannisport, Massachusetts. Hundreds more have been provided employment by the *Prudence's* reliable passenger service. Today, I honor the *Prudence's* role as a celebrated cultural icon and reliable employer for residents of my district.

With the celebrations of the MV *Prudence's* 100th year of service scheduled to begin on May 26, 2011, I extend my deepest congratulations to the vessel and its operators on this incredible achievement.

BREANN HOLTER

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Breann Holter for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Breann Holter is a 12th grader at Ralston Valley High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Breann Holter is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Breann Holter for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

#### PERSONAL EXPLANATION

### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. QUIGLEY. Mr. Speaker, on May 11th, my vote on rollcall No. 309 was incorrectly recorded as "aye," when I intended to vote "no." I did not see the error until it was too

late. I ask that the record reflect my strong opposition to H.R. 1229 and my intention to vote no on this legislation.

### HONORING REVEREND FURQUAN R. STAFFORD, SR.

### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, the works of Dr. Charles R. Drew have been and continue to be credited for medical innovation and saving lives throughout the world; and

Whereas, Reverend Furquan R. Stafford, Sr., has given of himself to continue the works of Dr. Drew in the U.S. Plasma Collection Industry and to educate and motivate our youth; Reverend Stafford has given exceptional and distinguished service to our citizens by providing guidance, service and leadership; and

Whereas, Reverend Stafford is a proven leader and advocate with the heart of a lion and the spirit of an angel; and

Whereas, his determination and will is a testament that one man can make a difference; and

Whereas, Georgia is proud to have Reverend Stafford, who gives of himself daily without any need for praise and fame; he always serves valiantly and with honor, a modern-day knight; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Reverend Furquan R. Stafford, Sr., for his outstanding leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim May 19, 2011 as Reverend Furquan R. Stafford, Sr. Day in the Fourth Congressional District of Georgia.

Proclaimed, this 19th day of May, 2011.

BREANNA MARTIN

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Breanna Martin for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Breanna Martin is an 8th grader at Arvada K-8 and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Breanna Martin is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Breanna Martin for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

#### PERSONAL EXPLANATION

### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. BROWN of Florida. Mr. Speaker, unfortunately, I was unavoidably detained yesterday hosting a Job Fair in Jacksonville, Florida. Had I been able to attend the vote here yesterday, I would have voted, "yea" on rollcall Vote 330. I support H.R. 1627 Honoring American Veterans Act of 2011. This bill will allow certain monuments to be placed at Arlington National Cemetery, allow for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States to be placed on Chaplains Hill in Arlington National Cemetery.

On rollcall vote 331, I would have voted, "yea" to support H.R. 1383, Restoring GI Bill Fairness Act of 2011. This bill resolves a provision that certain veterans who were retroactively affected by a provision of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010. The tuition these veterans were paying was increased by as much as \$10,000 a year, and they should not be penalized for a change in law after they have begun their college education. However, an offset should be found that does not penalize the housing allowances of other GI bill recipients.

On rollcall vote 332, I would have voted, "yea" to support H.R. 1657, a bill to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans. The bill directs the VA to establish timelines to take action to debar non veteran-owned firms who fraudulently misrepresent themselves as veteran-owned firms, and sets a mandatory 5 year debarment period.

#### RECOGNIZING MOTORCYCLE SAFETY AND AWARENESS MONTH

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PAUL. Mr. Speaker, this month towns across Texas will commemorate Motorcycle Safety and Awareness Month, which is designed to increase awareness of the unique safety issues facing motorcyclists.

Starting in 2003, the Texas Confederation of Clubs began obtaining Proclamations from Texas towns recognizing Motorcycle Safety and Awareness Month and encouraging all drivers to educate themselves about motorcycle safety issues. In 2010, Proclamations were issued in 178 cities and 11 counties all over the State of Texas and Governor Rick Perry read a Motorcycle Safety Awareness Proclamation at the state capital.

The 2011 Texas Motorcycle Safety and Awareness Month kicked off with the Texas Department of Transportation placing Share the Road and Watch for Motorcycles on all of their billboards all over Texas during the last week of April and the first week of May.

Mr. Speaker, since the Texas Confederation of Clubs began promoting Texas Motorcycle

Safety and Awareness Month, Motorcycle fatalities have decreased by 18 percent. It is therefore my pleasure to recognize Texas Motorcycle Safety and Awareness Month and to extend my appreciation to the members of the Texas Confederation of Clubs for all their work to promote motorcycle safety.

CARMEN ORTIZ

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Carmen Ortiz for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Carmen Ortiz is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Carmen Ortiz is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Carmen Ortiz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

100TH ANNIVERSARY OF THE  
FIRST FLIGHT AT ROBERTSON  
AIRPORT

**HON. CHRISTOPHER S. MURPHY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today in recognition of the 100th anniversary of the first airplane flight at Robertson Airport in Plainville, Connecticut. A century ago this month, young inventor and pilot Nels Nelson made the first powered, sustained flight in Plainville—and one of the first in Connecticut—in a small buckwheat field in the northwest section of town. Though only a few minutes in duration, Nelson's flight marks Robertson Airport as the oldest airfield in the State of Connecticut.

Coming on the heels of the Wright Brothers' seminal launch at Kitty Hawk in 1903, Nelson's feat was the beginning of what remains a long and storied history of flight in Plainville. During the first half of the previous century, a number of small airstrips dotted the town's landscape. In fact, one location on the current site of Plainville High School was frequently utilized by Governor John Trumbull, the "Flying Governor," who was a Plainville native and pilot.

The field on which Nelson made his historic flight did not become a formal airport until 1941, when Stamford Robertson purchased the property. For years Robertson operated a flight school at the airport and remained involved in its operations, even after selling it to Tomasso Brothers, Inc. in the late 1970s. In

2009, the Town of Plainville purchased the airport, in large part to preserve this historic site and to ensure its continuation as a functioning airfield.

Today, I want to commemorate Nelson's flight and to recognize all of those who have contributed to the preservation and operation of Robertson Airport over the years. From the late Stamford Robertson and the Tomasso Brothers to the Plainville Historic Society and the Plainville Aviation Commission to the pilots, citizens, and elected officials who have supported the airport, I would like to commend all of you for your commitment to this important landmark—one that continues to be a vital and thriving piece of Plainville's history and identity.

HONORING JOHN D. DEFOOR

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, John D. Defoor was born on October 2, 1945 and departed this life on March 19, 2010; and

Whereas, today we gather to memorialize the life of Mr. John D. Defoor, his accomplishments and his service to our Nation; and

Whereas, seven years and eleven months of the life of Mr. John D. Defoor was given to serve our country as a soldier in the United States Army, where he fought with valor and honor during the Vietnam War; and

Whereas, he gave of himself, his time, and his talent as he served his country and fellow soldiers, wherein he was awarded various medals for his courage and service during his tour of duty in the Republic of Vietnam; and

Whereas, Mr. John D. Defoor was a son, a friend and a man of great integrity who remained true to the uplifting of our Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow a special recognition on Mr. John D. Defoor for his leadership, friendship and service to all of the citizens of Georgia and throughout the Nation 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 of the United States that Mr. John D. Defoor of Doraville, DeKalb County, Georgia is deemed worthy and deserving of this "Congressional Recognition" by declaring Mr. John D. Defoor U.S. Citizen of Distinction in the Fourth Congressional District.

Proclaimed, this 30th day of April, 2011.

BRIANNA YOUNG

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Brianna Young for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Brianna Young is an 8th grader at Moore Middle School and received this award because

her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Brianna Young is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Brianna Young for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING LIEUTENANT TERRY  
BAUER

**HON. TODD ROKITA**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. ROKITA. Mr. Speaker, I rise today to recognize and congratulate an important member of Indiana's State Excise Police.

Lieutenant Terry Bauer has served the Indiana State Excise Police with distinction, integrity, and dedication for over 37 years. He proudly holds the record for the longest serving officer in ISEP's history. Throughout those years, he consistently demonstrated the highest standards of outstanding leadership and public service. He left the ISEP on April 30th of this year and is excited to begin a new chapter of his life.

Lieutenant Bauer served as the President of the Indiana State Excise Police Officers Association. In this role, he successfully lobbied the Indiana General Assembly for full unrestricted police powers and won. This is now referred to as the greatest moment in history for the ISEP and its officers. It gave them new law enforcement opportunities and a new level of respect as a state law enforcement agency.

I would like to thank his family: his wife Elaine, sons Chris and Brian and their wives Christa and Heather, and his grandson Collin, for so selflessly supporting Lieutenant Bauer in his long and accomplished career. I am proud to honor Lieutenant Bauer in recognition of his exemplary leadership and outstanding contributions to the ISEP.

RECOGNIZING MEMBERS OF THE  
UNIVERSITY OF WASHINGTON  
AIR FORCE ROTC, AND THE PA-  
CIFIC LUTHERAN UNIVERSITY  
ARMY ROTC, FOR THEIR WORK  
ESTABLISHING A NEW FUND-  
RAISER ON BEHALF OF THE SPE-  
CIAL OPERATIONS WARRIOR  
FOUNDATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor members of the University of Washington Air Force Reserve Officer Training Corps (AFROTC), as well as the Pacific Lutheran University Army Reserve Officer Training Corps, for creating the First Annual "22 to



the U" march to raise money for the Special Operations Warrior Foundation.

During "22 to the U" on May 22, cadets from the University of Washington and Pacific Lutheran University participated in a march, called a "ruck," wearing 45-pound packs. Beginning at midnight, marching through the night and most of the day, the cadets traveled 45 miles from Joint Base Lewis-McChord to the Medal of Honor Memorial at the University of Washington.

This challenging event raised funds for the Special Operations Warrior Foundation, a non-profit organization that provides college scholarships to the children of fallen Special Operations personnel, as well as immediate financial assistance to severely wounded service members to allow families to join them at their bedsides. By establishing the "22 to the U" fundraiser, these Air Force and Army cadets not only accomplished an extreme physical feat, but also demonstrated an admirable commitment to helping their fellow service members and the families of wounded warriors.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring the members of the University of Washington AFROTC, as well as the Pacific Lutheran University Army ROTC, whose efforts embody the spirit of selflessness and sacrifice that makes our Armed Forces truly great. These cadets have started a tradition of honoring the legacy of Special Operations members which I am confident will endure for years to come.

BAILEY ARCHER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Bailey Archer for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Bailey Archer is a 8th grader at Mandalay Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Bailey Archer is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Bailey Archer for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

INTRODUCTION OF THE NATIONAL MALL REVITALIZATION AND DESIGNATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2011

Ms. NORTON. Mr. Speaker, today, in honor of National Preservation Month, I rise to re-

introduce the National Mall Revitalization and Designation Act. The National Mall is Washington's most neglected and underutilized federal property, despite being so well-known and treasured. The Mall lacks everything that this majestic natural wonder deserves, from an official identity to basic amenities. My bill authorizes the National Capital Planning Commission, NCPD, to expand the boundaries of the Mall where commemorative works may be located, requires NCPD to study the commemorative works process, and requires the Secretary of the Interior to submit a plan to Congress to enhance visitor enjoyment, amenities and cultural experiences in, and the vitality of, the Mall within 180 days.

I worked closely with NCPD and other agencies in drafting the bill. The bill would give NCPD the responsibility and necessary flexibility to designate the Mall area for commemorative works for the first time and to expand the Mall area for that purpose when appropriate. The bill requires NCPD to accommodate future commemorative works and cultural institutions. Tourists and workers downtown should be able to walk to the Mall and hear terrific music and other entertainment, from string quartets to poetry readings, perhaps during lunch at attractive tables where good—not fast—food is available. Residents of the city and region should be able to find space for fun and games beyond the cramped space between Third Street and the Lincoln Memorial.

Bordered by world-class cultural institutions, the Mall itself has been reduced to a lawn with a few—too few—ordinary benches and a couple of fast food stands. The Mall needs a total makeover for the 21st century that would be worthy of Pierre L'Enfant's vision for the city he planned and the McMillan plan, which is largely responsible for what is referred to today as the Mall—the space between the Capitol and the Lincoln Memorial. In writing the bill, I recognized that the federal funds needed to make the Mall the 21st century destination it should be will not be forthcoming in this fiscal climate. Nevertheless, we must move now to begin to rescue this space, which has been damaged by heavy use and is often used by pedestrians as no more than a throughway, despite its magnificent potential. With the necessary imagination, making the Mall an inviting place with cultural and other amenities is achievable now.

The NCPD is well on its way to meeting the bill's requirement for an expansive, 21st century definition of the Mall. Frustrated by continually fighting off proposals for new monuments, museums, and memorials on the already crowded Mall space, I asked the NCPD to devise a mall presentation plan. In 2003, Congress amended the Commemorative Works Act to create a reserve area—a no-build zone where new memorials may not be built. This action was helpful in quelling some but by no means all of the demand from groups for placement of commemorative works on what they view as the Mall.

Recognizing the need for more commemorative works sites, NCPD and the Commission on Fine Arts, CFA, released a National Capital Framework Plan in 2009, which identifies sites near the Mall that are suitable for new commemorative works, including East Potomac Park, the Kennedy Center Plaza, and the new South Capitol gateway. Five new prestigious memorials are scheduled for such sites, in-

cluding the Eisenhower Memorial and the U.S. Air Force Memorial. I appreciate that NCPD and the CFA work closely with the District of Columbia in designating off-Mall sites for new monuments. The District welcomes the expanded Mall into our local neighborhoods to increase the number of tourists that visit them, enhancing the work of the District of Columbia government and the local organizations such as Cultural Tourism that offer tours of historic District neighborhoods. The off-Mall sites for monuments also complement development of entire new neighborhoods near the Mall, particularly the District's redevelopment of the Southwest Waterfront and work on The Yards, which, under my bill, now includes a waterfront park and eventually will include a mixed-use public-private development.

The Mall Revitalization and Designation Act is the first step in an effort to focus Congress on finally giving the Mall its due after decades of neglect and indifference. The bill starts at the beginning—expanding what we mean by the Mall, and taking the first steps to breathe life into a space that is meant for people to enjoy.

HONORING PATRICIA A. MAYO

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Thirty plus years ago a virtuous woman of God accepted her calling to serve the DeKalb County School System; and

Whereas, Ms. Patricia A. Mayo was born in Wrens, Georgia, she began her educational career as a student in Jefferson County Public Schools, she furthered her education by obtaining her Bachelor of Science degree in Elementary Education from Savannah State College in Savannah, Georgia, she continued her studies at Georgia Southern University and Cambridge University; and

Whereas, this phenomenal woman has shared her time and talents as a Teacher and Motivator, giving the citizens of DeKalb County, Georgia a person of great worth, a fearless leader, a devoted scholar and a servant to all who want to advance the lives of our youth; and

Whereas, Ms. Mayo is a daughter, sister, mother and Eastern Star, she is also 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 Ms. Patricia A. Mayo on her retirement from the DeKalb County School System and to wish her well in her new endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim May 18, 2011 as Ms. Patricia A. Mayo Day in the Fourth Congressional District.

Proclaimed, this 18th day of May, 2011.

HONORING RACHEL WHEELER FOR HER TREMENDOUS CONTRIBUTIONS TO HAITI

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, it is with great pride that I rise today to honor Rachel Wheeler of Lighthouse Point, Florida.

At 11 years of age, Rachel has succeeded in raising over \$170,000 to build houses in Haiti. She first learned of the nation's extreme poverty 2 years ago after attending a presentation by Food for the Poor President and CEO Robin Mahfood. Rachel took immediate action and set a goal to build 13 homes, each costing \$2,600. Her campaign included chamber meeting announcements, television news appearances, a webpage, and advocacy throughout her school and neighborhood. Her zeal and devotion were met with widespread support, and she soon expanded her goal to a 25-residence village that includes larger homes. Now, Rachel would like to expand her project to include a school.

Though Rachel first launched her efforts prior to the earthquake that devastated the nation's capital, Port au Prince, those efforts are now even more invaluable in the tragedy's wake. Having spent much of my career fighting for the people of Haiti, I am both honored and humbled by Rachel's work. She has been able to garner coast-to-coast support and was named one of the country's top 10 youth volunteers in the Prudential Spirit of Community Awards competition. We here in Washington can certainly learn from her tenacious spirit, prodigious initiative, and momentous impact. If Rachel can do it, why can't we?

Mr. Speaker, I am most impressed that despite the fact that this remarkable young lady has accomplished more in her 11 years than many do in their lifetimes, she readily acknowledges that her efforts have only just begun. Rachel's vision and success are a shining example not only to her peers, but to anyone who has ever questioned how much of a difference one individual can truly make. As I rise to honor her passion and dedication today, I look forward to the great things she will undoubtedly accomplish in the future.

BREANNA ANDREWS

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Breanna Andrews for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Breanna Andrews is an 8th grader at Mandalay Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Breanna Andrews is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Breanna Andrews for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

RECOGNIZING THE DISTINGUISHED EDUCATION CAREER OF HOWARD BERGER

**HON. DEVIN NUNES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. NUNES. Mr. Speaker, I rise today to recognize the long and distinguished career of Howard Berger, Superintendent of the Tulare Joint Union High School District, who is retiring at the end of this school year. Howard spent his entire career teaching and guiding high schools in Tulare. His awards and accomplishments are so numerous that there is not enough time today to list them. What I can say is that for the people of Tulare there is no need for a list. Anyone who knows Howard also knows that he is a Tulare institution.

After graduating from California State University, Hayward in 1968, Howard began his teaching career in Tulare County. Howard admits that he only intended to spend a year at Tulare Union High School teaching Social Studies. Fortunately for students and parents that school year stretched to 1983. Howard has said that what kept him in Tulare was the great community spirit and commitment to education of its residents. During 1972–1973, Howard also taught Social Studies and English at Cherry Avenue Middle School.

In 1975, Howard began his distinguished career as an academic administrator, becoming Chair of the Social Studies Department at Tulare Union High School. Further success followed like clockwork. In 1986, Howard was named Assistant Principal at Tulare Western High School and in 1989 he was selected Principal at Tulare Union High School. In 2006, Howard had the honor of being named Superintendent of the Tulare Joint Union High School District. Under his leadership, Tulare opened a third high school, Mission Oak, a milestone in Tulare history. Mission Oak High School will see its first graduating class this year.

During his time as Principal and Superintendent, there were numerous accomplishments, honors and awards reflecting Howard's leadership of Tulare high schools. Recognition came from the Western Association of Schools and Colleges, the State of California, the federal government, and national education associations, including a Bill & Melinda Gates grant to participate in a national educational study.

Howard's career as Principal and Superintendent will be remembered as an important chapter in Tulare County history. What should also be remembered was that Howard was first and foremost a teacher. As he has said, "I think in my whole career the experience I've enjoyed the most was teaching. You see immediately the impact you've had."

For 43 years, the citizens of Tulare have had the privilege of Howard teaching and guiding their students. Forty-three years is a long time. In Howard's office there is also a

43-year-old Fisher 150 record player that he bought with his first paycheck from the school district. Like the record player, many changes have occurred in Tulare, the State of California, and the nation. Howard successfully steered Tulare high schools through them all. It is hard to imagine Tulare schools without Howard. As he enjoys his retirement, I hope Howard will also have time to reflect on his legacy and know that he had a lasting impact on the lives of thousands of high school students and their families.

IN HONOR OF BOB GRIFFITH

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor Mr. Robert Griffith who is retiring as the longest ever serving President of Woods Services in Bucks County, Pennsylvania.

Woods Services, located in Langhorne, Pennsylvania is a facility that provides a home environment for people with developmental disabilities, challenging behaviors and other special needs. Their approach is unique and their philosophy one of inclusion and caring. For nearly a century, they have held true to its original mission, "To help each individual reach his or her highest level of achievement, whatever it may be."

For Woods and many of the people it serves this mission would not have been become a reality without the steady leadership of Robert Griffith.

Robert has been an advocate for those with intellectual and developmental disabilities for nearly 35 years. During his tenure at Woods, both the physical facility and his positive impact on the community have grown immensely.

I am proud to honor the tenure of Robert Griffith and continuing to support his work for the most vulnerable among us.

HONORING JESSE T. REYNOLDS

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jesse T. Reynolds. Jesse's service to this Nation during World War II exemplified the highest characteristics of the service men and women who bled and died to preserve freedom.

Jesse was aboard the USS *MacDonough* when it was anchored in Pearl Harbor the morning of December 7, 1941. Jesse was among the first to spot the incoming Japanese aircraft that morning and informed the only officer on board of the pending attack. After Pearl Harbor, Jesse was assigned to the newly commissioned USS *Radford*, where he served in support of the Battle of Guadalcanal and in the Battle of Kula Gulf, where Jesse helped rescue the survivors of the USS *Helena*.

Mr. Speaker, as we approach the 70th anniversary of Pearl Harbor, I proudly ask you to

join me in commending Jesse T. Reynolds for his accomplishments with the United States Navy and for his service to the United States of America during World War II.

IN RECOGNITION OF DAVID  
LEADBETTER

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Mr. David Leadbetter, the recipient of the 2011 Lifetime Achievement Award from the National Golf Course Owners Association (NGCOA).

For over thirty years, Mr. Leadbetter has helped golfers achieve lower scores and improve their game. He is a world renowned golf instructor and known for his innovative teaching techniques. Initially starting out as a player, he participated in the European and South African tours prior to coming to fame for correcting Nick Faldo's swing in the 1980s. Among his many students are the famed Greg Norman, Nick Price, Ernie Els, and Michelle Wie. His students have greatly benefitted from his creative teaching methods and valuable advice; many of them hold major championship titles and individual worldwide titles. Aside from being the world's number one golf instructor and serving as coach to countless professional golfers, Mr. Leadbetter has academies worldwide to nurture new talent and share his love of golf. His extensive knowledge of golf also extends to seven golf instruction books, instructional DVDs, and television programs.

This prestigious award from NGCOA recognizes Mr. Leadbetter's contributions to the game of golf. His love for golf is evident in his dedicated efforts to helping others improve their game. Mr. Speaker, I ask my esteemed colleagues to join me in congratulating Mr. Leadbetter on this great honor. I wish him all the best.

PERSONAL EXPLANATION

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. ANDREWS. Mr. Speaker, on rollcall No. 330 for H.R. 1627, I am not recorded because I was absent. Had I been present, I would have voted "aye."

COMMEMORATING JEWISH  
AMERICAN HERITAGE MONTH

**HON. JOE BACA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. BACA. Mr. Speaker, I rise today to join my colleagues in commemorating May as Jewish American Heritage Month and celebrating the many achievements the Jewish community has made to American culture and society.

While Jewish people make up only two percent of our nation's population, they have been a vibrant group contributing to American society for over 350 years.

The Jewish American community is a vibrant piece of the American fabric.

They have worked tirelessly to increase tolerance and understanding, while working to decrease anti-Semitism around the country.

Their community has organized innovative educational forums and cultural exchanges to help bring people together and promote our country's diversity.

The Jewish community in my District and surrounding areas is active and engaged on several fronts including in literature, politics and medicine.

I congratulate them for all their hard work and look forward to working with them in the years to come.

I hope all Americans will join me in celebrating Jewish-American Heritage Month and taking pride in the unique contributions that our Jewish community has made to our nation.

IN RECOGNITION OF HILDA  
GRIGORIAN

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Hilda Grigorian, a Glendale resident who has dedicated herself to helping those in need around the world, often in some of the most challenging and dangerous locations.

Hilda Grigorian was born and raised in Iran, and migrated to the United States in 1978 in pursuit of the American dream of education and career. Hilda achieved both of these goals—she obtained a bachelor's degree and MBA and is currently working toward her Ph.D. at Walden University. She also worked in the private sector for over two decades, focusing on international development.

Hilda began her international relief efforts with a trip to her motherland of Armenia, where she volunteered to help small businesses. After several visits to Armenia's rural villages, she established a Non-Governmental Organization (NGO) called Armenia Village Operation, which she started with her own funds and other private funding. The program implemented important projects in the rural villages of Armenia.

In 2005, Hilda traveled to Afghanistan to work with a USAID-funded program to help vulnerable, widowed women with business planning and access to funds to regain their businesses which were destroyed by the Taliban. She then worked for UNDP in the youth development project. In 2008, she began working for USAID Afghanistan as a Field Program Officer, stationed in the Province of Nangarhar, which borders Pakistan. In 2009, she was transferred to the remote, rural Province of Ghor in Western Afghanistan, where she helped people implement community development programs, created jobs through cash for work projects, and ensured a fair distribution of food to the people of Ghor.

Hilda's selfless dedication to the people of Afghanistan has immeasurably benefited some of the most at-risk people in the world, and

has demonstrated the generous spirit of Americans toward those in crisis. She thrived in an environment that afforded her very basic living conditions, with no luxuries or amenities we often take for granted.

I ask all Members to join me in thanking Hilda Grigorian for her unwavering commitment to the people of Armenia and Afghanistan and wish her well in all future endeavors.

PERSONAL EXPLANATION

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. McCOLLUM. Mr. Speaker, yesterday I was giving the keynote address at the second annual Native American Health Conference. Due to transportation constraints, I was unable to make it back to the Capitol to vote for H.R. 1383, H.R. 1627, and H.R. 1657. Had I been present, I would have voted "yea" on all of these important bills.

IN CELEBRATION OF THE 50TH AN-  
NIVERSARY OF BOY SCOUT  
TROOP 890 IN LAKE HIGHLANDS,  
TEXAS

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Boy Scout Troop 890 in Lake Highlands, Texas, celebrating their 50th Anniversary this year.

Chartered in 1961, Troop 890 was founded to help shape and prepare the lives of the boys and young men in Dallas by teaching them the principles of Scouting. Over the past fifty years, the dedicated efforts of the leaders, the Scouts, and their parents have made Troop 890 a signature organization in Lake Highlands, Texas and it has become one of the largest and most well-known Boy Scout troops in Dallas.

The leaders of Troop 890 are committed to helping these scouts develop strong moral character and adhere to the ideals of the Scout Oath and Scout Law. The Lake Highlands community that considers the Troop to be an asset, encourages parents to be actively involved and Scouts to take on leadership roles and mentor younger Scouts. Since the first Eagle rank presentation in 1963, approximately 450 individuals, including my sons, Bill and Alex, have achieved the prestigious rank of Eagle Scout. Over the years, I have watched many Scouts become mature and responsible young men of great character.

Troop 890 has made the local community a stronger and better place. Their commitment to serving others is evident in the hundreds of hours devoted to various community service projects. I know Troop 890 will continue to positively impact Dallas and promote the importance of Scouting.

Mr. Speaker, I ask my esteemed colleagues to join me congratulating Troop 890 on their 50th Anniversary. I wish Troop 890 many more years of Scouting!

## PERSONAL EXPLANATION

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. RICHARDSON. On May 23, 2011, I was unavoidably detained during the vote on rollcall No. 330. Had I been present I would have voted as follows:

On rollcall No. 330, I would have voted "aye" (May 23) H.R. 1627, to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes.

A BILL TO AMEND THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. RAHALL. Mr. Speaker, today, I rise to introduce a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize Indian tribes to directly request the President for a major disaster or emergency declaration. This has been a priority for Indian country for over a decade and upon enactment, will treat Indian tribes as the sovereign governments that they are.

Currently, Indian tribes experiencing a disaster or emergency situation must rely upon a State governor to request the President for a declaration. Not only is this contrary to tribal sovereignty but it also requires the President to consider the State's, not the tribe's, ability to pay for the damages. The State's authority or willingness to provide assistance to the tribe is not considered in the determination process.

Under this legislation, tribes may still request the State to make the declaration on their behalf but it provides another avenue for those tribes who want to exercise their sovereignty or where a State may be unable or unwilling to make a request on a tribe's behalf.

I am pleased that the Republican co-chairman of the Native American Caucus, Mr. TOM COLE, and the Ranking Member of the subcommittee of jurisdiction, Ms. NORTON, agreed to cosponsor this important legislation with me. Letters of support have also been received from the National Congress of American Indians as well as other tribal organizations and individual Indians involved in emergency management.

I urge my colleagues to support this measure.

IN HONOR OF MARILYN DORMAN

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. FARR. Mr. Speaker, I rise today to honor the career of Marilyn Dorman, who retires as the Executive Director of the Housing

Resource Center of Monterey County on May 31, 2011. The HRC is a non-profit HUD-certified housing counseling agency that provides home-ownership education and counseling as well as homeless prevention services. Marilyn has a real gift for grant writing, which has served the agency well as its primary fundraiser.

Marilyn has been active professionally and personally in the housing arena for over twenty-seven years. She was the founding Executive Director of the Housing Advocacy Council in 1984, which merged with the Monterey County Housing Alliance in 2009 to become the Housing Resource Center of Monterey County. Throughout her many years of service Marilyn advocated for the development of affordable low-income housing and worked tirelessly with direct assistance programs to prevent homelessness.

With the 2009 merger, Marilyn's focus expanded to include homeownership education and counseling, as well as foreclosure prevention and loan modification. To date, HRC has successfully modified over 200 loans for Monterey County homeowners. Collectively, the merged organization has served over 24,000 Monterey County households.

Marilyn has also been an active Board, Committee member, and volunteer for the Coalition of Homeless Services Providers, St. Paul's Episcopal Church, the Salinas Downtown Community Board, the ACTION Council of Monterey County, Common Ground, the League of Women Voters, Community Advisory Council for the Salinas Permit Center, Salinas Planning Commission, Salinas Parks and Recreation Commission, Salinas Housing Trust Fund, the Salinas General Plan Parks Task Force, Girl Scouts, and the Volunteer Services Coordinator for the Volunteer Center of Salinas.

Marilyn's husband of thirty-eight years, Mark, has been the grounding force in life. They have three grown daughters and two beautiful grandchildren.

Mr. Speaker, I know I speak for the whole House as I commend Marilyn Dorman for all she has done and all she will undoubtedly continue to do. I extend my most sincere thanks and warmest wishes for her success and much happiness in her retirement.

## PERSONAL EXPLANATION

**HON. CAROLYN McCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mrs. McCARTHY of New York. Mr. Speaker, I was unavoidably absent because of a family illness on May 23, 2011. If I was present, I would have voted on the following:

H.R. 1627—rollcall No. 330: "aye"; H.R. 1383—rollcall No. 331: "aye"; H.R. 1657—rollcall No. 332: "aye."

## PERSONAL EXPLANATION

**HON. BRUCE L. BRALEY**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Monday, May 23, 2011. Had I registered my vote, I would have voted:

1. "Yea" on rollcall 330, On Motion to Suspend the Rules and Pass, as amended, H.R. 1627—To amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery.

2. "Yea" on rollcall 331, On Motion to Suspend the Rules and Pass, as amended, H.R. 1383—Restoring GI Bill Fairness Act of 2011.

3. "Yea" on rollcall 332, On Motion to Suspend the Rules and Pass H.R. 1657—To amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans.

## PERSONAL EXPLANATION

**HON. JOHN A. YARMUTH**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. YARMUTH. Mr. Speaker, I was unable to cast the recorded votes for rollcall Nos. 330, 331, and 332. Had I been present I would have voted "yes" for these measures:

H.R. 1627—On Motion to Suspend the Rules and Pass, as Amended, rollcall No. 330, "yes."

H.R. 1383—On Motion to Suspend the Rules and Pass, as Amended, rollcall No. 331, "yes."

H.R. 1657—On Motion to Suspend the Rules and Pass, rollcall No. 332, "yes."

TEXAS FROG FREEDOM FIGHTER—  
MARCUS LUTTRELL

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. POE of Texas. Mr. Speaker, the Navy SEALs are the United States Navy's elite warriors. And last week we learned that they killed the most wanted terrorist of all, Osama bin Laden. Osama bin Laden was the mastermind behind the murders of nearly 3,000 Americans on September 11, 2001. The news of his death brings some comfort to the families of thousands of people who died in the 9/11 attacks and to the families of those who have died in the war on terror. During their recent mission, these SEALs proved that when the peace of our great Nation is threatened, we will stand up and fight.

Throughout the ongoing conflicts in Iraq and Afghanistan, many other SEALs have performed equally heroic deeds. All Navy SEALs are elite commandos demonstrating the epitome of what we have in this country. One such example is local SEAL patriot, Marcus Luttrell, who I am proud to recognize and honor for his contributions to the global war on terrorism.

June 28, 2005 is a date the SEALs will forever remember. It was the worst single-day U.S. forces death toll since Operation Enduring Freedom began and it was the single largest loss of life in Navy SEAL history since World War II. Marcus Luttrell, a sixth generation country boy from Texas, survived to tell

the incredible, harrowing events of that day. He is an amazing Texas patriot and “lone survivor” of a horrific gun battle that occurred in the mountains of Afghanistan. On this fateful day, three of Luttrell’s friends from SEAL Team TEN, along with 16 Special Forces warriors were killed.

Luttrell was born in Huntsville, Texas in 1975. As a teen growing up in Willis, Texas, he began training at a young age for the SEALs, with a former Green Beret and neighbor, Billy Shelton. Luttrell and his twin brother, Morgan, also a Navy SEAL, trained every day using Shelton’s harsh techniques and methods. He taught them to be tough. In addition, Luttrell’s dad, a Vietnam veteran, taught his sons about weapons, survival, and swimming. Beau Walsh, Willis High School teacher and former Navy SEAL, prepared them on what to expect in SEAL training. During these years, the Luttrell brothers excelled physically and mentally.

After graduating from Willis High School, Luttrell enrolled at Sam Houston University, but left before graduating because of his desire to serve his country. With faith in God and country, at 23 years old Marcus Luttrell joined the United States Navy. He began Basic Underwater Demolition/SEAL (BUD/S) training with Class 226 in Coronado, California. In 2002, he graduated with Class 228 and became a member of the small, elite military force known as the Navy SEALs. He deployed to Afghanistan in the spring of 2005.

On June 28, 2005, he and three members of SEAL Team TEN were assigned to a covert mission, Operation Red Wing, in the mountainous region of Afghanistan. They were sent in to kill or capture Ahmad Shah, a notorious Taliban leader with ties to Osama bin Laden. The four-man team was made up of Marcus Luttrell, Lt. Michael Murphy, Gunner’s Mate 2d Class Danny Dietz and Sonar Technician 2d Class Matthew Axelson.

Shortly into their mission, SEAL Team TEN encountered a small group of unarmed Afghan goat-herders. Although they believed the goat-herders empathized with the Taliban, the team was unable to confirm any threat. Lt. Murphy sought input concerning the goat-herders fate from the team but ultimately made the call to release the herders.

Barely an hour later, the SEALs were ambushed. They came under heavy attack by Taliban insurgents and were easily outnumbered one to twenty-five. The enemy completely encircled them on that desolate cliff. There was one way in and one way out. Despite being wounded, Lt. Michael Murphy left protective cover and stood on a boulder to get a signal to place a phone call back to the base. Under intense fire, Murphy told the base he needed help, provided them with the SEALs location, and relayed the number of Taliban fighters. While he was calling for support, he was shot in the back, but he completed the rescue call while continuing to fire at the enemy. In the midst of chaos, he remained calm and risked his own life to save his team.

Murphy then returned to the safety of the mountain rocks and to his team to continue the fire fight. Ferociously engaged in a two-hour gun battle and running low on ammunition Murphy, Dietz, and Axelson were killed. In the midst of this battle, a MH-47 Chinook helicopter carrying 16 Special Forces crew, including 8 SEALs, were sent to evacuate them.

The helicopter was assaulted and shot down with a rocket-propelled grenade fire. All 16 warriors were killed trying to rescue SEAL Team TEN.

These SEALs fought with courage and heroism of entire legions of warriors when attacked by a cowardly, fanatical enemy. These brave Navy SEALs gave the ultimate sacrifice. These SEALs are true patriots. Dietz and Axelson received the Navy Cross posthumously. Lt. Michael Murphy was awarded the Medal of Honor posthumously for his actions and his valor on the battlefield.

Luttrell was the sole survivor. He was blasted over a cliff by an RPG and knocked unconscious. Severely wounded and presumed dead, he managed to crawl seven miles before he reached a tribal village. They gave him shelter, aid and granted him protection under lokhay warkawal, Afghan code that guarantees safety and protection at all costs for a wounded traveler. Luttrell was rescued by the Green Beret six days after the gun fight.

In 2006, he was awarded the Navy Cross for combat heroism for his actions during Operation Red Wing by President George W. Bush. Luttrell remained in the Navy until 2007. In 2009 he was medically retired from the Navy. I cannot say enough about this great man, this American patriot. He is a heroic representative of the State of Texas and an honorable defender of liberty and freedom.

Our young people who go to the valley of the gun and the desert of the sun are relentless, remarkable characters. They go where others fear to tread and where the faint-hearted are not found. These Navy SEAL warriors represent the best of our Nation. The bravery, dedication and patriotism of Luttrell, Murphy, Dietz and Axelson will not be forgotten by their friends, their family and freedom-loving people throughout the world. God bless these sons of America.

And that’s just the way it is.

HONORING COLONEL YOLANDA C.  
DENNIS-LOWMAN, USA

**HON. ROB BISHOP**

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. BISHOP of Utah. Mr. Speaker, I rise today to recognize Colonel Yolanda C. Dennis-Lowman, United States Army, for her remarkable record of achievements during her service from July 8, 2008, through July 19, 2011, as the Commander of the Tooele Army Depot, Utah.

Under her active supervision and guidance, Tooele Army Depot was officially designated by the Secretary of the Army as a Center of Industrial and Technical Excellence (CITE) for Ammunition Peculiar Equipment (APE) maintenance, which is a very significant achievement.

Because of her commitment to safety and the solid policies and procedures she implemented during the 2009–2010 timeframe, the depot achieved more than 610 consecutive days without a loss time injury, which was the best record within the Joint Munitions Command and Army Materiel Command (AMC). It was under her watch that Tooele Army Depot also received the AMC Safety Award, of “Best Installation.”

During her tenure, the Army implemented the Logistics Modernization Program (LMP) at Tooele Army Depot. By way of explanation, LMP modernizes the systems and processes associated with managing the Army’s supply chain at the national and installation levels, and permits the planning, forecasting, and rapid order fulfillment leading to streamlined supply lines, improved distribution, and a reduced theatre footprint. Thus, LMP better supports the warfighter so that they can be better equipped and ready to respond to present and future threats. Colonel Dennis-Lowman managed and supported the depot team during this difficult and challenging LMP transformation.

Further, her guidance and leadership led the depot to excel in continuous improvement efforts. In 2010, the depot exceeded the Value Engineering goal by more than \$800,000 (\$1.48 million versus \$2.29 million), and exceeded the Lean Six Sigma goal by more than \$140,000 (\$931,000 versus \$790,000).

In 2010, the depot shipped approximately 39,012 tons of conventional ammunition and received and processed 33,218 tons. This was in direct support of the ongoing war efforts around the world, as well as training requirements.

Colonel Dennis-Lowman was recognized by the publishers of Utah Business (magazine for decision makers) as one of the “30 Top Women to Watch—Women Making a Difference in Utah Business.”

She advised and supported a depot team during a Green Belt Project, Water Management. This team was awarded the 31st Annual Secretary of the Army Energy and Water Management Award, as well as the 2009 Federal Energy and Water Management Award within the small group category.

During her command, the depot’s Law Enforcement and Security Branch did very well and received “commendable” ratings during the Headquarter, AMC Force Protection Assessment. In 2010, Tooele Army Depot received the AMC Anti-Terrorism Award for Small Installations.

Her guidance was instrumental in receiving OHSAS 18001 (safety), ISO 9001:2008 (ammo shipping/receiving and ammo equipment and manufacturing), and ISO 14001 (environmental) certifications.

Colonel Dennis-Lowman coordinated the effort for Tooele Army Depot to be the first Army installation to have a wind turbine. This wind turbine was completed in June 2010, stands 262 feet tall, and produces 1.5 MW of electricity, which is enough to power 300–400 homes, and translates to \$206,625 in savings per year. In 2010, the depot’s energy usage was 8% lower than during 2009, resulting in a cost savings of over \$117,000.

In conclusion, Mr. Speaker, Colonel Yolanda C. Dennis-Lowman has served in a most exemplary manner as Commander of the Tooele Army Depot, and has demonstrated remarkable leadership abilities in the face of substantial challenges. I congratulate her on her accomplishments, and invite my colleagues to join me in thanking her for a job well done, and join me in extending well wishes to her for much success in all future endeavors.

MARGARET CASON WARD

**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. BROWN of Florida. Mr. Speaker, on behalf of the constituents of the Third Congressional District of Florida, I rise now to offer my heartfelt condolences and pay tribute to the life of Margaret Cason Ward, a humanitarian, life activist and friend. As a woman who served her community as a renowned educator and community activist since moving to Leesburg in 1947, Mrs. Ward has been a "Pillar" within the many communities she was a part of. I am moved and encouraged when recalling the life achievements of this extraordinary woman of faith and community service.

As a woman for whom education was important, Mrs. Ward was hired by the Lake County School District in 1947. By 2004, Mrs. Ward touched the lives of so many that she was recognized by receiving a place in the Governor's Wall of Fame as an 'Outstanding African American Educator.' Mrs. Ward also founded the Dabney Minatee Heritage Group, Inc. and became the founding CEO. Realizing where her heart is committed, for the next seven years of her glorious life, she served as the Lake-Sumter Community College Reach-Out Director. As Director, she initiated the McKnight Achievement Program at LSCC. Mrs. Ward was able to construct the first job shadowing program at Disney World. All of these great accomplishments lead to Margaret Cason Ward in becoming the first African American female to be nominated by the Lake County Commissioners and placed in the Hall of Fame.

Mrs. Ward continued her regime of excellence by securing the position of the first African American that was elected President of the Church for Women United. At the state level, she was recognized and named as the Prestigious Valiant Woman of the CWU. She continued to serve the education system as a member of the Associate Board of Trustee for Bethune Cookman College. Another great life accomplishment of Mrs. Ward was in 2004 she was presented the key to the City of Orlando by Mayor Buddy Dyer. Mrs. Ward was elected President of the Central Florida Conference Women's Missionary Society and was later elected the first Vice President of the 11th Episcopal District WMS. After her term as Vice President, she was appointed WMS Episcopal President. Mrs. Ward was also appointed Connectional Chairperson of the Christian Social Relations Committee.

As a community activist, she gave of herself and her talents to benefit both the individuals and the organizations she served. Mrs. Ward was a Charter member of Epsilon NU Zeta Phi Beta Sorority, is a lifetime member of the NAACP, and has served as a member of St. Paul A.M.E. Church since 1947. As a woman of integrity and character, Margaret Cason Ward was both gifted and inspiring. Where she saw potential in others, she gave them impetus and encouragement; where she saw despair, she brought direction and promise; and where she saw the need for love and caring, she unselfishly gave of herself. She has impacted the lives of so many that the Leesburg African American Museum was named in her honor.

In Margaret Cason Ward's passing, we pay tribute to an accomplished woman and her life of service to each of us. She will be remembered and respected because she chose to care. We pray that by her example that each of us becomes the bearers of her humanitarian legacy. We come now to join in prayer for her loving daughter Randreta Ward Evans; her three grandchildren, Rhonda, Chad and Regina; and her great-grandchildren, Kishawn, Kivante, James and Madison; and a host of loving relatives and friends throughout the community, whose lives have been forever changed by this woman of excellence and peace. We thank Our Heavenly Father for allowing us to be blessed with the time spent with Margaret Cason Ward, our friend and sister.

TO COMMEND INOVA ALEXANDRIA HOSPITAL ON THE 50TH ANNIVERSARY OF THE "ALEXANDRIA PLAN"

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. MORAN. Mr. Speaker, I rise today to commend Inova Alexandria Hospital on the 50th anniversary of the "Alexandria Plan." The Alexandria Hospital plan resulted in the first 24-hour emergency room staffed by dedicated emergency physicians and served as the national model for emergency medicine.

During the 1940s and 1950s many hospitals around the country began providing emergency room services, mostly staffed by medical residents and nurses who were usually backed up by doctors on call from their homes. By the early 1960s, Alexandria Hospital and its medical staff decided that the inadequacy of the care model in the emergency department needed to be addressed.

In the late 1950s, Dr. James Mills, Jr., a family physician on the medical staff of Alexandria Hospital, had a demanding private practice as well as serving as an "on call" physician covering the emergency room, both of which required many hours of his time.

In 1961, as a result of the foresight of Alexandria Hospital, Dr. Mills, together with three other physicians on the medical staff, gave up their private practices to become full-time emergency physicians in an arrangement that became known as the Alexandria Plan. The Alexandria Plan provided for full-time staffing of emergency rooms 24 hours a day, seven days a week. It was quickly adopted and became the standard of care used by hospitals around the country as they began to confront increasing numbers of patients needing such emergency care.

In addition to staffing the emergency room full time, the physicians also became the moving force behind the development of a medical specialty that called for specific training in emergency medicine and eventually resulted in the creation of the American College of Emergency Physicians.

Next month, on June 24, 2011, Inova Alexandria Hospital and the American College of Emergency Physicians will jointly celebrate the 50th anniversary of the inception of the Alexandria Plan, recognizing the incredible significance that this plan has had for the delivery

of quality care to patients throughout the country.

On behalf of the 8th district of Virginia, I commend Inova Alexandria for the Hospital's commitment to quality patient care and medical excellence.

HEALTH, HAPPINESS AND HITS  
FOR HAL DAVID

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. COBLE. Mr. Speaker, music fans have been enjoying songs such as We've Only Just Begun, What the World Needs Now is Love, and Raindrops Keep Falling on My Head for decades. What people may not know is that behind the voices of those who sang the songs was the writing of Mr. Hal David. In honor of Hal's 90th birthday, the citizens of the Sixth District of North Carolina wish to join countless others in honoring his wonderful career.

One of our country's greatest song writers, Hal was born the son of immigrants in Brooklyn, New York. During World War II, Hal served in the U.S. Army Entertainment Section in the Central Pacific with Carl Reiner and Werner Klemperer.

Mr. David's career moved along with his first hit record, The Four Winds and the Seven Seas by Vic Damon, which was cowritten with Don Rodney. Hal David, however, would not become a one-hit wonder. Other early hits written by Hal David include Bell Bottom Blues for Teresa Brewer, cowritten by Leon Carr, Brokenhearted Melody for Sarah Vaughan and Johnny Get Angry for Joanie Sommers, both of which were cowritten by Sherman Edwards, as well as Sea of Heartbreak for Don Gibson, cowritten by Paul Hampton.

As you can see, Hal always teamed with outstanding writing partners. In 1957, his career took another great turn when he began his now-legendary collaboration with composer Burt Bacharach. The two worked together to produce the Marty Robbins hit The Story of My Life. This fruitful partnership between Hal David and Burt Bacharach produced hits for Perry Como, Jack Jones, Bobby Vinton, Gene Pitney, Dusty Springfield, Herb Alpert, the Carpenters, and perhaps the most-famous of all, Dionne Warwick. The duo of David and Bacharach's hit songs included Magic Moments, Wives and Lovers, Twenty-four Hours from Tulsa, Wishin' and Hopin', What the World Needs Now is Love, We've Only Just Begun, and countless others.

Several songs produced by this legendary twosome were nominated for Academy Awards including What's New Pussycat, Alfie and Raindrops Keep Fallin' on My Head. In 1969, Raindrops from Butch Cassidy and the Sundance Kid won the Oscar for Best Song.

Hal's work with Burt Bacharach was not limited to recorded hits. The pair worked together to write the score for the 1968 hit Broadway show, Promises, Promises, which was successfully revived on Broadway in 2010. The original cast recording of that particular show won a Grammy Award.

His collaborative work was not limited to Burt Bacharach. Hal David and Albert Hammond worked together on the 1984 worldwide

hit *To All the Girls I've Loved Before*, which was recorded by Julio Iglesias and Willie Nelson.

Hal David has not spent all of his time writing songs. Throughout his great career, Mr. David has served in several leadership roles in his industry. From 1980–1986, Hal served as President of the American Society of Composers, Authors and Publishers (ASCAP), focusing on legislative issues facing music creators. During his tenure as President, Hal oversaw the expansion of ASCAP's presence in the area of country music. To this day, Hal continues to serve on ASCAP's Board of Directors.

For a decade, 2000–2010, Mr. David served as Chairman and CEO of the Songwriters Hall of Fame. During this time the Songwriters Hall of Fame established an important digital presence with its Virtual Museum and, most recently, the launch of the Songwriters Hall of Fame Gallery Museum in Los Angeles.

The recipient of numerous awards throughout his career, Hal David has been inducted into both the Songwriters Hall of Fame and the Nashville Songwriters Hall of Fame. He has received the Recording Academy's Grammy Trustees Award and the Johnny Mercer Award from the Songwriters Hall of Fame. Even the British Performing Rights Society honored the Brooklyn native with one of its most prestigious awards.

On behalf of the citizens of the Sixth District of North Carolina, we wish Hal David much happiness on his 90th birthday and send our

best wishes for 90 more years of health, happiness and hits.

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PERSONAL EXPLANATION

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent because of a family illness on May 13th 2011. If I was present, I would have voted on the following: H.R. 754—rollcall No. 323: “nay”; H.R. 754—rollcall No. 324: “aye”; H.R. 754—rollcall No. 325: “aye”; H.R. 754—rollcall No. 326: “aye”; H.R. 754—rollcall No. 327: “aye”; H.R. 754—rollcall No. 328: “aye”; and H.R. 754—rollcall No. 329: “aye.”

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ISRAELI 63RD INDEPENDENCE DAY

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to congratulate Israel on the celebration of its 63rd Independence Day. I am a strong supporter of the State of Israel and believe in its right to exist as a Jewish and

democratic state with secure and recognized borders.

As our strongest democratic ally in the Middle East, Israel is a crucial friend of the United States, and its continued strength and stability are in our nation's best interest.

The past several years have been a challenging time for Israel. Israel continues to face danger on many fronts, from the ongoing threat of terrorism to the potential rise of a nuclear-armed Iran. Peace and stability in Israel and the Middle East at large are still a possibility. Despite recent events with Fatah and Hamas, I hope that Palestinian authorities will be willing to come to the table and negotiate peace with their Israeli neighbors. I trust that new commitments and agreements are reached that enable these two states to live peacefully with one another.

I will continue to advocate for policies that make Israel more secure and work to alleviate the tensions in the Middle East, and I urge my colleagues to join me. As a member of the Israel Allies Caucus, I have been an active advocate for Israel and its people. I know the people of Israel want to live in peace with their Palestinian neighbors, and I will push for continued American engagement in the peace process. Together, the United States and Israel will continue to work in partnership to bring peace and security to the Middle East. Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Israel on their 63rd Independence Day.

# Daily Digest

## HIGHLIGHTS

House and Senate met in a Joint Meeting to receive Benjamin Netanyahu, Prime Minister of Israel.

## Senate

### Chamber Action

*Routine Proceedings, pages S3247–S3288*

**Measures Introduced:** Eight bills and four resolutions were introduced, as follows: S. 1051–1058, S. Res. 196–198, and S. Con. Res. 22. **Pages S3274–75**

#### Measures Passed:

*Airport and Airway Extension Act:* Senate passed H.R. 1893, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program. **Page S3263**

*National Small Business Week:* Senate agreed to S. Res. 197, honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 15, 2011. **Pages S3287–88**

*Congratulating the Alaska Aces Hockey Team:* Senate agreed to S. Res. 198, congratulating the Alaska Aces hockey team on winning the 2011 Kelly Cup and becoming the East Coast Hockey League champions for the second time in team history. **Page S3288**

#### Measures Considered:

*Patriot Sunsets Extension Act:* Senate continued consideration of the motion to proceed to consideration of S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015. **Pages S3247–62, S3263–65**

During consideration of this measure today, Senate also took the following action:

By 74 yeas to 13 nays, 1 responding present (Vote No. 76), Senate agreed to the motion to table the motion to proceed to consideration of the bill.

**Page S3262**

#### House Messages:

*Small Business Additional Temporary Extension Act—Agreement:* Senate began consideration of the amendment of the House of Representatives to S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, taking action on the following motions and amendments proposed thereto: **Pages S3262–63**

#### Pending:

Reid motion to concur in the amendment of the House to the bill, with Reid Amendment No. 347, of a perfecting nature. **Page S3262**

Reid Amendment No. 348 (to Amendment No. 347), to change the enactment date. **Pages S3262–63**

Reid motion to refer the message of the House on the bill to the Committee on Small Business and Entrepreneurship with instructions, Reid Amendment No. 349, to change the enactment date. **Page S3263**

Reid Amendment No. 350 (to (the instructions) Amendment No. 349), of a perfecting nature. **Page S3263**

Reid Amendment No. 351 (to Amendment No. 350), of a perfecting nature. **Page S3263**

A motion was entered to close further debate on the motion to concur in the amendment of the House to the bill, with Reid Amendment No. 347 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, May 26, 2011. **Page S3262**

A unanimous-consent agreement was reached providing for further consideration of the motion to concur in the amendment of the House to the bill, with Reid Amendment No. 347, at approximately 11 a.m., on Wednesday, May 25, 2011. **Page S3288**

#### Messages from the House:

**Page S3266**

#### Measures Referred:

**Page S3266**



Measures Placed on the Calendar:	Page S3266
Measures Read the First Time:	Pages S3266–67, S3288
Executive Communications:	Page S3267
Petitions and Memorials:	Pages S3267–74
Executive Reports of Committees:	Page S3274
Additional Cosponsors:	Pages S3275–76
Statements on Introduced Bills/Resolutions:	Pages S3276–81
Additional Statements:	Page S3266
Amendments Submitted:	Pages S3281–86
Notices of Hearings/Meetings:	Page S3286
Authorities for Committees to Meet:	Pages S3286–87
Record Votes: One record vote was taken today. (Total—76)	Page S3262

**Adjournment:** Senate convened at 10 a.m. and adjourned at 7:50 p.m., until 10 a.m. on Wednesday, May 25, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3288.)

## Committee Meetings

(Committees not listed did not meet)

### DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

*Committee on Armed Services:* Subcommittee on Airland concluded a hearing to examine tactical aircraft programs in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program, after receiving testimony from Lieutenant General Herbert J. Carlisle, USAF, Deputy Chief of Staff, Operations, Plans and Requirements, Lieutenant General Terry G. Robling, USMC, Deputy Commandant for Aviation, and Rear Admiral David L. Philman, USN, Director, Warfare Integration, all of the Department of Defense.

### AIR TRAFFIC CONTROL SAFETY

*Committee on Commerce, Science, and Transportation:* Subcommittee on Aviation Operations, Safety, and Security concluded an oversight hearing to examine air traffic control safety, after receiving testimony from J. Randolph Babbitt, Administrator, Federal Aviation Administration; Calvin L. Scovel III, Inspector General, Department of Transportation; Paul M. Rinaldi, National Air Traffic Controllers Association, Washington, D.C.; and Gregory Belenky, Washington State University Sleep and Performance Research Center, Spokane.

### EXTREMIST GROUPS IN AFGHANISTAN AND PAKISTAN

*Committee on Foreign Relations:* Committee concluded a hearing to examine al Qaeda, the Taliban, and other extremist groups in Afghanistan and Pakistan, after receiving testimony from Peter Bergen, New America Foundation, and Paul R. Pillar, and C. Christine Fair, both of Georgetown University, all of Washington, D.C.

### NOMINATION

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nomination of William J. Burns, of Maryland, to be Deputy Secretary of State, after the nominee testified and answered questions in his own behalf.

### STIMULUS CONTRACTORS

*Committee on Homeland Security and Governmental Affairs:* Permanent Subcommittee on Investigations concluded a hearing to examine stimulus contractors, focusing on taxes, and to determine the magnitude of known Federal tax debt which is owed by Recovery Act contract and grant recipients, and provide examples of Recovery Act contract and grant recipients who have known unpaid Federal taxes, after receiving testimony from Gregory D. Kutz, Director, Forensic Audits and Investigative Service, Government Accountability Office; and Daniel I. Gordon, Administrator, Federal Procurement Policy, Office of Management and Budget, Executive Office of the President.

### PRESCRIPTION DRUG EPIDEMIC

*Committee on the Judiciary:* Subcommittee on Crime and Terrorism concluded a hearing to examine responding to the prescription drug epidemic, focusing on strategies for reducing abuse, misuse, diversion, and fraud, after receiving testimony from Senator Brown (OH); R. Gil Kerlikowske, Director, National Drug Control Policy, Executive Office of the President; Michele M. Leonhart, Administrator, Drug Enforcement Administration, Department of Justice; Laura Hosley, Rhode Island Student Assistance Services (RISAS), Warwick; and John L. Eadie, Brandeis University Heller School for Social Policy and Management Prescription Monitoring Program Center of Excellence, Waltham, Massachusetts.

### NOMINATIONS

*Committee on the Judiciary:* Committee concluded a hearing to examine the nominations of Steve Six, of Kansas, to be United States Circuit Judge for the Tenth Circuit, Marina Garcia Marmolejo, to be United States District Judge for the Southern District of Texas, who was introduced by Senator Hutchison, Michael Charles Green, to be United

States District Judge for the Western District of New York, Wilma Antoinette Lewis, of the District of Columbia, to be Judge for the District Court of the Virgin Islands, who was introduced by Representative Christensen, and Major General Marilyn A. Quagliotti, USAF (Ret.), of Virginia, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy, Executive Office of the President, after the nominees testified and answered questions in their own behalf.

## INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

## BUSINESS MEETING

*Select Committee on Intelligence:* Committee ordered favorably reported the nomination of Lisa O. Monaco, of the District of Columbia, to be an Assistant Attorney General, Department of Justice.

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# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 25 public bills, H.R. 1953–1977; and 6 resolutions, H.J. Res. 65; H. Con. Res. 52–54 ; and H. Res. 274–275, 277 were introduced. **Pages H3408–09**

**Additional Cosponsors:** **Pages H3410–11**

**Report Filed:** A report was filed today as follows:

H. Res. 276, providing for further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes (H. Rept. 112–88).

**Page H3408**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Cantor to act as Speaker pro tempore for today. **Page H3347**

**Chaplain:** The prayer was offered by the guest chaplain, Rabbi Jeremy Wiederhorn, The Conservative Synagogue, Westport, Connecticut. **Page H3347**

**Recess:** The House recessed at 10:05 a.m. for the purpose of receiving His Excellency Binyamin Netanyahu, Prime Minister of Israel. The House reconvened at 12:45 p.m., and agreed that the proceedings had during the Joint Meeting be printed in the Record. **Page H3348**

**Joint Meeting To Receive His Excellency Binyamin Netanyahu, Prime Minister of Israel:** The House and Senate met in a joint session to receive His Excellency Binyamin Netanyahu, Prime Minister of Israel. He was escorted into the Chamber by a committee comprised of Representatives Cantor, McCarthy (CA), Hensarling, Sessions, Price (GA), McMorris Rodgers, Carter, Noem, Scott (SC), Walden, Dreier, Roskam, Ros-Lehtinen, McKeon, Chabot, Pelosi, Hoyer, Clyburn, Israel, Waxman, Ackerman, Berman, Levin, Lowey, Berkley, Schakowsky, Schiff, Schwartz, Wasserman Schultz, and Deutch; and Senators Reid, Durbin, Murray,

Levin, Kerry, Kohl, Lieberman, Feinstein, Boxer, McConnell, Kyl, Barrasso, Thune, Cornyn, Lugar, and Hatch. **Pages H3348–51**

**Suspensions:** The House agreed to suspend the rules and pass the following measure:

*Small Business Additional Temporary Extension Act of 2011:* S. 990, amended, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958. **Pages H3352–53**

**Committee Election:** The House agreed to H. Res. 274, electing a Member to a certain standing committee of the House of Representatives. **Page H3353**

**Amending the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations:** The House began consideration of H.R. 1216, to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations. Consideration is expected to resume tomorrow, May 25th.

**Pages H3353–61, H3361–88, H3396–H3401**

Rejected the Weiner motion that the Committee rise by a recorded vote of 14 ayes to 397 noes, Roll No. 335. **Page H3386**

Rejected:

Tonko amendment (No. 2 printed in the Congressional Record of May 23, 2011) that sought to conduct a study of the number of primary care physicians that would be trained as a result of the funding provided in the health care overhaul law compared to the number of physicians that would be trained should funding be eliminated or rescinded (by a recorded vote of 186 ayes to 231 noes, Roll No. 336) and **Pages H3368–69, H3386–87**

Cardoza amendment (No. 9 printed in the Congressional Record of May 23, 2011) that sought to require the Government Accountability Office to

conduct a study on the extent of physician shortages in areas with significant shortages. The study should also examine the effects of expanding and establishing new medical graduate programs as directed by the health care overhaul law on the number of physicians were the funding not rescinded by the bill (by a recorded vote of 182 ayes to 232 noes, Roll No. 337). **Pages H3369–71, H3387–88**

Point of order sustained against:

Weiner amendment (No. 1 printed in the Congressional Record of May 23, 2011) that sought to delay the bill from taking effect until the Government Accountability Office determines there is no shortage of primary care physicians.

**Pages H3398–H3401**

Proceedings Postponed:

Foxx amendment (No. 7 printed in the Congressional Record of May 23, 2011) that seeks to prohibit the use of funds provided for graduate medical education from being used to provide abortion or training in the provision of abortion. Additionally, funds would not be provided to a teaching health center if the institution discriminates against individual health care entities that refuse to provide abortion, undergo training in the provision of abortion, or offer referral for abortion services.

**Pages H3371–86**

H. Res. 269, the rule providing for consideration of the bills (H.R. 1216) and (H.R. 1540) was agreed to by a recorded vote of 238 ayes to 181 noes, Roll No. 334, after the previous question was ordered by a yea-and-nay vote of 233 yeas to 179 nays, Roll No. 333.

**Pages H3360–61**

**National Defense Authorization Act for Fiscal Year 2012:** The House began consideration of H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012. Consideration is expected to resume tomorrow, May 25th.

**Pages H3388–96, H3406**

H. Res. 269, the rule providing for consideration of the bills (H.R. 1216) and (H.R. 1540) was agreed to by a recorded vote of 238 ayes to 181 noes, Roll No. 334, after the previous question was ordered by a yea-and-nay vote of 233 yeas to 179 nays, Roll No. 333.

**Page H3361**

**Quorum Calls—Votes:** One yea-and-nay vote and four recorded votes developed during the proceedings of today and appear on pages H3360–61, H3361, H3386, H3386–87, H3387–88. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 9:40 p.m.

## Committee Meetings

### HOMELAND SECURITY, MILITARY CONSTRUCTION, AND VETERANS AFFAIRS—APPROPRIATIONS

*Committee on Appropriations:* Full Committee held a markup of the following: Report on the Suballocation of Budget Allocations for Fiscal Year 2012; the Homeland Security Appropriations Bill, FY 2012; and the Military Construction, Veterans Affairs Appropriations Bill, FY 2012. Both bills were ordered reported, as amended; and the subcommittee spending limits for fiscal year 2012 were approved.

### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION—APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a markup of FY 2012 Appropriations bill. The bill was forwarded without amendment.

### MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Subcommittee on Energy and Power held a markup on the following: H.R. 1705, the Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011; and legislation on the Jobs and Energy Permitting Act of 2011. Both bills were forwarded, as amended.

### MISCELLANEOUS MEASURES

*Committee on Financial Services:* Full Committee held a markup of the following: H.R. 1573, to facilitate implementation of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, promote regulatory coordination, and avoid market disruption. The bill was ordered reported, as amended.

### SECURING AMERICAN JOBS THROUGH EXPORTS

*Committee on Financial Services:* Subcommittee on International Monetary Policy and Trade held a hearing entitled “Legislative Proposals on Securing American Jobs Through Exports: Export-Import Bank Reauthorization.” Testimony was heard from Fred Hochberg, Chairman and President, the Export-Import Bank of the United States; and public witnesses.

### INTERNATIONAL CHILD ABDUCTION

*Committee on Foreign Affairs:* Subcommittee on Africa, Global Health, and Human Rights held a hearing on International Child Abduction: Broken Laws and Bereaved Lives. Testimony was heard from public witnesses.

### FUTURE OF JAPAN

*Committee on Foreign Affairs:* Subcommittee on Asia and the Pacific held a hearing on the Future of Japan. Testimony was heard from Ichiro Fujisaki, Ambassador of Japan to the United States; Battalion

Chief, Robert J. Zoldos II, Program Manager, U.S.A.-1/V-F1, Urban Search & Rescue, Fairfax County Fire and Rescue Department; and public witnesses.

#### **FUTURE OF A-AEDA**

*Committee on Foreign Affairs:* Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing on the Future of al-Qaeda. Testimony was heard from public witnesses.

#### **KEEP OUR COMMUNITIES SAFE**

*Committee on the Judiciary:* Subcommittee on Immigration Policy and Enforcement held a hearing on H.R. 1932, the Keep Our Communities Safe Act. Testimony was heard from Gary Mead, Executive Associate Director for Enforcement and Removal Operations, Immigration and Customs Enforcement, Department of Homeland Security; and public witnesses.

#### **LITIGATION'S EFFECT ON AMERICA'S GLOBAL COMPETITIVENESS**

*Committee on the Judiciary:* Subcommittee on the Constitution held a hearing entitled "Can We Sue Our Way to Prosperity?: Litigation's Effect on America's Global Competitiveness." Testimony was heard from public witnesses.

#### **STRATEGIC AND CRITICAL MINERALS POLICY**

*Committee on Natural Resources:* Subcommittee on Energy and Mineral Resources held a hearing entitled "Strategic and Critical Minerals Policy: Domestic Minerals Supplies and Demands in a time of Foreign Supply Disruptions." Testimony was heard from public witnesses.

#### **NAVAJO GENERATING STATION**

*Committee on Natural Resources:* Subcommittee on Water and Power and the Subcommittee on Indian and Alaska Native Affairs held a joint hearing on Protecting Long-Term Tribal Energy Jobs and Keeping Arizona Water and Power Costs Affordable: The Current and Future Role of the Navajo Generating Station. Testimony was heard from public witnesses.

#### **DOMESTIC PRODUCTION OF OIL AND GAS**

*Committee on Oversight and Government Reform:* Full Committee held a hearing on Pain at the Pump: Policies that Suppress Domestic Production of Oil and Gas. Testimony was heard from Lisa Jackson, Administrator, EPA; and David Hayes, Deputy Secretary, Department of Interior.

#### **CONSUMER FINANCIAL PROTECTION BUREAU**

*Committee on Oversight and Government Reform:* Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs held a hearing entitled "Who's Watching the Watchmen? Oversight of the Consumer Financial Protection Bureau." Testi-

mony was heard from Elizabeth Warren, Assistant to the President, and Special Advisor to the Secretary of the Treasury; and public witnesses.

#### **NATIONAL DEFENSE AUTHORIZATION ACT, 2012**

*Committee on Rules:* Granted, by voice vote, structured rule providing for further consideration of the bill. The rule provides for no additional general debate. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule provides that no amendments shall be in order except those amendments printed in the Rules Committee report accompanying the resolution and amendments en bloc described in section 3 of the resolution. The rule provides that the amendments made in order 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 waves all points of order against the amendments printed in the report or against amendments en bloc described in section 3 of this resolution. Section 3 of the resolution provides that the chairman of the Committee on Armed Services or his designee may offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Rep. Wilson of South Carolina; Rep. Andrews; Rep. Langevin; Rep. Bordallo; Rep. Garamendi; Rep. Sessions; Rep. McGovern; Rep. Hastings of Florida; Rep. Young of Alaska; Rep. Becerra; Rep. Rohrabacher; Rep. Woolsey; Rep. Mica; Rep. Holt; Rep. Garrett; Rep. Schakowsky; Rep. Miller of Michigan; Rep. Richardson; Rep. Thompson of Pennsylvania; Rep. Waters; Rep. Rogers of Michigan; Rep. Edwards; Rep. Buchanan; Rep. Welch; Rep. Chaffetz; Rep. Chu; and Rep. Richmond.

## MARITIME INDUSTRY JOBS

*Committee on Transportation and Infrastructure:* Subcommittee on Coast Guard and Maritime Transportation held a hearing on Creating U.S. Maritime Industry Jobs by Reducing Regulator Burdens. Testimony was heard from Rear Admiral Kevin Cook, Director of Prevention Policy, USCG; and Calvin Lederer, Deputy Judge Advocate General, USCG.

## HOW OTHER COUNTRIES HAVE USED TAX REFORM TO HELP THEIR COMPANIES COMPETE IN THE GLOBAL MARKET AND CREATE JOBS

*Committee on Ways and Means:* Full Committee held a hearing on How Other Countries Have Used Tax Reform to Help Their Companies Compete in the Global Market and Create Jobs. Testimony was heard from Steven Miller, Deputy Commissioner for Services and Enforcement, IRS; J. Russell George, Treasury Inspector General for Taxpayer Administration, Department of the Treasury; Michael Brostek, Director, Tax Policy and Administration, Strategic Issues, GAO; and Nina E. Olson, National Taxpayer Advocate, IRS.

## Joint Meetings

No joint committee meetings were held.

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## COMMITTEE MEETINGS FOR WEDNESDAY, MAY 25, 2011

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* Subcommittee on Department of Homeland Security, to hold hearings to examine protecting American jobs, focusing on strengthening trade enforcement including anti-dumping and maritime laws, 10 a.m., SD-124.

Subcommittee on Financial Service and General Government, to hold hearings to examine creating jobs and transforming communities, focusing on funding for the Small Business Administration and the Community Development Financial Institutions Fund, 10 a.m., SD-138.

Subcommittee on Department of Defense, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Missile Defense Agency, 10:30 a.m., SD-192.

*Committee on Armed Services:* Subcommittee on SeaPower, to hold hearings to examine Navy shipbuilding programs in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program, 2:30 p.m., SR-232A.

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Securities, Insurance and Investment, to hold hearings to examine derivatives clearinghouses, focusing on opportunities and challenges, 9:30 a.m., SD-538.

*Committee on Energy and Natural Resources:* Subcommittee on Public Lands and Forests, to hold hearings to examine S. 375, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to

provide certain forest, rangeland, and watershed restoration and protection services, S. 714, to reauthorize the Federal Land Transaction Facilitation Act, S. 730, to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, S. 233, to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws, and S. 268, to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, 2:30 p.m., SD-366.

*Committee on Environment and Public Works:* To hold hearings to examine the nominations of William Charles Ostendorff, of Virginia, to be a Member of the Nuclear Regulatory Commission, Richard C. Howorth, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority, and Lieutenant General Thomas P. Bostick, to be Chief of Engineers, and Commanding General, United States Army Corps of Engineers, Department of Defense, 10 a.m., SD-406.

*Committee on Finance:* To hold hearings to examine the United States-Panama Trade Promotion Agreement, 10 a.m., SD-215.

Subcommittee on Fiscal Responsibility and Economic Growth, to hold hearings to examine the spread of tax fraud by identity theft, focusing on a threat to taxpayers, a drain on the public treasury, 2 p.m., SD-215.

*Committee on Homeland Security and Governmental Affairs:* To hold hearings to examine how to save taxpayer dollars, focusing on case studies of duplication in the Federal government, 10 a.m., SD-342.

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine assessing efforts to eliminate improper payments, 2:30 p.m., SD-342.

*Committee on the Judiciary:* To hold hearings to examine holding criminals accountable, focusing on extending criminal jurisdiction to government contractors and employees abroad, 10 a.m., SD-226.

*Committee on Veterans' Affairs:* To hold hearings to examine seamless transition, focusing on meeting the needs of service members and veterans, 10 a.m., SR-418.

*United States Senate Caucus on International Narcotics Control:* To hold hearings to examine combating drug violence in Central America, focusing on United States efforts to enhance security throughout Central America, 2:30 p.m., SD-562.

### House

*Committee on Agriculture,* Subcommittee on General Farm Commodities and Risk Management, hearing on Harmonizing Global Derivatives Reform: Impact on U.S. Competitiveness and Market Stability, 10 a.m., 1300 Longworth.

*Committee on Appropriations,* Subcommittee on Transportation and Housing and Urban Development and Related Agencies, hearing on the Office of Public and Indian Housing (HUD) FY 2012 Budget Oversight, 10 a.m., 2358-A Rayburn.

*Committee on Education and the Workforce,* Full Committee, markup of H.R. 1891, the Setting New Priorities in Education Spending Act, 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce*, Full Committee, begin markup of the following: H.R. 908, the Full Implementation of the Chemical Facility Anti-Terrorism Standards (CFATS) Act; and H.R. 1939, Enhancing CPSC Authority and Discretion Act of 2011, 4 p.m., 2123 Rayburn. This markup will continue on May 26, 10 a.m., 2123 Rayburn.

Subcommittee on Health, hearing entitled “Expanding Health Care Options: Allowing Americans to Purchase Affordable Coverage Across State Lines.” 10 a.m., 2123 Rayburn.

Subcommittee on Communications and Technology, hearing entitled “Creating an Interoperable Public Safety Network,” 10:30 a.m., 2322 Rayburn.

*Committee on Financial Services*, Subcommittee on Insurance, Housing and Community Opportunity, hearing entitled “Legislative Proposals to Determine the Future Role of FHA, RHS and GNMA in the Single- and Multi-Family Mortgage Markets,” 10 a.m., 2128 Rayburn.

Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing entitled “Transparency, Transition and Taxpayer Protection: More Steps to End the GSE Bailout,” 2 p.m., 2128 Rayburn.

*Committee on Foreign Affairs*, Full Committee, hearing on War Powers, United States Operations in Libya, and Related Legislation, 10:30 a.m., 2172 Rayburn.

Subcommittee on Oversight and Investigations, hearing on UN Climate Talks and Power Politics: It’s Not About the Temperature, 2:30 p.m., 2172 Rayburn.

*Committee on Homeland Security*, Full Committee, hearing entitled “Threats to the American Homeland After Killing Bin Laden: An Assessment,” 9:30 a.m., 311 Cannon.

*Committee on House Administration*, Full Committee, markup of the following: H.R. 672, To Terminate the Election Assistance Commission, and for other purposes; and legislation To Improve Certain Administrative Operations of the Library of Congress, and for other purposes, 10:30 a.m., 1310 Longworth.

*Committee on the Judiciary*, Subcommittee on Intellectual Property, Competition and the Internet, hearing entitled “Cybersecurity: Innovative Solutions to Challenging Problems,” 10 a.m., 2141 Rayburn.

Subcommittee on Courts, Commercial and Administrative Law, hearing on H.R. 1864, the Mobile Workforce State Income Tax Simplification Act of 2011, 1:30 p.m., 2141 Rayburn.

*Committee on Natural Resources*, Full Committee, markup of the following: H.R. 290, War Memorial Protection Act; and H.R. 1670, the Sikes Act Amendments Act; followed by a hearing on Harnessing American Resources to Create Jobs and Address Rising Gasoline Prices—Part III: Impacts on Seniors, Working Families and Memorial Day Vacations, 10 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform*, Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform, hearing entitled “Unfunded Mandates, Regulatory Burdens and the Role of the Office of Information and Regulatory Affairs,” 9:30 a.m., 2154 Rayburn.

Subcommittee on National Security, Homeland Defense and Foreign Operations, hearing entitled “Cybersecurity: Assessing the Immediate Threat to the United States,” 1:30 p.m., 2154 Rayburn.

Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending, hearing entitled “How Federal Reserve Policies Add to Hard Times at the Pump,” 1:30 p.m., 2247 Rayburn.

*Committee on Science, Space, and Technology*, Subcommittee on Research and Science Education; and Subcommittee on Technology and Innovation, joint hearing on Protecting Information in the Digital Age: Federal Cybersecurity Research and Development Efforts, 10 a.m., 2318 Rayburn.

*Committee on Small Business*, Full Committee, hearing entitled “Promoting Entrepreneurship and Job Creation by Decreasing Duplication at SBA,” 1 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Economic Development, Public Buildings, and Emergency Management, markup of H.R. 1734, the Civilian Property Realignment Act, 10 a.m., 2167 Rayburn.

*Committee on Ways and Means*, Subcommittee on Oversight, hearing on improper tax payments in the administration of refundable tax credits, 10:30 a.m., 1100 Longworth.

*House Permanent Select Committee on Intelligence*, Full Committee, hearing with FBI Director Mueller, 2 p.m., HVC-210 Capitol. A classified session will follow.

### Joint Meetings

*Joint Economic Committee*: To hold hearings to examine driving innovation and job growth through the life sciences industry, 10:15 a.m., SH-216.

## Next Meeting of the SENATE

10 a.m., Wednesday, May 25

## Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 25

## Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of the motion to concur in the amendment of the House to S. 990, Small Business Additional Temporary Extension Act, with Reid Amendment No. 347.

## House Chamber

**Program for Wednesday:** Complete consideration of H.R. 1216—Amending the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations. Resume consideration of H.R. 1540—National Defense Authorization Act for Fiscal Year 2012.

## Extensions of Remarks, as inserted in this issue

## HOUSE

Andrews, Robert E., N.J., E942  
 Baca, Joe, Calif., E942  
 Bishop, Rob, Utah, E944  
 Brady, Robert A., Pa., E946  
 Braley, Bruce L., Iowa, E943  
 Brown, Corrine, Fla., E938, E945  
 Burgess, Michael C., Tex., E936  
 Carson, André, Ind., E936  
 Clarke, Hansen, Mich., E935  
 Coble, Howard, N.C., E945  
 Farr, Sam, Calif., E943  
 Fitzpatrick, Michael G., Pa., E935, E941

Foxx, Virginia, N.C., E937  
 Graves, Sam, Mo., E941  
 Hastings, Alcee L., Fla., E941  
 Johnson, Henry C. "Hank", Jr., Ga., E936, E937, E938, E939, E940  
 Keating, William R., Mass., E937  
 Lofgren, Zoe, Calif., E936  
 McCarthy, Carolyn, N.Y., E943, E946  
 McCollum, Betty, Minn., E936, E942  
 Matsui, Doris O., Calif., E937  
 Moran, James P., Va., E945  
 Murphy, Christopher S., Conn., E939  
 Norton, Eleanor Holmes, D.C., E940  
 Nunes, Devin, Calif., E941

Paul, Ron, Tex., E938  
 Perlmutter, Ed, Colo., E936, E936, E937, E937, E938, E938, E939, E940, E941  
 Poe, Ted, Tex., E943  
 Quigley, Mike, Ill., E938  
 Rahall, Nick J., II, W.Va., E943  
 Richardson, Laura, Calif., E943  
 Rokita, Todd, Ind., E939  
 Roybal-Allard, Lucille, Calif., E935  
 Schiff, Adam B., Calif., E942  
 Sessions, Pete, Tex., E942, E942  
 Smith, Adam, Wash., E939  
 Yarmuth, John A., Ky., E943



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