United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, APRIL 6, 2011 No. 49

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 6, 2011.

I hereby appoint the Honorable RENEE ELLMERS to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

RECOGNIZING FIFTH ANNIVERSARY OF JOSHUA'S HEART FOUNDATION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to recognize an extraordinary young man from my congressional district, Mr. Joshua Williams, on the fifth anniversary of his outstanding organization called Joshua's Heart Foundation.

At the age of 5, while watching ''Feed the Children'' one evening, a question arose in Joshua's head: What else can I do to help? In the weeks following, Joshua would create the basis to what has now become a great charity in our community.

Today, Joshua's Heart Foundation has grown from feeding a handful of families to over 1,000 throughout south Florida in just a few years. Later this month, Madam Speaker, on April 30, from 12 to 4 p.m. at Palm Island Park in Miami Beach, in my congressional district, Joshua's Heart Foundation will be holding a celebration of its 5-year anniversary, and, yes, they will be feeding the hungry.

I encourage all in south Florida to join Joshua at this amazing event and again congratulate him on his many years of service to our community, even at such a young age.

RAPE IN THE MILITARY

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

Ms. SPEIER. Madam Speaker, I rise today to speak about an abomination, and I vow to speak about it every week until this Congress and this administration does something more than offer lip service.

Read my lips: The military must end rape in this country, and those who commit such crimes must be brought to justice. The fact that women in the military are being raped and our government is turning a blind eye is disturbing enough. Even worse, it is not our enemies abroad who are committing these horrific crimes. It's American soldiers abusing many of our own, often with nothing more than a slap on the wrist and sometimes with an unbelievable promotion.

We have a military culture that condones, and in some cases rewards, this type of abusive and violent behavior against female soldiers, who are now more likely to be raped by fellow soldiers than killed by enemy fire. This is a national disgrace, and the longer it goes unaddressed, Congress becomes an accomplice in these crimes.

You know, we in Congress do something really well—we hold hearings, and then we do nothing. Congress has held 18 hearings in the last 16 years on this issue, and nothing has changed. The Department of Defense estimates that over 19,000 servicemembers were raped or sexually assaulted in 2010; but due to fear of retribution and a failure to prosecute these crimes, only 13.5 percent are reported. These are Department of Defense figures: 19,000 soldiers raped in the military every year.

So beginning today, I am going to tell these women's stories on the House floor, and I'm going to keep telling them and keep telling them until something is done about it.

Earlier this year, 17 servicemembers, 15 of them women, filed a lawsuit against the Federal Government accusing the Pentagon of ignoring their own cases of sexual assault. Today, I want to tell you about one of those, Technical Sergeant Mary Gallagher. She deployed to Iraq in 2009 as a member of the Air National Guard. Her allegations are as follows. Now I'm warning you, some of the language is graphic.

On November 5, 2009, while she was deployed in Iraq, a coworker offered her a ride home to her living quarters. When she accepted, instead of driving her home, he drove her to a remote area and tried to kiss her. Technical Sergeant Gallagher threatened to report him. He became angry and verbally assaulted her. She reported the incident to command, but they claimed that they could do nothing about it.

On November 7, the coworker began to stalk Technical Sergeant Gallagher. He tried to break into her room, claiming she didn't know what she was missing. He telephoned her repeatedly. She again reported her coworker's threatening behavior to command but was

Printed on recycled paper.

advised that they could do nothing because it was a ''he said, she said'' situation.

Five days later, on November 12, the coworker sexually assaulted her in the restroom. He pushed her up against the left side of the wall, took his right hand and pulled her pants and underwear down and then used his hand to rub her vagina. He simultaneously ground his penis against her and talked about how much he was enjoying the assault.

Technical Sergeant Gallagher described the incident this way to NBC: ''I thought he was going to kill me that night. I felt completely isolated and alone and really scared. Here I was in the middle of a foreign country in the middle of a war.''

Sergeant Gallagher did not report the violent assault immediately because command had advised her that nothing could be done after she had reported the coworker's threatening behavior before. Two weeks later, when she was asked for more details of the events on November 5 and 7, at that point she reported the violent assault. Command's only response was to reassign the assailant and order him to refrain from any contact with her. She was then lectured by the base chaplain, who claimed that 96 percent of sexual assaults on women occur when drinking is involved. Technical Sergeant Gallagher had not been drinking during any of the assaults.

This is a harrowing story, and it's one of 19,000 that must be heard. Technical Sergeant Gallagher fought for us. It's now time for us to fight for her.

VOTE ''NO'' ON THE ''DIRTY AIR ACT''

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

Mr. HEINRICH. Madam Speaker, 14 weeks have gone by and the Republican majority has still not offered a single jobs package. Instead, we continue to see radical attacks on everything from Medicare to vital clean air protections.

The dirty air act that we're considering today destroys the EPA's ability to limit air pollution under the Clean Air Act, an unprecedented move that ignores scientific consensus and public health. Instead of creating jobs, the Republicans are asking us to pass legislation that would put our Nation's health and safety at risk.

This radical bill also halts a measure that would save American families thousands of dollars a year in fuel costs and make America more energy independent. We must make our policy decisions based on science, not on politics.

I would urge my colleagues to vote against this dirty air act today.

□ 1010

SUPPORT THE BATFE REFORM ACT

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

Mr. ALTMIRE. Madam Speaker, I rise today to ask my colleagues to support a legislative effort to modernize the Bureau of Alcohol, Tobacco, Firearms, and Explosives. I have joined with Congressman STEVE KING to introduce the BATFE Reform Act, which will safeguard American citizens' Second Amendment rights by bringing commonsense reform to the BATFE so that it can do a better job of punishing lawbreakers and keeping guns out of the hands of criminals, without placing undue restrictions on local businesses in this difficult economy.

Our proposed legislation would make sure that federally licensed firearms dealers are not subject to poorly formulated and unnecessary regulations by updating the rules and potential penalties governing individuals and businesses that hold a Federal firearms license so they are clear and fair.

Our goal is to create a fair system under which firearms dealers with minor paperwork errors are no longer threatened with the loss of their livelihoods. Defining a willful violation is an important step in clarifying the way Federal firearms license holders are punished by the BATFE. Currently, the Bureau is limited in most cases to either giving a warning or totally revoking a license, no matter how minor or severe the violation. That's the current law. But I believe that these small business owners and law-abiding citizens should not be so harshly punished for small or even insignificant bookkeeping errors.

Our legislation would create a new system of penalties for Federal firearms license holders who commit minor violations, and prevent the Bureau from revoking Federal firearms licenses for minor technical violations such as improperly using abbreviations or filing records in the wrong order. Revocation of a license could still be an option for the BATFE to punish willful violation of the law, but it would not be the only option.

The BATFE Reform Act would also make commonsense reforms to help small businesses that sell firearms. For example, it would provide a Federal firearms license holder with the time to liquidate their inventory if they are going out of business. It would also allow a grace period for people taking over an existing firearms business in which they can correct preexisting record-keeping violations from the previous owner and make necessary updates to the license application procedures.

Our bill would permanently ban the creation of a centralized electronic index of dealers' records to protect gun owners' privacy and ensure that law-abiding gun owners will not unknowingly end up in a Federal gun registration database. Congress has included this language in its annual appropriations bills banning the creation of an index for more than a decade. This time we want to give it the weight of law so we can give gun owners certainty and make this policy part of the existing law.

The NRA has endorsed this legislation, and I would ask my fellow Representatives to show their support for the Second Amendment and small businesses nationwide by cosponsoring the BATFE Reform Act.

REMEMBERING APRIL 10 IN POLISH HISTORY

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

Ms. KAPTUR. Madam Speaker, I rise to honor the memory today of the victims of the April 10, 2010, plane crash in Smolensk, Russia, that 1 year ago killed much of the Nation of Poland's national leadership. Last year, the House and Senate overwhelmingly passed resolutions to express America's unwavering support for the people and Government of Poland, and to offer our heartfelt sympathies for the families and loved ones of those who perished.

April 10 has long been a day of memory for the Polish people and those of Polish descent, because on that day 71 years ago the Soviets carried out a horrific act against the Polish people. I am talking about the Katyn Forest massacre. Last year, Polish President Lech Kaczynski was leading a Polish delegation to Russia for the 70th commemoration of that massacre. This was to be an historic event because it was also to be the first time that a Russian leader was to attend the commemoration.

The truth of the Katyn Forest massacre was hidden and lied about for decades. And today, the entire world knows that in 1940 the Soviet secret police were ordered by Joseph Stalin to systematically round up and murder all of Poland's officers, intellectuals, national leaders, teachers, university presidents. As many as 22,000 people were killed in that heinous crime.

For decades, the Soviets tried to cover up their guilt by blaming this atrocity on the Nazis. There is plenty of blame for them too, but the truth of Katyn was never told.

I am proud that this country and this House have long demanded that the truth about the Katyn massacre be exposed. In 1951, it was this House of Representatives that established a select committee to conduct and investigate the facts, evidence, and circumstances of the Katyn Forest massacre. One year later, the committee unanimously concluded that the Soviets had been responsible. Unconscionably, the Soviets continued to deny their actions until President Mikhail Gorbachev made a statement on April 13, 1990.

We knew that the 70th commemoration of this atrocity was to be historic. But the world was further shocked that this tragic day was to witness yet another obliteration of the leaders of the Polish Nation. Last April 10, the Polish President's airliner, a Russian Tupelov TU–154M that had been recently overhauled in Russia, crashed as it was landing near Smolensk. Everyone on board, all 96 people, were killed, including Poland's President, its first lady, the deputy foreign minister, the deputy defense minister, the director of national intelligence, dozens of members of Parliament, the chiefs of staff of the Army and Navy, along with the president of the Polish bank.

Also on board the plane was Anna Walentynowicz, the former dock worker whose firing in 1980 sparked Poland's heroic Solidarity strike that ultimately overthrew the Communist Government of Poland. Ryszard Kaczorowski, who served as Poland's final President in exile before the country's return to democracy, was killed, as well as Wojciech Seweryn, a Chicago artist whose father was killed in Katyn.

I want to honor their memory today and the memory of all those who were killed at Katyn. And I want to express our support for the Polish people and the Polish Government as it seeks full answers surrounding the plane crash, particularly access to the black boxes that were taken by Russia, and the government's other physical materials held related to this tragedy.

Poland is a strong U.S. ally. Polish leaders like Thaddeus Kosciuszko helped fight for our country's freedom when our Republic was founded over 200 years ago. And America stood with Poland's Solidarity movement as it fought against the oppression of the Communists. In the face of these dual tragedies, at Smolensk April 10, 2010, and Katyn in 1940, America stands with the liberty-loving people of Poland.

U.S. MANUFACTURING AND CHINA'S CURRENCY MANIPULATION

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

Mr. MICHAUD. Madam Speaker, I rise today to express my concern about the decline in U.S. manufacturing and China's currency manipulation. It is time our government responded to these issues by developing a national manufacturing strategy and bringing to the floor immediately H.R. 639, the Currency Reform for Fair Trade Act.

This chart here shows a significant drop in manufacturing employment in the United States. We have lost nearly 6 million manufacturing jobs in the last decade alone. At our current rate, it will take us 24 years to get back the U.S. manufacturing jobs that we have lost between the year 2000 and 2010. Just last month, a report revealed that United States manufacturing is now in second place behind China. Making things here at home is critical for our economic diversity, our national security, and just makes common sense. China's enormous growth in manufacturing has come at America's expense, and it is bad for American businesses and American jobs.

There are many reasons for our manufacturing sector's decline. I want to highlight two that the Obama administration and Congress can act upon today. First, we need to develop, adopt, and adhere to a comprehensive national manufacturing strategy. Second, we need to address China's currency manipulation and stop giving our manufacturing jobs to Beijing.

A national manufacturing strategy makes sense. Many developed economies and many of our competitors, including China, have them. If China is going to implement nationwide policies designed to boost specific sectors, so should we. Our strategy should not involve illegal trade practices like China, but it should involve clear objectives. We should ask ourselves the question, what should the American manufacturing sector look like? I believe a diverse, robust manufacturing sector is key to a strong American economy and critical to our national security.

□ 1020

The strategy should also evaluate what policy changes are needed to promote more domestic production. We should seek the input from companies that currently choose to make their products in the U.S., and we should also consider ways to incentivize U.S. production through our tax structure.

And, finally, the manufacturing strategy should establish clear metrics of success over the short, medium and long term. Our manufacturing sector has declined over the last several decades, and it won't be rebuilt overnight. But if we are going to reclaim our spot as a leader in manufacturing, we are going to have to have our own roadmap for the United States manufacturing industry.

The second thing we should do to help U.S. manufacturing is address China's currency manipulation. By devaluing the yuan, China makes their exports cheaper and U.S. imports more expensive.

This is unfair, and it creates an unlevel playing field that forces U.S. businesses to close their doors here in the United States. We cannot wait any longer to take action. Diplomacy has not worked, so we must seek legislative action.

Congress must pass the Currency Reform for Fair Trade Act immediately, and President Obama must sign it. In addition, the United States should bring a WTO case against China for undervaluing its currency. We have to fight this blatant violation of trade law through every step available to do that.

China's currency manipulations put Americans out of work and force American businesses to close their doors. We must act with urgency to stop that.

I urge my colleagues to support a national manufacturing strategy and urge the House leadership to bring H.R. 639 to the floor for a vote immediately.

ONE-WEEK CONTINUING RESOLUTION/2012 BUDGET

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

Mr. HOYER. Madam Speaker, budgets are not simply about dollars and cents. They are about values and priorities. And the debate over spending has revealed Republican priorities, in my opinion, in the worst possible light.

First, Republicans passed a spending plan for the remainder of the fiscal year that would cripple America's ability to out-innovate, out-educate, and out-build its competitors. That spending plan would cut billions in medical and energy research, cut out support for 20,000 research scientists, kick 200,000 children out of Head Start, put college out of reach for millions of middle class students, and end vital infrastructure projects in 40 States, infrastructure projects which provide American jobs.

A consensus of nonpartisan economists has found that the plan will cost us hundreds of thousands of jobs. And Mark Zandi, Moody's Analytics chief economist and an adviser to Senator MCCAIN's Presidential campaign, said that it would cost almost 700,000 jobs.

In addition to these skewed priorities, Republicans are insisting that any bill, any bill to keep the government open must also include controversial social policy provisions that have little, if anything, to do with the deficit, even though their own Pledge to America promised to ''end the practice of packaging unpopular bills with 'must-pass' legislation,'' bills that should pass on their merits, not as related to some extraneous issue.

Rather than compromise with President Obama, with the Democrats in the Senate and the House, Republicans are threatening, once again, to shut down government as they did in 1995.

Now they tell us that they will back off on their threat but only if we pass a partisan, 1-week spending bill that triples the ransom to keep the government open. In other words, this bill contains three times the weekly cuts as the last week-to-week bill did. It also takes all cuts from only a small slice of the budget.

Frankly, Madam Speaker, that makes this latest bill a mockery of fiscal responsibility, especially because it leaves entirely untouched for the rest of the year what the Secretary of Defense himself has called the Pentagon's ''culture of endless money.'' This partisan patch contradicts Republicans' own promises to put everything on the table, defense spending included.

Listen to their own words, as reported by the Associated Press on January 23: ''The House's new majority leader, Representative ERIC CANTOR of

Virginia, has said defense programs could join others on the cutting board.'' But, of course, they haven't done that.

New York Times, January 27: ''Representative Chris Gibson, a tea party-endorsed freshman Republican and retired Army colonel, made it clear that no part of the Pentagon's $550 billion budget, some $700 billion including the wars in Iraq and Afghanistan, was immune. 'This deficit that we have threatens our very way of life, and everything needs to be on the table.' '' However, they have not done that.

Congressman MIKE PENCE, on January 7, said: ''If we are going to put our fiscal house in order, we have to be able to look at defense.'' We need a strong defense. I am a supporter of a strong defense. But to take those dollars off the table is irresponsible and inconsistent with the representations that our Republican friends have made.

Those words are sounding very hollow, however, today. Why are Republicans breaking their word, Madam Speaker? Because, in my opinion, they know that the only way to get their conference to support this spending bill is to bribe it with a year of defense spending left untouched and a divisive social policy provision as well, which is what they said they would not do.

What we need to do is sit down and over the next 72 hours, now over the next 48 hours, frankly, come to compromise. That's our job. ''My way or the highway'' is never going to get it done.

Finally, Republicans showed their priorities in their budget for the upcoming fiscal year. We will have a lot to say about that in the days ahead.

Their budget ends Medicare as we know it. Seniors thought that they were going to protect Medicare. Well, their way of protecting it is ending it. It dismantles Medicaid and other vital programs for our seniors. We will talk a lot about that in the coming days.

And on top of that, it includes yet trillions more in tax cuts for the wealthiest Americans.

We can do better. Rather than using our debt as an excuse to pass a nakedly partisan agenda, we need to take a bipartisan approach that puts everything on the table:

Keeping our entitlement programs solvent; scrutinizing our spending, defense and non-defense, for waste and low priorities; and passing deficit-reducing tax reform.

Those are the hard choices and shared sacrifices that Americans have a right to expect.

NO JOBS AGENDA

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

Mr. MCDERMOTT. Madam Speaker, the Republicans ran on a jobs agenda; but so far this Congress, they have not done one thing to help Americans find jobs. For 14 weeks, they have been running the House with not one mention of jobs.

The Republicans have put their budget proposal out now, and now we have their real agenda: a radically ideological plan to protect giveaways to corporations and to attack the elderly, the poor, women and children of the country. Reaganomics drove this country to the brink of bankruptcy in the 1980s. Reaganomics drove the world economy to the brink again in the Bush years, and now the Republicans are trying for a third time to impose their intolerance and everyone-for-themselves economics on the American people.

We need to be fiscally responsible. I think there are things moderate Republicans and Democrats can agree on, but the Republican plan is to dismantle the social safety net of this country.

□ 1030

This is a debate we should have.

Republicans often chuckle that winning at politics is worth the cost to their conscience of being straight with the public. I think we need to let citizens come to their own conclusions by giving them some facts. And here are some indisputable facts about the Republican budget plan:

First, the Republican budget has mostly fictitious numbers. The media has picked up on the Republican number of ''$6 trillion in savings'' like catnip, but the Republicans made up most of the numbers of the plan to get there. To create this big number, the Republicans ignored the Congressional Budget Office. That's quite a strategy. If the nonpartisan budget scorekeepers don't say what the Republicans want, the Republicans just ignore it and make up their own numbers.

Secondly, the Republicans' answer to the people in need is to dismantle Medicaid and leave health care for the poor to the States. The Republicans will drop millions of low-income people, children, seniors, disabled, and pregnant women off their rolls. Not only that, those patients that are left on the rolls will get a different kind of care from State to State, and some of that care is very bare bones. You shouldn't have to care about where you live if you are poor, elderly or a child in this country. There are some States that you don't want to live in.

Third, the Republican plan does nothing, not one thing, about the hundreds of billions of dollars of tax breaks American people give corporations every single year. The Republican plan even cuts more for the superrich in this country.

Republicans say they don't like to pick winners and losers. But they pick winners and losers all the time when they give money to oil companies and Wall Street and then push the disabled people living in poverty off the Medicaid health insurance.

And the Republican Party does nothing, not one thing, about the defense budget. Iraq is winding down, Afghanistan is winding down, and Libya will be over shortly, but they don't take one thin dime out of the defense budget. They can't find anything to save anyplace.

Now, the American people need to know the facts. The fact is that if we restored the fair Clinton-era tax rates, what we had in effect before 2000, and kept all other spending at the same point, our deficit drops by two-thirds. That's where we are today. In 10 years, it drops by two-thirds. That's a simple plan that is very doable without destroying the safety net in this country, without going after all the poor and the dispossessed in this country.

We still have to work to lower the deficit even more. We need the right priorities. And the right priorities should be figuring out more ways to save on health care spending. We spend too much for too little results. If we don't deal with health care costs, this deficit is going to be very tough to deal with.

But the Republican plan is to demonize poor people and union workers. Take a good look at Wisconsin. You'd think all the problem in Wisconsin was because of school teachers. Now, that blaming everyone else for the economic disaster is simply to avoid the admission of what they have done. The Republicans take zero responsibility for their disastrous policies and then say the situation they created is the reason why we need to implement every form of their radically failed philosophy. It's cynical. It's ugly politics. And it's the Republican strategy.

Consider what they're doing to seniors. They're saying to seniors: Now you have a set of guaranteed benefits. We're going to take it away and give you a voucher. Go look for some health insurance. And good luck.

CUT AFGHANISTAN, NOT SUPPORT FOR SENIORS, SCHOOLCHILDREN, AND WORKING FAMILIES

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

Ms. WOOLSEY. Madam Speaker, my friends on other side of the aisle released their budget blueprint for 2012 yesterday. Let's leave aside for the moment that they're prepared to shut down the government rather than fund it at acceptable levels for the rest of fiscal year 2011. If you thought H.R. 1 was bad, wait until you see what they have in store for 2012 and the decade to come.

It's an appalling, radical, and reckless proposal. They want to shred the social safety net and decimate the programs for the most vulnerable Americans, the programs that they depend on to get through day-to-day life. They demand sacrifice from working families and the middle class, but none, no sacrifice from special interests and the big oil companies.

I saw a lot of words in their budget proposal. But one that I don't believe was mentioned a single time is ''Afghanistan.'' The war in Afghanistan, in addition to having cost us more than 1,500 American lives, is costing the taxpayers nearly $7 billion a month and is

proving to be a crashing failure. This war is in its 10th year, and we still haven't vanquished the Taliban. We still haven't brought a stable democracy to Afghanistan. And we still haven't trained the Afghans to take responsibility for their own security.

The Republicans want to cut wasteful, ineffective government programs. Well, if that is true, I suggest the majority start with Afghanistan before going after American seniors, schoolchildren, and working people. My Republican colleagues believe in limited government as long as the things they're limiting are taxes paid by special interests and investments in people who need a helping hand. When it comes to foreign invasions and decade-long military occupations, Republicans are the biggest spenders of all.

With these priorities, not only have they lost their moral compass, they've lost the American people as well. Recent polling shows that overwhelming majorities want to see spending on Medicare, Medicaid, and education increased or stay the same. By contrast, nearly two-thirds of Americans are fed up with the war in Afghanistan and don't think it's worth fighting.

It's impossible, Madam Speaker, to take seriously any budget proposal that doesn't even mention Afghanistan or Iraq and doesn't cut billions and billions in wasteful war spending from the budget.

It's time to bring our troops home. It's the right thing to do. It's what the people want. It's a sensible, humane, and compassionate path to fiscal responsibility.

THE FIRST AMENDMENT

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

Mr. FRANK of Massachusetts. Madam Speaker, earlier this year, an irresponsible bigot burned a Koran in Florida. That was a despicable act. But unfortunately, a number of far worse acts eventuated; that is, the murder, calculated and deliberate murder, of a number of innocent people in Afghanistan by people purporting to be defending their religion against the burning of a book in Florida by massacring innocent civilians in Afghanistan.

And I am pleased that people, including General Petraeus and others, condemned the irresponsibility of the Koran burning, but there needs to be even greater condemnation of the notion that that in any way justifies murder. That includes a kind of condemnation, in my judgment, of the President of Afghanistan, our increasingly unimpressive ally Mr. Karzai, who, I believe, added to the furor there by insisting that the man who burned the Koran should have been prosecuted. Well, under American law, he was not prosecuted. He should not have been. The right to do obnoxious things is a very important part of the First Amendment.

But what is most appalling is that people purported, in the name of religion, then not even to do anything against that individual, and that would have been unjustified. I am not suggesting that there is any justification for any violence against him. But violence against people in Afghanistan, employees of the United Nations there for humanitarian reasons, other citizens of Western countries, for them to have been assaulted and murdered by people purporting to be acting in the name of religion, that is the true outrage.

And I hope people will resist any temptation even to equate the two. An act of stupid and offensive bigotry against a book should be criticized. Murder of innocent people in the name of a religion—and it's particularly ironic that people who committed these murders claim to be vindicating their religion. Indeed, no denigration of a religion could be greater than to murder innocent people in its name. If I were to be asked what did I think more detracted from the image of Islam, this irresponsible publicity seeker in Florida burning a Koran or people in the name of the religion murdering innocent people including those who went to Afghanistan only to help, it is clearly the latter.

So, Madam Speaker, let's be very clear that nothing in what happened with the burning of a Koran comes close to justifying the outrageous, murderous behavior of people in Afghanistan. And I am pleased that there is attention given to this, but the condemnation should be of this kind of attack on innocent citizens, and we ought to keep this in some perspective.

CONGRESSMAN PAUL RYAN'S BUDGET

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

Ms. CHU. Yesterday, Congressman PAUL RYAN introduced the Republican Party's fiscal year 2012 road-to-ruin budget.

We have been back to work in the House for 14 weeks. And for 14 straight weeks, the Republican majority has done nothing to create jobs. They haven't even put a single jobs bill on the House floor. In fact, their proposed spending bill for 2011 actually costs America 700,000 jobs.

Now, Congressman RYAN and the Republican leadership want to extend their job-killing policies and permanently eliminate the middle class. The Republicans' road to ruin is nothing short of an attack on working families, seniors, students, and children.

It attacks America's seniors by ending the Medicare guarantee and putting your fate in the hands of private insurance companies. It attacks America's workers by not doing anything to create jobs and by gutting job training. It attacks America's students by cutting education and raising college costs for nearly 10 million students.

Now, no matter what side of the aisle we are on, we can all agree that deficit reduction is important. But the question is how do we do it. What we can't do is balance the budget on the backs of America's middle class, our seniors, our students, and our children.

But I do know some things we can't afford. At a time when middle class families can't pay their bills, we can't afford to keep spending billions in subsidies for Big Oil and giveaways for special interests. At a time when our senior population is growing, we can't afford to slash funding for nursing homes and put health insurance companies back in control of health care. At a time when our economy needs an infusion of the best and brightest workers, we can't afford to cut public education while protecting tax breaks for companies who ship jobs overseas and spending billions of dollars in tax breaks on people already making upward of half a million dollars.

A budget isn't just about dollars and cents; it's about priorities and values. And as representatives of the American people, our priorities and values should reflect their values: Jobs, a secure retirement, the promise of educational opportunity, and the certainty that if your child is sick then you will be able to afford to see the doctor.

If you vote for this bill, then who amongst us could go home and look senior citizens in the eye knowing we ended Medicare as we know it? Who could look an unemployed worker in the eye knowing we didn't do anything to create jobs? Who could look a student in the eye knowing we took away their opportunity to succeed with a quality education?

I want to reduce our deficit. I know it's vital for our fiscal future. But I also want to look my constituents in the eye and tell them I stood up for their priorities and not those of Big Oil, international corporations, and special interests.

The truth is we can do both. We can get our deficit under control. And we can do it without cuts that hurt hard-working families.

RECESS

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

Accordingly (at 10 o'clock and 50 minutes a.m.), the House stood in recess until noon.

□ 1040

CONGRESSMAN PAUL RYAN'S PRIVATIZED FISCAL FUTURE

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

Mr. DEFAZIO. Yesterday, PAUL RYAN of Wisconsin, Republican chair of the Budget Committee, revealed his projected future for seniors in America

and their health insurance coverage. It's very interesting.

What he says is, starting with people who are age 55 and younger, there would be no traditional Medicare. That's a pretty radical departure. But he says don't worry. What we will do, what in the Republican vision we will do, is the government will take money and it will give it to private health insurance companies. Seniors would be forced to go to those private health insurance companies and buy a policy from them, and it would be offset by the amount of money that the Federal Government gave to the private health insurance industry. And market discipline would prevail in the PAUL RYAN view of the world. Isn't that a wonderful thing?

Well, guess what? We've got that today. We have an unregulated health insurance industry in this country exempt from anti-trust law, unlike any other business in America. And over the last 10 years, premiums for people who buy health insurance have doubled in my State, pretty much the same all around the country. Some places more than doubled, other places a little bit less. But that's over 10 years.

But in PAUL RYAN's view of the world, that's a success. Why is it a success? Well, because insurance company profits are up very dramatically. So what if people are paying twice as much for their policies and they have more and more exclusions every year?

There's another little problem with his proposal. Other than the fact that this is not a competitive industry, they are allowed to collude, red-line people. They are allowed to get together and collude and drive up prices. They are allowed to get together and collude and decide which States they will go into or get out of to help their sister and brother companies make more profits. He would do nothing about that. That system would continue.

Then there's the little problem that he would repeal so-called ObamaCare. Well, one of the things I think most Americans liked about that legislation was it prohibits insurance companies from refusing to sell you a policy because you were sick once. That's called a preexisting condition. It also prohibits insurance companies from taking away your policy the day you get sick, something called a recision.

In PAUL RYAN's world, those things are back, preexisting condition exclusions.

Guess what. Aging is a preexisting condition. Go out today, if you're 55 years old and you've been sick once in your life, and try to buy at any reasonable price a private health insurance policy. In PAUL RYAN's world, market discipline will take care of that. No.

What he's doing is a massive shifting of costs onto seniors, the kind of thing that drove seniors into bankruptcy back in the 1950s and 1960s and had their poverty rate at 20 percent. That's why we adopted Medicare in this country, so that seniors wouldn't be driven out of their homes and into bankruptcy in their later years when most people require more health care. In PAUL RYAN's world, the heck with that.

In fact, the Congressional Budget Office—which some days he likes when they give him answers he likes, and some days he doesn't like when they give him answers he doesn't like, but it's an impartial group, bipartisan group, and at this point controlled by the Republicans—has said that under PAUL RYAN's world, seniors, instead of paying 25 percent of the costs of their health care, which they do today and they would in the future if we continue Medicare, will pay 68 percent of the costs of their health care.

Now, how many people, how many seniors in this country—other than the people he pals around with on Wall Street and at the country club—but other than them, how many of them can afford to pay 68 percent of their health care costs? What middle class American can afford that in retirement no matter how prudent they've been their whole life, no matter how much money they've saved in their whole life? Very, very, very few.

So we have here a plan to enrich the private health insurance industry, allow them to return to all of their bad old ways—recisions, pre-existing condition exclusions and all of that—so that the government can give them money. And he says this will save the government a lot of money. Well, it might, but it's going to kill a lot of seniors or drive them into bankruptcy, just like the days before we had Medicare.

If one looks at the other Republican creation of the last decade, Medicare Part D—you know, that thing where we helped seniors with their pharmaceutical costs, with their drug prescriptions—that wasn't done through Medicare; it was done through the private insurance industry. It cost three-quarters of a trillion dollars, $650 billion—650 thousand million dollars—over 10 years. Borrowed money. That's PAUL RYAN's world. Give all the money to the insurance companies.

Good work, PAUL.

□ 1200

AFTER RECESS

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

PRAYER

Bishop Henry Fernandez, The Faith Center, Sunrise, Florida, offered the following prayer:

Heavenly Father, we thank You for this day, for truly this is the day that the Lord has made, and we will rejoice and be glad in it.

I pray that our government will seek Your divine will in the affairs of this great Nation, the United States of America. I ask for Your lead in everything this 112th Congress will work on. Give them wisdom to make the right decisions that will cause all of us to be progressive and successful.

May each Member of this House remember the words spoken by Paul: ''Let no one seek his own good, but the good of his neighbor.''

Bless them and their families with good health and long life.

And let Your peace rest upon them and this great Nation, as we continue to live out the words written over the chair of the Speaker of the House: ''In God we trust.''

In Jesus' name, amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Missouri (Mrs. HARTZLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. HARTZLER 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 BISHOP HENRY FERNANDEZ

The SPEAKER. Without objection, the gentleman from Florida (Mr. HASTINGS) is recognized for 1 minute.

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, it is with great privilege that I welcome my dear friend, Bishop Henry Fernandez, as our guest chaplain for today's opening prayer.

He is an anointed speaker, educator, accomplished author, and entrepreneur. Henry B. Fernandez answered the call of God on his life in 1985 and later became an ordained minister in 1988.

In July 1991, Bishop Fernandez began to demonstrate his faith in God and a commitment to ''walk by faith'' in

every area of life when, along with his wife, Carol, he founded the Plantation Worship Center in the cafeteria of a local elementary school in south Florida with only 11 members. Now known as The Faith Center Ministries, the church makes its home in the former Sunrise Theater, where its more than 8,000 members embrace a mission of ''Reaching the World for Jesus.''

Bishop Fernandez is an amazing inspirational speaker, author, community servant, and business person whose work continues to manifest the freedom of worship enjoyed across our Nation. Through his work, he has encouraged us all to exercise faith and live victoriously.

He and his wife, Carol, have two sons, Seion-Zane and Elijah-Zane.

I am truly honored to welcome my friend and inspirational leader, Bishop Henry Fernandez.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The Chair will entertain up to 15 further requests for 1-minute speeches from each side of the aisle.

PAY OUR TROOPS; DON'T SHUT DOWN GOVERNMENT

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

Mrs. HARTZLER. Madam Speaker, I rise today on behalf of men and women in uniform who won't get paid if Senator HARRY REID continues to refuse to pass the continuing resolution and shuts down the government later this week. They deserve better.

We have warriors fighting on our behalf in two theatres, bravely standing strong for our ideals of freedom and liberty. Meanwhile at home, their families are sacrificing too. Spouses are bravely running the household and being both mom and dad to their children.

While they are fighting for us, the Senate and the President are AWOL, doing nothing to make sure our soldiers are getting paid, even as the President takes us into a third war. In fact, they're actively promoting a shutdown because they believe it will benefit them politically.

I say, shame on them.

The House has proposed a CR which funds the Defense Department for the rest of the year, ensuring our men and women in uniform and their families receive their well-deserved paychecks and our country is defended.

We need to pass this bill and move forward and stop playing politics. Our military deserves nothing less.

GOVERNMENT SHUTDOWN

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

Mr. MCGOVERN. Madam Speaker, we are 1 day closer to a government shutdown, and the Republican leadership continues their obstinate crusade against everyday Americans.

If their insistence on draconian cuts and their blind allegiance to a government shutdown weren't bad enough, their 2012 budget decimates SNAP and Medicaid, food and health care assistance programs for the most vulnerable people in America.

Republicans continue their efforts to balance the budget on the backs of the poor, and we must not stand for that.

But Americans from all walks of life are saying enough. Over 23,000 people—members of churches, mosques, and synagogues; union members and white collar workers; clergy and lay people—are fasting in opposition to the draconian Republican budget cuts.

Democrats stand with those fasting in opposition to cuts to programs that make up the circle of protection, the programs that protect the hungry and the most vulnerable both here at home and around the world. We can and we should and we must do better.

I urge my Republican colleagues, stop your assault on the poor. Stop your assault against the poor.

You could read more about their efforts at www.hungerfast.org.

□ 1210

LEGAL AUTHORITY FOR WAR IN THE NAME OF HUMANITY?

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

Mr. POE of Texas. Madam Speaker, the United States is engaged in a new concept of war. No longer will the United States go to war only when it is in our national security interest. The Obama Doctrine is ''war in the name of humanity.''

Secretary Gates said military intervention in Libya is not necessary for our national interest. So now we drop bombs in countries when we self-righteously decide the ruler is mean to his people. Is this a lawful reason, a legal reason for war in Libya?

My concern is that the Constitution does not give the President unilateral authority to commit our military to foreign entanglements in the vague philosophy of humanity. There has been no prior consulting and consent of Congress. The War Powers Act only gives the President authority to enter into war without consulting Congress when a national emergency is created by an attack on the United States, its territories or possessions, or its Armed Forces.

There is no such national emergency. So what is the legal authority for military intervention in Libya? We need some answers. Are you in, Mr. President? And that's just the way it is.

GOVERNMENT SHUTDOWN

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

Mr. BACA. Madam Speaker, we stand today on the verge of a government shutdown. Without quick action, we will leave our seniors, our veterans, and vulnerable Americans everywhere out in the cold. But instead of working on a compromise, I state, Republicans have introduced a budget that will devastate seniors while protecting tax breaks for the richest.

Under the Republican budget, seniors in my district would lose their guaranteed benefit under Medicare and face devastating cuts to Medicaid benefits for nursing home care, which now pays over 48 million elderly and disabled Americans.

Seniors live on a fixed income. I state, seniors live on a fixed income. They cannot afford to pay more for health care or see cuts in their Social Security or have their Medicare privatized. We must not cut their benefits in order to protect and enlarge tax breaks for the rich and for companies that ship jobs overseas or for the oil industry.

We must control our deficit. It is wrong to balance the budget on the backs of American seniors. This is not about power; it's about what's good for the American people.

SAN RAMON VALLEY HIGH SCHOOL

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

Mr. MCNERNEY. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the importance of improving our Nation's schools. I recently visited the San Ramon Valley High School and heard from many students on this important issue. I told the students then and there that I would bring their message back to Washington, D.C., and share it in our Nation's Capital.

Today's young people face an increasingly competitive world, and their education is the foundation of our country's economic success. The students at San Ramon Valley High School shared with me the importance of high quality education and teaching young people not only how to take a test, but also how to apply their skills in real life situations.

The students also asked that when Congress makes decisions about the Federal budget, that funding for schools and education should be a top priority. After all, investing in the education of our young people is an investment in our future.

I urge my colleagues to listen to the thoughts and ideas of the students at San Ramon Valley High School and the young people throughout our country.

THE REPUBLICAN BUDGET

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

Ms. TSONGAS. Madam Speaker, my Republican colleagues have put forth spending proposals that they assert promise savings. But deep cuts to Medicare, Medicaid, and the discretionary budget really just shift those costs onto seniors and children. I have heard from hundreds of constituents urging opposition because, to quote a constituent from my hometown of Lowell, the impact would be ''devastating.'' This dangerous game has already cost private sector jobs in my district as contractors wait for Congress to pass a long-term budget.

Many in this body have proven willing to compromise to solve our debt crisis. We have already enacted $10 billion in spending cuts as a show of good faith. But House Republicans continue to insist upon ideological policy changes that even some Senate Republicans say ''go too far.''

It is time for this body to listen to the American public and reject ideological policies that would destroy Medicare as we know it, eliminate women's health services like breast and cervical cancer screenings, and make it easier for polluters to contaminate our drinking water.

HONORING AND REMEMBERING CONNECTICUT'S HEROES

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

Mr. MURPHY of Connecticut. Madam Speaker, I rise today to honor and remember three brave men from my State who recently lost their lives in Afghanistan. PFC David Fahey of Norwolk was killed by an IED on February 28. Sergeant 1st Class Daehan Park of Watertown was killed by an IED on March 12. And Sergeant Frank Adamski of Moosup was killed in a firefight on March 29. March 29 was his 26th birthday.

These three men and 1,500 others have made the ultimate sacrifice in the battlefields of Afghanistan. And these three losses over 30 days is a big price to pay for a small State like Connecticut. These brave soldiers volunteered to put themselves in harm's way, and they die heroes. I join my friends and neighbors in Connecticut in mourning the loss of these three men. I wish to extend my heartfelt thanks, respect, and sympathies to their families during this difficult time.

PROTECTING COMPENSATION FOR MILITARY FAMILIES

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

Mr. YODER. Madam Speaker, I rise today to express the great concern that many of us have over the potential impact a government shutdown will have on our men and women serving overseas. Recent Department of Defense memos have stated that in the event of a shutdown, our troops will be required to continue to serve our country, but they and their families will receive no compensation.

Madam Speaker, the House has passed H.R. 1, which would protect these military families from being left in the cold and would keep the government operating while making reductions in spending. As we wait for action on that legislation from the Senate, our troops and their families hang in the balance.

We cannot allow this Washington process to threaten the operational readiness of our military and dishonor the service of our soldiers. Our men and women in uniform are bravely putting themselves in harm's way in service to our country. We cannot let them down. We owe this to our troops.

THE REPUBLICAN BUDGET

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

Mr. CARNAHAN. Madam Speaker, both sides here have agreed to serious budget cuts. The choice is between responsible cuts and extreme cuts that endanger our fragile recovery, cost jobs, and hurt seniors. And because Democrats are fighting to stop the Republican extreme cuts, Republicans are threatening to shut the government down.

Their proposal cuts investments in projects like high-speed rail by $1.5 billion, which could have a serious impact on jobs in the St. Louis region I represent. And their proposal lacks the common sense and courage to end taxpayer giveaways to Big Oil, millionaires, and companies sending jobs overseas. But most shockingly, as the Wall Street Journal has noted, the proposed budget would drastically cut Medicare and Medicaid, throwing our seniors into crisis. The AARP has said the proposal would ''deny vulnerable seniors access to long-term care and force deep cuts in quality and safety in nursing homes, leaving more seniors at risk.''

The Republican extreme cuts are not the solution. I urge my Republican colleagues to get serious. It's time to roll our sleeves up and work together to solve the Nation's problems, not create more problems by shutting the government down.

NOTES FROM THE ''WARSHINGTON'' UNDERGROUND

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

Mr. KUCINICH. Here is a formula for the collapse of both our economy and our democracy: increase spending for the Pentagon by $7 billion and ensure its budget for the rest of the fiscal year. Everything else gets cut $13 billion and gets a budget for just 1 week.

Money for war in Iraq, war in Afghanistan, war over Pakistan, war in Libya—so many wars going on at the same time you could rename our town ''Warshington.'' Money for bombs; no money for books. Money for missiles; no money for new moms. Money for jet fighters; no money for crime fighters. Money for an empire that is as broad as our fears; no money for an America that is as large as our hopes. Just money for unnecessary wars.

We don't want apocalypse now; we want peace now. We want jobs now. We want prosperity now. And we want the leadership to provide it now.

COMMEMORATING TWO POLISH ANNIVERSARIES

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

Mr. SIRES. Madam Speaker, today I rise to stand with the Polish people as they commemorate two horrific events on this Saturday, April 10.

First, the 71st anniversary of the Katyn Forest massacre, and the second, the first anniversary of the tragic airplane crash that killed 96 people, including the Polish President and top Polish officials.

The Katyn Forest massacre occurred during World War II in April and in May of 1940 while Poland was fighting a war on two fronts. The Soviet secret police brutally killed over 20,000 Poles whose bodies were later recovered in a mass grave at Katyn. Tragically, last year, as a delegation of Polish officials were en route to Katyn to commemorate the massacre, their plane unexpectedly crashed in western Russia, killing all aboard.

It was with great sadness that I heard the news after having had the great honor of meeting the Polish President Kaczynski in the past. His devotion to the Polish nation and the people were immeasurable.

Madam Speaker, the Polish people over the past year and through the course of history have been unwavering in their resilience and patriotism in the face of adversity. Their courage is admirable and inspiring. On this day, we stand in solidarity as they commemorate two occasions of great loss.

□ 1220

REPUBLICANS SHOULD BE ASHAMED

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

Mr. RICHMOND. Madam Speaker, you can tell a lot about a person by how they treat our seniors and how they treat our children. According to the 2012 budget, House Republicans do not value our seniors nor our children. They want to privatize Medicare and undo Medicaid. They will burden already cash-strapped States, and place

it in the hands of Governors. Under their plan, Governors will decide whether or not you will receive health care. They are telling 50 million seniors to cough up the money or get off the health care rolls. They are telling the 1.5 million Medicare and Medicaid recipients in Louisiana that they are on their own.

According to the nonpartisan Congressional Budget Office, most beneficiaries would spend more for health care under the new proposal and could get reduced quality care under the GOP proposal that we are fighting here today.

Grandparents and their grandchildren will have less access to doctors when they are sick. Through this budget, we see the Republican future; and it ain't a pretty one. To use my grandmother's words, Madam Speaker: Republicans, you should be ashamed of yourselves for picking on our seniors and our children.

HONORING BOB YOUNG

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

Mr. WELCH. Madam Speaker, I speak today to honor one of Vermont's outstanding civic and corporate leaders. Bob Young is retiring as president of Central Vermont Public Service Company, one of Vermont's largest and most respected companies.

When Bob Young became president, that utility faced many challenges. He faced them directly: rising costs, transmission system upgrades, a customer base that wanted reliable power but green power. Bob Young succeeded in making CVPS an award-winning company. He focused on customer service and environmental concern and stewardship, proving that green power could be reliable and affordable. It was a team effort. His valued employees, his diligent board of directors and his shareholders, all were part of it. But the best part was wife, Vicky, who was not only at his side but oftentimes a step ahead.

You served Vermont well, and on behalf of a grateful Vermont, Bob and Vicky, thank you for your service.

GOVERNMENT SHUTDOWN

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

Ms. JACKSON LEE of Texas. Madam Speaker, our soldiers on the front lines all over this world understand what a fight is about. If you have ever visited them in Iraq and Afghanistan, they have values. They know about their grandmothers and grandfathers, and they know about their families back home with their children. They know what they are fighting for. They will understand that we are here fighting for values.

This government shutdown is not the blame or the fault of the President of the United States or the Democrats in the House or in the Senate. There has been an offer of $73 billion. It is a question of whether or not you want to solve this problem on the backs of grandmothers and granddads, on the backs of the families of the military persons who are on the front lines in Iraq and Afghanistan.

Do you want to throw college students right out on their rear that are right in the middle of their school term by canceling their Pell Grants? Do you want to tell mothers taking their children to the clinic that there is no more Medicaid for them? Do you want to turn the lights out and close the door and say: America, we don't have any more values.

I do not want to shut this government down. You are not going to shut it down on my watch, if we can work together. I am going to stand and fight for values, and we're going to pull together. We will stand and we will survive. However, let them shut the government down, if the Republicans refuse to compromise. Shut it down. Shut it down. But the Democrats are going to stand for the values of protecting the most vulnerable in America, and we will win.

REPUBLICANS NOT SENDING THE RIGHT MESSAGE

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

Ms. HANABUSA. Madam Speaker, there is no question the policy statement of any legislative body, including ours, is the budget. And what are we saying? I can tell you what the Republicans are saying. The Republicans are saying they haven't learned what caused the crash in 2008. They haven't learned because they still want to continue to give the tax breaks to the super wealthy, and they still refuse to address the costs of the wars and what the defense budget is all about.

Instead, the Republicans want to balance this budget on the backs of our kapuna, our elderly. And they want to take away from those who receive Medicaid, those who need the help of government.

You know, this is not how a great Nation should act. This is not what the United States of America stands for. All I can say is we should be ashamed because we are better and we are not sending the right message.

DEVASTATING ANTI-CHOICE BILL

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

Mr. QUIGLEY. Madam Speaker, I rise today because in a few short days this body will consider an extreme and devastating anti-choice bill. H.R. 3 attempted to redefine rape, aims to ban private insurance coverage of reproductive health care, and imposes tax penalties on plans that include care.

These unprecedented provisions have been widely debated, and it is my hope that the American people will realize the severity of this bill and that their Representatives will stop it. But my fear is throughout this debate, a dangerous provision of H.R. 3 has been overlooked, making permanent the Medicaid abortion ban, or the Hyde amendment. It is dangerous because if the extreme provisions are stripped out as a ''compromise,'' we are left with a ban that permanently bars poor women from accessing care, and we have still lost.

Let's call the abortion ban what it really is: a ban on constitutionally protected health care that poor women cannot afford on their own. I encourage my colleagues to stand with poor women struggling to make ends meet around the Nation, in staunch opposition to any Medicaid abortion ban and H.R. 3.

MISPLACED PRIORITIES IN CONTINUING RESOLUTION

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

Mr. MORAN. Madam Speaker, what we've elected to do is to balance priorities, and the most important are the priorities within the budget process.

The Republican budget proposal introduced today is a collection of misplaced priorities because it cuts hundreds of thousands of jobs, it weakens our economy, and it punishes poor people. That's not what we are about.

Today, the wealthiest Americans in this country have 40 percent of our Nation's wealth and are making more than a quarter of our national income. But this budget will cut their top tax rate by 15 percent. In other words, if you're making a million dollars, you're going to get a tax break of up to $150,000. If you're making a billion dollars a year, which more than two dozen of the hedge fund managers in this country do make, you will get a $150 million tax break per year. That's not what we should be about.

Let's look at the misplaced priorities in the continuing resolution in front of us. The amount saved by cutting education, health care, environmental regulation, child care, cancer, and Alzheimer's research and all of the other cuts in domestic, nondefense, discretionary spending, is equal to the cost of continuing the Bush tax cuts to the wealthiest Americans. Those are not the priorities of America; that shouldn't be the priority of this Congress. We can do better. We must do better.

NO GOVERNMENT SHUTDOWN

(Mr. JACKSON of Illinois asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. JACKSON of Illinois. Madam Speaker, yesterday my Republican colleagues introduced a continuing resolution that would increase the defense budget for the entire year while funding the rest of the government for just 1 week and drastically cutting just about every other vital program. That's no compromise.

For months the Republicans have said that as we reduce spending everyone has to take a haircut, including the Defense Department. But now the Republicans propose increasing military spending. The Republicans claim they want to fund the government for the rest of the year. But this bill is for 1 week with drastic cuts to programs that serve our most vulnerable.

Madam Speaker, if you say one thing and then you do another, that is not negotiating in good faith. That's not a real compromise.

In fact, The Washington Post reported that in the Republican caucus this week, the possibility of the government shutdown was greeted with cheers and with applause. They want a shutdown.

Over 13 million Americans are unemployed. They don't have time for this, and they don't have any more time to waste; and we shouldn't be wasting the time and the resources that they gave us. So if the Republicans won't compromise at the negotiating table, maybe we should get everyone down here to the floor to discuss this, to discuss the condition of the unemployed and to discuss why a government of, for, and by the people should remain open.

MOTION TO ADJOURN

Mr. JACKSON of Illinois. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. JACKSON of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 36, nays 367, not voting 29, as follows:

[Roll No. 229]

YEAS—36

Ackerman
Capps
Capuano
Carson (IN)
Clarke (NY)
Clay
Conyers
Cooper
Crowley
Cummings
Doggett
Ellison
Filner
Frank (MA)
Fudge
Hastings (FL)
Hinojosa
Jackson (IL)
Johnson (GA)
Lee (CA)
Lowey
Maloney
Markey
McGovern
Miller (NC)
Moran
Nadler
Napolitano
Neal
Pastor (AZ)
Peters
Quigley
Sánchez, Linda T.
Schrader
Towns
Velázquez

NAYS—367

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Heller
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hirono
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (CT)
Myrick
Neugebauer
Noem
Nugent
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Paul
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Price (GA)
Price (NC)
Quayle
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sarbanes
Scalise
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Weiner
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Wu
Yarmuth
Yoder
Young (AK)
Young (IN)

NOT VOTING—29

Andrews
Boswell
Dingell
Doyle
Emerson
Frelinghuysen
Giffords
Granger
Grijalva
Hinchey
Jordan
King (IA)
Langevin
LaTourette
Long
Matsui
McCaul
Meeks
Murphy (PA)
Nunes
Olver
Posey
Rohrabacher
Roybal-Allard
Sanchez, Loretta
Schakowsky
Sensenbrenner
Slaughter
Young (FL)

□ 1254

Messrs. GEORGE MILLER of California and CRITZ, Mrs. DAVIS of California, Messrs. JOHNSON of Illinois, HUIZENGA of Michigan, HUNTER, and HOYER, Ms. BASS of California, Messrs. LARSON of Connecticut, FLEMING, and SARBANES changed their vote from ''yea'' to ''nay.''

Mr. HINOJOSA, Mrs. CAPPS, and Ms. VELÁZQUEZ changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LONG. Madam Speaker, on rollcall No. 229, had I been present, I would have voted "nay."

Mr. JORDAN. Madam Speaker, I was absent from the House Floor during rollcall 229 earlier today. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H.R. 910, ENERGY TAX PREVENTION ACT OF 2011

Mr. SESSIONS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 203 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 203

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. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change,

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. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

GENERAL LEAVE

Mr. SESSIONS. Madam 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 Texas?

There was no objection.

Mr. SESSIONS. Madam Speaker, House Resolution 203 provides for a structured rule designated by the Rules Committee for consideration of H.R. 910. This rule allows for 12 amendments—that is, 12 amendments, Madam Speaker—submitted to the Rules Committee to be made in order.

Madam Speaker, I rise today in support of this rule and the underlying bill, including the open process that is taking place, not just in the Rules Committee, but also on the floor, where Members will be allowed to come and debate these 12 amendments, as opposed to a closed rule with no amendments.

This legislation, introduced by the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON), has gone through regular order. There were hearings held on this issue. H.R. 910 was marked up in the Energy and Commerce Committee, and the chairman of the Rules Committee, the gentleman, Mr. DREIER, provided for a structured amendment process for 12 additional Democrat amendments to be considered.

The bill we are discussing today, the Energy Tax Prevention Act, would stop the Environmental Protection Agency—also known as EPA—from imposing a national energy tax in the form of carbon emission regulations.

Today, I will explain what the underlying bill does, and I will discuss the EPA's agenda, what this agenda would do to the Nation's job market and economy, the need for a stronger energy policy from not just our President, but also from the administration and also, as the guidepost that begins with this legislation today, from the United States Congress on behalf of the American people.

H.R. 910 prohibits the EPA from regulating greenhouse gases under the Clean Air Act and repeals the steps the agency has already taken to begin this process. In this bill, we only focus on greenhouse gases and we leave EPA's authority to monitor and regulate pollutants intact.

In short, the underlying bill clarifies that the Clean Air Act is not a vehicle for regulatory taxing. The decision about whether and how to regulate greenhouse gases should be made by Congress and only by Congress, not the regulatory body of a President who wishes to place his overriding answers on unelected bureaucrats to fulfill this role.

□ 1300

The EPA has been aggressively pursuing a national cap-and-tax energy agenda through regulation and legislation for years.

After cap-and-trade failed in Congress last year, the EPA accelerated its efforts to regulate this controversial policy through a series of new rules on hundreds of thousands of buildings all across the United States. In other words, because the President couldn't get his political agenda through Congress, he's taking his political agenda in the administration to overlay the American people.

We disagree with that, and that is why we are on the floor of the House of Representatives today.

Regulating greenhouse gas emissions—primarily the carbon dioxide emissions that come from coal, oil, and natural gas—will increase the cost of everything from gasoline to household utilities and, of course, groceries.

Additionally, regulating and taxing emissions will ship American jobs overseas to countries that understand and recognize stable, affordable and energy policies that are vital for their economic growth.

According to a letter from the Chamber of Commerce on March 9 of last year to the Energy and Commerce Committee: ''These regulations will impose significant burden across the United States economy, including sectors that will create jobs and lead us in our economic recovery.''

Additionally, the letter references that the American Council for Capital Formation has ''estimated that EPA's greenhouse gas regulations could reduce business investment between $97 billion and $290 billion in 2011 and as much as $309 billion in 2014,'' a tremendous hit on the economy when it comes from the President of the United States, Barack Obama, and his administration. This is not a way for America or our future to be successful.

The American Coalition for Clean Coal Electricity also references the American Council for Capital Formation in a press release just last month that estimates that a greenhouse gas tax ''could result in the loss of between 476,000 to 1.4 million jobs.''

Republicans are committed to putting Americans back to work, and our Democratic colleagues continue to pursue a reckless agenda that puts more Americans out of work, drives business overseas—all the while limiting U.S. energy production and use.

So, Madam Speaker, today the Republican Party is on the floor of the House of Representatives with good news not just for the taxpayers but for the American people, in particular, not just consumers, but those who have lost their job or who are underemployed. We believe that what we're doing today is a jobs-saver bill.

The House Natural Resources Committee reported last month that the Obama administration policies have caused domestic oil production to drop by 16 percent versus projected levels and future projections show continued decreases in domestic production and more foreign imports to make up for this difference.

A recent Rasmussen poll from March 3, 2011, shows that three-quarters of Americans believe this country does not do enough to develop its own oil and gas resources.

So whether through greenhouse gas regulation permit delays or permitting moratoriums, which the President stands behind in his administration, this administration should change their policies and their direction.

We must find new sources of energy and not tax those that exist for the freedom of this country.

So while energy prices soar and continue to soar and projections estimate a $5-a-gallon gasoline by summertime, this administration wants to inflict more costs on consumers.

The bill today would help to ease the cost of energy prices. It would assist in the global competitiveness of America.

It would help ensure that this Nation does not lose millions of more jobs and does not threaten the intent of the Clean Air Act.

No, Madam Speaker, the Republican Party is here because this is yet another opportunity at a jobs bill that is pro-consumer and pro the American people who want and need to be able to help in a desperate time when we're losing our jobs and things are tough back home to do something positive on behalf of the American public.

This is a bipartisan bill that provides good policy for our Nation, and we're asking every single Member of Congress to understand clearly and see this for what it is. It is a jobs-protection bill.

Madam Speaker, I encourage my colleagues to vote ''yes'' on the rule and the underlying bill.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I thank my friend from Texas for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, it has been a remarkable April in the House of Representatives. Last week, the majority rewrote the Constitution with a bill stating that one House of Congress can deem a law made all by itself regardless of what the Senate or the President of the United States might think. And if that wasn't enough, today the majority is proposing to rewrite the laws of science itself, the definition of taxes, and the laws of economics.

Despite indisputable scientific evidence, the Republicans are seeking to bar the Environmental Protection Agency from protecting Americans' health and safety from what the scientific consensus agrees is the worst environmental threat in the world's history: global climate change.

It's akin to telling Homeland Security to stop protecting the homeland. It denies scientific proof and logic. Even the Supreme Court stated that the EPA has a responsibility to act to keep the public safe. We're witnessing nothing less today than a full assault on four decades of progress in protecting Americans from environmental dangers.

Madam Speaker, for nearly 40 years the EPA and the Clean Air Act have protected the health of Americans from dangers both seen and unseen. Over the last 20 years, the Clean Air Act prevented an estimated 843,000 asthma attacks, 18 million cases of respiratory illness among children, 672,000 cases of chronic bronchitis, 21,000 cases of heart disease, and 200,000 premature deaths—not only saving people from the human toll of dealing with illness among themselves and their family, but saving the economic costs to society and individuals from all of these conditions.

Yet my colleagues on the other side of the aisle want to ignore this progress and prevent the EPA by handcuffing it and preventing it from protecting us in the future.

Repealing the EPA's authority to limit pollution would have devastating consequences. It would increase the number of children and adults who suffer from asthma. It would increase the number of individuals with emphysema, lung cancer, bronchitis, and many other respiratory diseases driving up health care costs for all Americans significantly.

For this reason, 280 groups—including the American Heart Association, the American Public Health Association and many others—sent a letter to Congress urging us to reject measures that would block or delay the U.S. Environmental Protection Agency from doing its job to protect all Americans from life-threatening air pollution.

Madam Speaker, my friend from Texas mentioned the word ''tax'' six times in his remarks, to my count. It's possible I missed a couple of instances of that word as well. And yet yesterday in committee, both Chairman UPTON and Ranking Member WAXMAN agreed that the EPA does not have the statutory authority to confer any taxes whatsoever.

Therefore, the name of this bill, the Energy Tax Prevention Act, is a complete misnomer. This bill has not even originated in or been passed out of the committee in Congress that has jurisdiction in tax matters, namely, the Ways and Means Committee. It's a completely inappropriate and misleading way to convey what this bill does.

Madam Speaker, America's science and environmental policy should be driven by science and science alone. The EPA should be allowed to move forward. And I urge my colleagues to reject the rule and the underlying bill.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I would like to yield 3 minutes to the distinguished gentleman from Beaumont, Texas, Judge POE.

□ 1310

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

Madam Speaker, the EPA is on a mission to destroy American industry. Their damaging plan to regulate the so-called carbon emissions will cost every household in America at least $1,600 per year. These unnecessary regulations will strangle the economy by driving up the cost of energy. Gasoline is $4 a gallon, will soon be $5 a gallon. It will put more Americans out of work, especially in the energy industry.

Congress must take immediate action to stop the EPA and its out-of-control concepts from ruining American industry. Earlier this year, I introduced similar legislation to what we are considering today. I introduced it during the first CR. It passed this House with bipartisan support. And what it would do is similar to what this legislation is going to do: that would be to prevent the EPA's attempt to regulate so-called greenhouse gases.

I support this rule and the underlying legislation.

Madam Speaker, in my opinion, when regulators, especially those at the EPA, go to work every day, they go down the street here to one of these marble palaces, they get in a big room with a big oak table, they drink their lattes, and they sit around and say, ''Who can we regulate today?'' because that's what regulators do. Regulators regulate. And they figure out new ways to regulate the entire United States, all on the so-called premise of protecting us from ourselves.

In my opinion, it has nothing really to do about protection, but it has to do about power. EPA has a power agenda and they have a political agenda, and they are trying to claim it is an agenda to protect all of us from ourselves. The EPA's regulation of greenhouse gases, in my opinion, lacks proven scientific basis. And the EPA is out of control.

You know, the EPA overregulates, and it's driving energy businesses out of this country. It's hammering the American energy industry, and I doubt whether or not it is doing so with scientific basis.

The United States is in an energy crisis. It's a national security issue. And what is the administration's energy plan? Let's not drill here. Let's not drill there. We can't drill in ANWR. We can't drill in any new lands in the United States. We are certainly not going to promote permitting in the Gulf of Mexico at a rapid pace so that we can drill there. But our energy plan, sayeth the administration, is to send money down to Brazil and let the Brazilians drill off of their coast so we can buy their crude oil. Now, that doesn't make any sense to me.

It's time for us to drill in the United States safely. It's time for America to take care of America.

And that's just the way it is.

Mr. POLIS. Madam Speaker, it is my honor to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

PARLIAMENTARY INQUIRIES

Mr. BLUMENAUER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BLUMENAUER. Madam Speaker, when making decisions on a bill referral, is the bill title a consideration?

The SPEAKER pro tempore. The Chair will not render an advisory opinion on that at this time.

Mr. BLUMENAUER. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLUMENAUER. Is it true that anyone can put the word ''tax'' in the title of a bill even though it has nothing to do with taxes?

The SPEAKER pro tempore. The gentleman's point has not been stated as a parliamentary inquiry.

Mr. BLUMENAUER. Madam Speaker, let me turn, if I could, to my good friend on the Rules Committee for purposes of yielding to a question, if he would.

I was just curious. I had an amendment before the Rules Committee. I noticed you waived germaneness on other questions. I had an amendment submitted that would simply ensure that the bill accurately accomplished what its title described. My amendment would have struck everything in the bill except the title, Energy Tax Prevention Act, and replaced it with language that actually prevented the EPA from imposing an energy tax.

Do you have any guidance as to why this amendment was not in order?

I yield to the gentleman from Texas.

Mr. SESSIONS. I appreciate the gentleman engaging me in a colloquy, and I will just give him a straight answer.

We did not offer any waivers. All 12 amendments offered by Democrats were germane. This, and perhaps others that were submitted to the Rules Committee, were not germane to the House rules, so we did not offer any waiver. But the others that we did, the 12, were all germane and did not have to have a waiver.

Mr. BLUMENAUER. Reclaiming my time, I would just note that the committee did deal with germaneness in terms of allowing things to go through from the Energy and Commerce Committee. It's unfortunate that you would not allow an amendment to at least have an accurate title before the Chamber for its debate.

It's clear that H.R. 910 has nothing do with energy taxes. The bill is designed to confuse Members of Congress and mislead the public. As a member of the Ways and Means Committee, I would strongly object to EPA imposing a tax on energy. But we all know that the EPA has no intention of imposing a tax on energy. Instead, this bill will overrule the scientific consensus on climate change, ignore a Supreme Court decision.

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

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. It would ignore a Supreme Court decision and endanger the future of the planet.

I would strongly urge a ''no'' vote on the rule and the underlying bill.

I would add, Madam Speaker, that a statement from the Joint Committee on Taxation indicates that this bill has nothing to do with taxation.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC.

Hon. EARL BLUMENAUER,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. BLUMENAUER: This letter is in response to your request dated April 5, 2011, for an estimate of H.R. 910, the ''Energy Tax Prevention Act of 2011.'' That bill limits the ability of the Administrator of the Environmental Protection Agency to use authority granted under the Clean Air Act to promulgate regulations or take other actions relating to the emission of greenhouse gases to address climate change.

While the bill does not reference anything in the Internal Revenue Code, there are at least half a dozen places in the Internal Revenue Code (the ''Code'') that cross reference the Environmental Protection Agency and the Clean Air Act. For example, Code section 40(b)(6)(E) defines cellulosic biofuel in part as a liquid that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act.

There are also additional instances in the Code that do not reference the Clean Air Act but do require consultation with the EPA Administrator. For example, section 45Q, which provides a credit for carbon dioxide permanently sequestered in secure geological storage provides that ''the Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of the Interior, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide . . . such that the carbon dioxide does not escape into the atmosphere.''

Notwithstanding these and similar Code provisions that cross reference certain Clean Air Act rules or require consultation with the EPA Administrator, we do not think it likely that H.R. 910 will have an effect on Federal fiscal year budget receipts.

I hope that this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,

THOMAS A. BARTHOLD,
Chief of Staff.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to one of our brand-new freshmen, a gentleman who is not only on what is called an A committee but an exclusive committee of the United States Congress, who has had a distinguished career as a sheriff in Florida and who is a distinguished member of the Rules Committee, the gentleman from Florida (Mr. NUGENT).

Mr. NUGENT. I thank the gentleman from Dallas, Mr. SESSIONS.

Madam Speaker, today I rise in support of House Resolution 203 and the underlying legislation, H.R. 910.

When I talk to people in Florida's Fifth District about what we are doing here in the House of Representatives to cut spending, reduce the size and scope of the Federal Government, I always stress that we are just one part of the process. The House can only do so much. We still need the Senate and the President to sign off on any legislation we pass before it becomes law. This is one of the most basic building blocks of our government and one we're reminded of as we continue to wait on the Senate to pass a budget for this fiscal year and to prevent a government shutdown.

But the Obama administration has decided to bypass Congress on the issue of greenhouse gas. Can't pass cap-and-tax? Push the greenhouse agenda on the American people another way. So now unelected bureaucrats in the EPA are trying to regulate greenhouse gases.

Among the gases the EPA is trying to regulate is methane. According to EPA, 28 percent of the global methane emissions they classify as coming from human-related activities actually come from livestock. I don't think it's a coincidence that the EPA's move to regulate methane, including cow flatulence, comes on the heels of a report from the United Nations Food and Agriculture Organization that states: ''Livestock are one of the most significant contributors to today's most serious environmental problems. Urgent action is required to remedy the situation.''

Now, I am pretty sure if you asked the ranchers of Florida's Fifth District, as much as they would like to regulate cows from passing gas for plenty of reasons, some smellier than others, we just don't have that capacity. Nevertheless, EPA wants to follow the U.N.'s lead and regulate methane. And the cost of that will inevitably fall upon the backs of America's families.

Madam Speaker, H.R. 910 is a good and important bill.

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

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

Mr. NUGENT. Similarly, the rule provided by H. Res. 203 gives us time for a full, comprehensive debate on the issue, and I encourage my colleagues to support them both.

□ 1320

Mr. POLIS. I yield myself 1 minute to respond.

I know the gentleman from Florida mentioned the cow flatulence in our committee meeting last night, and it sounded like a topic that bore looking into. I did have a chance to look it up in the interim, and Fox News had reported the prospect of EPA regulating cow and livestock gas.

However, it never existed. FactCheck.org, which I looked it up on, dispelled the myth and EPA itself actually came out with a statement that said not only is there no such regulation that it discussed or was in the works, but even EPA admitted it's not under their authority to regulate that in any way, shape or form.

So it is a false accusation with regard to the issue regarding livestock.

Madam Speaker, it's my honor to yield 2 minutes to the gentleman from Vermont (Mr. WELCH), a former member of the Rules Committee and a former member of the Energy and Commerce Committee. He has racked up quite a few former memberships.

Mr. WELCH. I thank the gentleman.

Madam Speaker, today's legislation is essentially about the very simple sounding act of abolishing the Clean Air Act.

Why? How is it that we are going to do this? The authors in support of this legislation have come to the legislative conclusion that global warming is a hoax. Give him credit. Coming to that conclusion was a big lift. It flies in the face of the unanimous conclusion of American scientists, 97 percent, that global warming is real and it's man-made.

And, you know, when you are going to get to that conclusion, you have to follow a long-established tradition we humans have, and that's the ability to

disregard the obvious and the proven when that conflicts with what our ideology says we want.

You know, Aristotle was the EPA of his day. He was attacked when he said that the Earth was round. The world at that time thought the world was flat, and people argued with Aristotle and about Aristotle for 1,500 years.

Galileo became the EPA of his day when he said that the Earth revolved around the sun. He too was attacked for centuries for being ''wrong.''

Today we have unanimous, near unanimous, scientific conclusion that global warming exists, it's a threat to our planet, it's a threat to our health and, yet, as the folks who attacked Aristotle when he said the Earth was round, as the folks who attacked Galileo when he said the Earth revolved around the sun, the authors, in support of this legislation, deny the proven fact of global warming and wave it away by abolishing the Clean Air Act. This is the wrong step to be taking.

Mr. SESSIONS. Madam Speaker, there was a dialogue back and forth about cows, cattle, and that the EPA really is not after that issue. But if you go to the EPA Web site, epa.gov, and you look under the portion called ''Frequent Questions'' where it deals with livestock, in fact, the EPA is trying to talk about methane produced by livestock. And it ends up saying, as I read from my BlackBerry, that essentially 20 percent of all the methane content in the air comes from livestock.

Well, that's what they want to regulate, which means they would get in the business whether we said this or not.

Mr. POLIS. Will the gentleman yield?

Mr. SESSIONS. The gentleman will have his own time in a minute, and I'm sure he will be very effective.

But I encourage the gentleman to get on his BlackBerry and go to the Web site and look this up. They're going to blame it on cattle. They're going to tax cattle. They're going to tax the output because that's what they are proposing.

Madam Speaker, at this time I would like to yield 3 minutes to the distinguished gentleman from Ennis, Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Speaker, I rise in strong support of this rule and in strong support of the underlying bill.

I have been a member of the Energy and Commerce Committee for 26, now 27 years. I'm a past chairman. I'm a past subcommittee chairman. I currently have the title of chairman emeritus.

I participated under former Chairman JOHN DINGELL, former Chairman Billy Tauzin, former Chairman Tom Bliley, former Chairman HENRY WAXMAN and now current Chairman FRED UPTON, dozens of hearings on the Clean Air Act, markups, amendments, dozens of hearings on climate change, global warming and all of those issues.

The bill before us, if the rule passes, does not change the Clean Air Act. It does not gut the Clean Air Act. It does not in any way prevent enforcement of the criteria pollutants that are regulated by the Clean Air Act. It simply says that greenhouse gases are not to be regulated under the Clean Air Act.

And the reason it says that is that greenhouse gases are different than the criteria pollutants that are regulated under the Clean Air Act. First of all, greenhouse gases by definition are necessary for life.

As I stand here, Madam Speaker, and speak, I am creating, as I breathe in and out through the respiratory process, CO_2. So under the dictates of today's EPA, I am a mobile source polluter, because I am breathing. I am creating CO_2.

CO_2, carbon dioxide, is necessary for life. Greenhouse gases are necessary to protect the environment. They have the ability to prevent heat from escaping into outer space, and that is what creates the temperature zone that allows life to exist.

The radical environmentalists who think CO_2 is a pollutant have decided amongst themselves—I don't know how they have done it—but they have decided that the magic number for CO_2 in the atmosphere should be about 350 parts per billion. We are currently at about 380 parts per billion.

We know from records and from ice samples and tree rings and things like this of the past that we have had CO_2 up in the thousands parts per billion in the past. So how 350 has become the magic number is beyond me.

In any event, let me simply say, the bill before us doesn't change one sentence in the Clean Air Act. It does say that the endangerment finding was flawed, and the decision by the Obama administration to regulate CO_2 under the Clean Air Act is wrong, and it should not be allowed to stand.

If this Congress or future Congresses want to regulate CO_2, want to regulate greenhouse gases, let them bring a bill forward through the normal regulatory process and do it.

Please vote for the rule. Please vote for the bill.

Mr. POLIS. I yield myself 1 minute.

Madam Speaker, it's hard to figure out where to start with regard to refuting some of the statements that were made.

First of all, again, with regard to the information regarding methane emissions on the EPA Web site, there is a difference between a statement of fact and an action, and part of what the EPA does is it provides good scientific facts.

They, EPA itself, concedes and says they don't have the authority, nor should they have the authority, to monitor emissions from livestock. So they will publish good information. I don't refute the information the gentleman said, and I hope they publish more useful information about the impact of livestock, but they are not seeking to regulate it.

The gentleman said they are going to tax cattle. Again, very clearly, Chairman UPTON, Ranking Member WAXMAN, said the EPA does not have the ability to impose a tax.

I would ask my colleague from Texas a simple ''yes'' or ''no'' question: Does the EPA have the ability to impose a tax?

Mr. BARTON of Texas. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman.

Mr. BARTON of Texas. A tax is a burden.

Mr. POLIS. Reclaiming my time, it's a simple ''yes'' or ''no'' question. If there is an additional statement the gentleman would like to make, I would be happy to have him explain it on his own time. My time is limited and I have many speakers.

But I would be happy to enter into a dialogue with him on his time or allow him to respond to whether or not the EPA has the ability to impose a tax.

I yield 2 minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, we spend a lot of time these days talking about costs—costs of regulation, costs of repeal, costs of implementation.

Conveniently missing from this discussion are the human costs: lives lost, those altered by heart attacks, asthma, and brain damage due to fine particulate matter in our air and mercury in our water.

My hometown of Chicago knows this all too well. Chicago ranks second of all cities in the country adversely affected by power plant pollution.

□ 1330

Two particularly egregious emitters, the Fisk and Crawford power plants, emit fine particulate matter that directly contribute to 41 deaths, 550 ER visits, and 2,800 asthma attacks annually. EPA estimates that fine particle pollution from power plants shortens the lives of 1,356 people from my home State each year.

Talk about costs.

In 2001, the Harvard School of Public Health put out an Illinois power plant study. In the 8 years since these harms were modeled and publicized, the Environmental Law and Policy Center estimates the continued Fisk and Crawford coal plant pollution has caused from $750 million to $1 billion in health and environmental-related damages.

Even if you don't care about global warming and you don't believe climate change is manmade, you can't argue with these numbers. So if you want to talk costs, let's talk costs. Fisk and Crawford power plants cost Chicagoans 550 ER visits per year. They cost Chicagoans 2,800 asthma attacks per year. And Fisk and Crawford power plants cost Chicagoans $750 million to $1 billion in only 8 of the 50 plus years

we've been collecting data on these pollutants.

The answer to these costs is not to repeal the law that cleans our air, that protects our children and allows us to remain competitive in a global market. The answer instead is to transition away from the antiquated and outdated industry that pollutes and toward green infrastructure that encourages domestic economic development.

I urge my colleagues to oppose the rule and H.R. 910, the dirty air act.

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

Mr. POLIS. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts, a colleague on the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. Madam Speaker, I rise in strong opposition to this rule and to the underlying legislation which is an assault on science and reason. Indeed, it is an assault on the very air we breathe. My Republican friends continue to bury their heads in the sand.

Last night in the Rules Committee, along with my colleagues EARL BLUMENAUER and PETER WELCH, I offered an amendment to end taxpayer subsidies to Big Oil, something the Republican leadership has refused to do. These subsidies have helped BP, Chevron, ConocoPhillips, ExxonMobil, and Shell make a combined profit of nearly $1 trillion over the past decade. That is trillion with a ''t.'' Give me a break.

Our amendment would have raised $40 billion that would have gone straight toward deficit reduction. Unfortunately, but not surprisingly, our amendment was defeated on a party-line vote. That shows exactly where the Republican priorities are, Madam Speaker, a radical redistribution of wealth from the middle class and the poor to the wealthiest people and corporations in the country.

Yesterday, our Republican friends unveiled their budget proposal. That budget takes extreme, right-wing trickle-down economics to new levels. They want to destroy Medicare as we know it and impose a huge tax increase on middle class seniors through higher health care costs. They want to eviscerate Medicaid by turning it into a block grant program. They want to cut food stamps, education, infrastructure, environmental protection, and medical research, programs which actually create jobs and improve the lives of American working families.

And at the same time, my Republican friends want to provide massive tax cuts to the very wealthiest Americans and corporations, including Big Oil companies that are reaping billions and billions and billions of dollars in profits each year. The Republican Party wants to increase health care costs for seniors in order to pay for their tax breaks for the rich. Those are wrong priorities, Madam Speaker.

As Harold Meyerson wrote today in the Washington Post, ''If it does nothing else, the budget that House Republicans unveiled Tuesday provides the first real Republican program for the 21st century, and it is this: Repeal the 20th century.''

For the life of me, I can't understand why the people who caused the recession be allowed to keep everything while innocent workers get the bill.

We all want to reduce the deficit, Madam Speaker. How about ending our occupation in Afghanistan? How about ending subsidies for multinational oil companies and agribusiness? How about asking hedge fund managers to pay a fair tax rate?

The Republican leadership has made it clear that they are willing to shut the government down in order to achieve their right-wing, radical agenda. And if that happens, Madam Speaker—and I hope it doesn't, and I pray it doesn't—the American people need to know that the responsibility lies at the feet of the Republican Members of this House.

Again, I urge my colleagues to reject this—again, another restrictive rule—and reject the underlying legislation.

Mr. SESSIONS. Madam Speaker, my, oh my, we've heard this tirade before. If it wasn't just Republicans and the House, which we've had now for about 4 months, it was something else. The Democrats are looking for somebody to blame their woes on, their tax increases, their overregulation, all the big spending and the debt. Madam Speaker, we know what it is. If they search quickly enough, they can find out what the American people know: It is pin the tail on the donkey. We know how this happened.

Madam Speaker, I yield 3 minutes to the gentlewoman from Grandfather Community, North Carolina, Dr. FOXX.

Ms. FOXX. I thank my colleague from Texas for yielding time.

Madam Speaker, our colleagues on our side of the aisle have made it abundantly clear that this bill does not affect the Clean Air Act. What it does is help us rein in unelected bureaucrats who are arrogant and who believe that they have all the answers to what needs to be done in this country.

After listening to the debate over this issue, it's clear to me that nary a liberal here has read a book entitled ''Heaven and Earth'' by Ian Plimer, a renowned Australian geologist who takes a science-based approach to disproving so many of the myths underlying the manmade global warming theories. It is a unique, gripping, and powerful book that would undoubtedly leave a deep impression on any independent thinker. And I also want to mention, Madam Speaker, another book, the Heartland Institute book review of a book called ''The Politically Incorrect Guide to Global Warming and Environmentalism'' by Christopher Horner, which highlights some of the motivations for liberals to persist with the manmade global warming theory.

Horner tells us, ''Global warming hysteria is truly the environmentalist's dream come true. It is the perfect storm of demons and perils, and the ideal scare campaign for those who would establish global governance.'' And he goes on, ''We are daily told of an alleged 'consensus' on the issue—a concept actually foreign to science—and global warming alarmists want to put disbelievers on trial. They want to control our lifestyles without anyone being allowed to question their cause.'' And he says, ''Nowhere is Horner more brilliant than in convincing the reader of the odious concept of consensus taking root regarding climate science, where alarmists and the rest of the global warming industry assail scientists and other experts with ad hominem campaigns to discredit them. History is 'full of efforts to stifle innovation by reference to unchallengeable authority of consensus.' Galileo and Copernicus come quickly to mind.''

Madam Speaker, this shows the arrogance of our colleagues across the aisle and the arrogance of the bureaucrats. They think that we human beings have more impact on the climate and the world than God does. And we don't.

□ 1340

Mr. POLIS. Madam Speaker, I yield myself 1 minute.

The gentlelady mentioned science. One of the expert witnesses the Republicans called for last week's congressional hearing on climate science was Professor Richard Muller of Berkeley. Now, this was a physicist who had gotten into the climate skeptic game. And I have to say, the climate skeptic game is a very lucrative one for people. Anybody who finds a way to deny climate change sells lots of books, gets booked on the conservative talk show circuit, and does very well for themselves. And yet, despite the intensive economic pressure for climate scientists to deny climate change, 99 percent have stayed true to the scientific method; and the conclusion of the vast majority is that climate change exists.

Now, Professor Muller reported that his group's preliminary findings were that the global warming trend is very similar to that reported by prior groups. Now, this took some courage. Because of his belief in science, no doubt it hurts his own earning potential. I think he had been doing very well as a climate skeptic. Now he is somebody who has put his scientific principles above his own economic need.

What science tells us is not always convenient. Every climate scientist that I know wishes that they could say that there is no danger from climate change, wishes there was no danger from carbon emissions. Nobody wants to be a harbinger of disaster—what a terrible thing to be—and yet they value the integrity of the scientific process.

[From the New York Times, Apr. 3, 2011]

THE TRUTH, STILL INCONVENIENT

(By Paul Krugman)

So the joke begins like this: An economist, a lawyer and a professor of marketing walk into a room. What's the punch line? They

were three of the five ''expert witnesses'' Republicans called for last week's Congressional hearing on climate science.

But the joke actually ended up being on the Republicans, when one of the two actual scientists they invited to testify went off script.

Prof. Richard Muller of Berkeley, a physicist who has gotten into the climate skeptic game, has been leading the Berkeley Earth Surface Temperature project, an effort partially financed by none other than the Koch foundation. And climate deniers—who claim that researchers at NASA and other groups analyzing climate trends have massaged and distorted the data—had been hoping that the Berkeley project would conclude that global warming is a myth.

Instead, however, Professor Muller reported that his group's preliminary results find a global warming trend ''very similar to that reported by the prior groups.''

The deniers' response was both predictable and revealing; more on that shortly. But first, let's talk a bit more about that list of witnesses, which raised the same question I and others have had about a number of committee hearings held since the G.O.P. retook control of the House—namely, where do they find these people?

My favorite, still, was RON PAUL's first hearing on monetary policy, in which the lead witness was someone best known for writing a book denouncing Abraham Lincoln as a ''horrific tyrant''—and for advocating a new secessionist movement as the appropriate response to the ''new American fascialistic state.''

The ringers (i.e., nonscientists) at last week's hearing weren't of quite the same caliber, but their prepared testimony still had some memorable moments. One was the lawyer's declaration that the E.P.A. can't declare that greenhouse gas emissions are a health threat, because these emissions have been rising for a century, but public health has improved over the same period. I am not making this up.

Oh, and the marketing professor, in providing a list of past cases of ''analogies to the alarm over dangerous manmade global warming''—presumably intended to show why we should ignore the worriers—included problems such as acid rain and the ozone hole that have been contained precisely thanks to environmental regulation.

But back to Professor Muller. His climate-skeptic credentials are pretty strong: he has denounced both Al Gore and my colleague Tom Friedman as ''exaggerators,'' and he has participated in a number of attacks on climate research, including the witch hunt over innocuous e-mails from British climate researchers. Not surprisingly, then, climate deniers had high hopes that his new project would support their case.

You can guess what happened when those hopes were dashed.

Just a few weeks ago Anthony Watts, who runs a prominent climate denialist Web site, praised the Berkeley project and piously declared himself ''prepared to accept whatever result they produce, even if it proves my premise wrong.'' But never mind: once he knew that Professor Muller was going to present those preliminary results, Mr. Watts dismissed the hearing as ''post normal science political theater.'' And one of the regular contributors on his site dismissed Professor Muller as ''a man driven by a very serious agenda.''

Of course, it's actually the climate deniers who have the agenda, and nobody who's been following this discussion believed for a moment that they would accept a result confirming global warming. But it's worth stepping back for a moment and thinking not just about the science here, but about the morality.

For years now, large numbers of prominent scientists have been warning, with increasing urgency, that if we continue with business as usual, the results will be very bad, perhaps catastrophic. They could be wrong. But if you're going to assert that they are in fact wrong, you have a moral responsibility to approach the topic with high seriousness and an open mind. After all, if the scientists are right, you'll be doing a great deal of damage.

But what we had, instead of high seriousness, was a farce: a supposedly crucial hearing stacked with people who had no business being there and instant ostracism for a climate skeptic who was actually willing to change his mind in the face of evidence. As I said, no surprise: as Upton Sinclair pointed out long ago, it's difficult to get a man to understand something when his salary depends on his not understanding it.

But it's terrifying to realize that this kind of cynical careerism—for that's what it is—has probably ensured that we won't do anything about climate change until catastrophe is already upon us.

So on second thought, I was wrong when I said that the joke was on the G.O.P.; actually, the joke is on the human race.

Madam Speaker, I am proud to yield 2 minutes to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. Madam Speaker, I thank the gentleman from Colorado for yielding me this time.

I rise in opposition to this rule and to the underlying legislation, H.R. 910, the Energy Tax Prevention Act. In spite of the title of this bill, it has absolutely nothing to do with limiting taxes on energy or taxes from the getgo. This bill should be called the Dirty Air Act because it turns back the clock by erasing years of advances that we have made in fighting air pollution and curbing greenhouse gas emissions.

This bill ignores the clear-cut scientific evidence: carbon pollution is endangering our health and the environment and that the need for urgent action to address climate change is indisputable.

This bill prevents the Environmental Protection Agency, EPA, from acting under the Clean Air Act to reduce greenhouse gas emissions unequivocally linked to climate change. Under this bill, EPA will be prohibited from enforcing common sense, and I want to repeat that word, commonsense protections against carbon dioxide pollution and other greenhouse gases.

Since its enactment in 1970, the health benefits of the Clean Air Act have far outweighed industry's compliance costs. Toxic and health-threatening air pollutants have been reduced by 60 percent, and the world did not come to an end for corporations. In fact, during this time the economy grew by 200 percent.

This legislation guts the Clean Air Act pollution standards and repeals EPA's authority to limit health-threatening pollution. And for what? For what, to protect the profits of the big polluters; and in so doing, this bill repeals important safeguards that are needed to create American clean energy jobs, reduce energy costs, reduce our dependence on foreign oil, and increase our economic competitiveness.

We cannot pass this Republican majority's anti-science, anti-innovation bill. And let's not forget one of their top goals: continuing multi-billion dollar tax breaks for the oil and gas solution.

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

Mr. POLIS. I yield the gentlewoman an additional 30 seconds.

Ms. HIRONO. In my book, clean air and the health of the American people trump profits for polluters every time. I urge my colleagues to vote against this rule and against this bill.

Mr. SESSIONS. Madam Speaker, we are talking about 1.4 million jobs, a lot of cattle, and a lot of bull.

Madam Speaker, at this time I would like to yield 1 minute to the gentleman from Melbourne, Florida (Mr. POSEY).

Mr. POSEY. Madam Speaker, Congressman WEBSTER and I were walking past the rear of the Chamber, and we looked at each other kind of funny after some former comments and thought we were walking by a set for comedy hour.

I mean, I think I really heard somebody allude to the fact that we need more government regulation and for sure we need more taxes on the oil companies, those evil oil companies, and the answer to all of our problems is to tax them more—as if the Members of this body and the public are stupid enough to think that at the end of the year, those big oil companies are just going to write a check for an extra zillion dollars.

Let's say we tax those evil oil companies another dollar a gallon. They're not going to write the check. We know what's going to happen: They're going to raise the price a dollar a gallon, or, given the corporate greed we sometimes see, round it off to 2 bucks a gallon.

Corporations don't pay taxes. Corporations collect taxes. They collect taxes from consumers who ultimately pay the tax. You add a tax to a product, and the consumer is going to pay more.

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

Mr. SESSIONS. I yield the gentleman an additional 1 minute.

Mr. POSEY. I wish we would, as the gentleman from Texas said, quit trying to play ''Pin the Tail on the Donkey.'' We know corporations don't pay taxes. Consumers pay taxes; corporations just collect it.

Mr. POLIS. Madam Speaker, when 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 Senate bill 388, a bill that prohibits Members of Congress and the President from receiving pay during government shutdowns.

It is my honor to yield 3 minutes to the gentleman from Virginia, a sponsor of a bill to do the same, Mr. MORAN.

Mr. MORAN. I thank my very good friend from Colorado.

Madam Speaker, I rise in opposition to this rule. The Federal Government is now 6 months into fiscal year 2011 without a budget. We've created no new jobs and, in fact, have put tens of thousands of people out of work.

All we've done is to stumble along from continuing resolution to continuing resolution. That's no way to run a government, let alone the most powerful Nation in the world.

Sadly, with the clock running, ticking toward the midnight hour of a government shutdown on Friday, agreement on a full-year budget is nowhere to be found. We have no consensus. We can't get together. We can't do our job.

And instead, the Republicans in this House continue to serve up far right ideological proposals such as this which pretends that global warming isn't really happening. It will block EPA's modest attempts to limit the growth of greenhouse gas emissions that are endangering the public's health and our children's future.

Instead of such sham political posturing, this body would be far wiser to bring up a bill that has already been passed in the Senate and sits ready for consideration in the House today. That is the Moran-Tester Government Shutdown Fairness Act. On the eve of a government shutdown, with hundreds of thousands of government employees facing furloughs, and millions of Americans having to forgo the essential services that the Federal Government provides on a daily basis, it is unconscionable that Members of Congress will continue to receive their pay.

Having abdicated our responsibility to do our job, to pass a budget, we should not continue to receive a paycheck. It is simply a matter of fairness, Madam Speaker. If all Americans are going to feel the pain of a government shutdown, then we should make sacrifices, too. The Moran-Tester bill would suspend Members' pay in the event of a shutdown. The Senate passed it unanimously, and so should we. It's the one thing we could agree on now and have signed by the President immediately. That's the vote we should be taking today.

Now, some have argued for self-centered reasons that the Moran-Tester bill is unconstitutional, but that's simply a smokescreen, Madam Speaker. They know perfectly well that the courts decide matters of constitutionality. Further, we know that the only individuals with standing before the court would be the very Members of Congress who would be voting to shut down the government.

So just consider the scene where Members of Congress would be arguing——

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

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. MORAN. So I ask, Madam Speaker, just to consider the scene where Members of Congress would be arguing before the courts their right to be paid while millions forgo their pay.

Madam Speaker, this body is wasting its time with the legislation we are considering today. Let's demonstrate to the public that we are willing to make the same sacrifice we are asking of others. If we are going to put 800,000 Federal employees and our staff out on the street, then we ought to be out there with them. Take up the Moran-Tester bill instead of this expression of ideological extremism that is dead on arrival in the Senate. That's what we should be doing.

Mr. SESSIONS. Madam Speaker, there was a discussion a few minutes ago about Republicans and oil companies and a lot of very interesting comments. Yet many on our side have alluded to President Obama supporting the Brazilian Government and people by supporting their oil drilling, drilling for natural resources that they have. The President is willing to go down and back up a 2009 commitment to proposing $2 billion from the Export-Import Bank to the Brazilian company that is their energy company.

And I would like to quote what he said, if I can, because I think it's very interesting: ''At a time when we've been reminded how easily instability in other parts of the world can affect prices, the United States could not be happier for a new, stable source of energy.''

Madam Speaker, what he just spoke of was the United States' ability to produce our own oil so we don't have to look to foreigners to get that done.

[From The Hill, Mar. 21, 2011]

OVERNIGHT ENERGY: REPUBLICANS POUNCE ON OBAMA'S BRAZILIAN OIL SUPPORT

(By Andrew Restuccia and Ben Geman)

State of Play: Republicans and the oil industry are working to translate President Obama's weekend comments in support of Brazilian oil development into political ammunition in their battle against the White House's U.S. drilling policies.

The American Petroleum Institute, the country's most powerful oil and gas trade association, and Republicans, including House Speaker John Boehner (R–Ohio), said Monday that the administration should be doing more to develop U.S. oil-and-gas reserves.

Here's Sen. David Vitter (R–La.), who is among the lawmakers pushing for wider U.S. offshore drilling: ''It's ridiculous to ignore our own resources and continue going hat-in-hand to countries like Saudi Arabia and Brazil to beg them to produce more oil,'' Vitter said in a statement. ''We need to get serious about developing our resources here at home and working toward lower gas prices and long-term energy independence.''

But President Obama said Saturday during his visit to Brazil that an energy partnership with the nation will offer major benefits for the United States. Obama, in announcing a ''Strategic Energy Dialogue'' with Brazil, noted that the country has nearly twice the oil reserves as the United States and lauded its stability compared to some other oil-exporting countries.

''We want to work with you. We want to help with technology and support to develop these oil reserves safely, and when you're ready to start selling, we want to be one of your best customers,'' Obama told a group of business leaders Saturday. ''At a time when we've been reminded how easily instability in other parts of the world can affect the price of oil, the United States could not be happier with the potential for a new, stable source of energy.''

Under the Strategic Energy Dialogue, the United States will work with Brazil ''in the environmentally responsible and technologically advanced development'' of Brazilian oil resources, according to a White House summary of the plan.

Administration officials also say they are working diligently to expand U.S. oil-and-gas development. The Interior Department has recently issued three deepwater drilling permits for the type of projects halted after last year's Gulf oil spill. And the department on Monday approved an exploration plan that paves the way to expanded Gulf drilling.

Still, it's not the first time Republicans have criticized the administration for its oil dealings with Brazil. Vitter and others railed against a 2009 proposed $2 billion commitment from the U.S. Export-Import Bank to the Brazilian oil company Petrobras to ensure the purchase of U.S. goods as the company explores for oil.

Many Republican claims about the Export-Import proposal have been shown to be overblown.

Forbes ran a handy fact-check Monday on Republicans' claims about the proposed Petrobras loans. And the Export-Import Bank takes on Republican charges here.

PROGRESS AND SETBACKS AT STRICKEN JAPANESE NUKE PLANT

''Tokyo Electric Power Co. continued to report progress in restoring order at the Fukushima Daiichi nuclear reactors, but finishing the job is turning out to be a painstaking process plagued by damaged equipment and unexpected incidents,'' The Wall Street Journal reports.

COURT RULING HITS CALIFORNIA CLIMATE PROGRAM

''California did not adequately consider alternatives to its plan to create a cap-and-trade market for carbon emissions, a judge ruled on Monday, throwing a wrench into the most aggressive U.S. effort to combat climate change,'' Reuters reports.

U.S., CHILE STRIKE GREEN DEALS

President Obama's trip to South America is bearing green fruit, according to the White House, which is touting expansion of work with Chile on energy and climate change.

The White House noted several areas of cooperation. Under the existing Energy and Climate Partnership of the Americas, ''the United States intends to support the establishment of a regional research network for glacier monitoring and modeling led by Chile's world-class researchers,'' the White House said.

''This network will inform policy and decisionmaking by providing a more robust understanding of how glacial retreat will impact water security in Andean glacier countries,'' a summary states.

President Obama lauded the various areas of cooperation during a press conference with Chilean President Sebastian Pinera. ''I want to commend President Pinera for agreeing to take another step, hosting a new center to address glacier melt in the Andes. In addition, a new U.S.-Chile energy business council will encourage collaborations between our companies in areas like energy efficiency and renewable technologies,'' Obama said at a joint news conference in Santiago.

Three days ago the two nations also inked a formal ''memorandum of understanding'' on peaceful uses of nuclear energy.

HOUSE VOTE ON PESTICIDES LOOMS

House lawmakers will vote next week on a bill to limit the Clean Water Act's jurisdiction over pesticide applications. The Hill's Floor Action blog reports:

The House is expected to take up legislation next week that would reverse a court decision that said pesticide use is regulated by the Clean Water Act, in addition to a federal pesticide law.

The House Transportation and Infrastructure Committee last week marked up the bill, H.R. 872, and Republicans want to move the measure quickly so it can take effect before April 9. That date is the deadline by which the Environmental Protection Agency (EPA) is due to announce a new permitting process for pesticides that takes the court ruling into account.

Staff for Rep. Bob Gibbs (R–Ohio), who sponsored the bill, said they expect it to be considered next week in order to meet that deadline.

The bill is a reaction to a decision by the 6th Circuit Court of Appeals in the case National Cotton Council v. EPA. According to the Transportation and Infrastructure Committee, that decision vacated an EPA rule that said using pesticides in compliance with federal pesticide regulations means a permit is not required under the Clean Water Act.

CHAMBER TO HOST DISCUSSION ON REGULATORY PROCESS

The U.S. Chamber of Commerce will host an event Tuesday called ''restoring balance to the regulatory process.'' The event will focus in part on the Obama administration's energy and environmental regulations.

''Tuesday's discussion, hosted at the Chamber, will focus on how we implement more checks and balances to improve the process and guarantee sensible regulation, while also ensuring that federal agencies are held accountable to the people,'' said Bill Kovacs, senior vice president for environment, technology and regulatory affairs at the Chamber.

STATE DEPARTMENT, WORLD BANK LOOK TO BOOST WATER SECURITY

The State Department will mark World Water Day by expanding cooperation with the World Bank. Secretary of State Hillary Rodham Clinton will sign a memorandum of understanding with the bank at its headquarters.

''The MOU will strengthen support to developing countries seeking a water-secure future,'' an advisory states.

THINK TANK GETS EFFICIENT

The Center for Strategic and International Studies will host Obama administration officials and other experts at a forum on energy efficiency. Speakers will include Rick Duke, the deputy assistant secretary for climate change.

GROUP TO RELEASE NUKE POLL

The Civil Society Institute will release polling that explores attitudes about nuclear power amid the crisis at Japan's stricken reactors.

The poll is the ''first major survey to look at the views of Americans on the broad policy implications of the Fukushima reactor crisis—including support for federal loan guarantees for new U.S. reactors, the merits of shifting federal resources from nuclear to less renewable energy alternatives and whether or not to end federal indemnification of the nuclear industry against nearly all cleanup costs,'' the group said.

IN CASE YOU MISSED IT . . .

Here's a quick roundup of Monday's E2 stories:

House Oversight and Government Reform Committee Darrell Issa (R–Calif.) said the country's nuclear reactors need to be re-examined.

The Nuclear Regulatory Commission detailed its review of U.S. reactors.

The Environmental Protection Agency warned of a banned pesticide in a product used to kill ants.

A top House Democrat said military action in Libya is motivated by oil.

Top lawmakers on the Senate Energy and Commerce Committee put out a call for input on the ''clean energy standard.''

And the Obama administration approved the first deepwater exploration plan since last year's Gulf oil spill.

□ 1350

I reserve the balance of my time.

Mr. POLIS. I yield myself 1 minute.

Madam Speaker, I want to be clear that we can in this body take up and pass Senate bill 388 if we can defeat the previous question, and this will go directly to the President's desk. There is still time.

I think the American people don't know that if government shuts down at the end of the day Friday as it might—it seems increasingly likely—Members of Congress will still continue to receive their paycheck. I had a tweet from one of my constituents that said, ''If there is a government shutdown, are Congressmen and Senators considered essential employees?''

I responded that we had a bill, Senate bill 388, that would make sure that Members of Congress don't get paid in the event of a shutdown, but Speaker BOEHNER refuses to bring it to the floor of the House in spite of passing the Senate unanimously.

My constituent responded, ''Maybe if the rulemakers had to live by the same rules they created, a solution would come faster. Gridlock is not governance.''

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

Mr. DOGGETT. The next sad chapter in Republican Fantasyland is being written here today. Last month, they couldn't tell the difference between Big Bird and big government. Now they insist that dirty air is really good for us. They live in a fact-free zone when the facts don't support their point of view, insisting that big polluters know best and that good science should be ignored.

The Clean Air Act for the last 40 years has improved air quality and saved hundreds of thousands of lives. Unfortunately, my home State of Texas is one of the world's leading carbon polluters, and it is also one of the leaders in condoning lawlessness by those polluters. Foul air fouls lives and especially young lungs. For my three granddaughters and their generation, particularly for the more than 23,000 children in my home county who are suffering from asthma, we need to ensure clean air, and that ought to be a given, not just a goal.

Science-based decisions, not ideologically driven nonsense, should guide us. I stand with the American Lung Association and with a large number of scientists across many disciplines who call for this bill's rejection. And in its drive to interfere with our health, this same Republican proposal creates the very type of uncertainty that stands in the way of more job creation throughout Texas, and Texas moving to become the leading wind provider in the country. Those wind turbines could be built in our State. Solar energy could be expanding in our State. But a climate of uncertainty to which this bill adds even more will interfere with the start-ups, with the new ideas that keep us at the forefront of creating clean jobs instead of sending all those jobs over to China and other parts of the world.

This is a bad bill for our economy, and it is a bad bill for the future health of our country. I urge its rejection.

Mr. SESSIONS. Madam Speaker, at this time I would like to notify the gentleman that I have no further speakers on this side.

I reserve the balance of my time.

Mr. POLIS. I thank the gentleman. I am the last speaker for my side, and I yield myself the balance of my time.

I would like to submit into the RECORD a Nature editorial entitled, ''Into Ignorance: Vote to Overturn an Aspect of Climate Science Marks a Worrying Trend in U.S. Congress.''

Madam Speaker, time and time again we've heard our colleagues cry wolf and make outlandish claims about what the Environmental Protection Agency is attempting to do. But the American people aren't fools. They know that every time the EPA stands up to big polluters, big polluters claim the sky is falling.

That's exactly what happened when the EPA tackled the acid rain problem. Polluters claimed new safeguards would end their industries, increase the price of consumer goods, and cause massive job loss. In reality, acid rain has been dramatically reduced and the limits on pollution were met faster and at roughly a tenth of the cost that industry estimated—all without driving consumer prices up.

A recent MIT study even suggests that implementing the EPA safeguards we are debating today would create 1.4 million jobs as companies invent, build and install newer and cheaper pollution control tools and renewable energy.

Rather than discussing ridiculous and already disreputable and refuted claims of cow flatulence and other elements that aren't even considered by the EPA, let's discuss science and the facts.

Republicans have claimed that the EPA has found carbon dioxide to be dangerous, the same gas we exhale. They say, how can carbon dioxide be dangerous? In reality, the endangerment finding was based on sound science and found that as climate change increases, so does ground-level ozone, longer pollen seasons, and more mold allergies. These affect health problems like asthma and heart disease. Once again, Republicans were oversimplifying a serious problem to support their big polluter buddies at the cost of public health.

Science will guide us in the right direction, and science is a blind goddess. It doesn't care what we want science to

say. What matters is what good science done actually says.

The supporters of this legislation want to present a false dichotomy that somehow protecting the environment would hurt job creation. Instead, the exact opposite has been proven to be true.

Since 1970, the economic benefits of the Clean Air Act have been shown to outweigh all costs associated with the law, and the economic benefits of the Clean Air Act are expected to reach nearly $2 trillion in 2020—exceeding costs by more than 30 to 1.

That's why a number of business organizations representing over 60,000 firms wrote to President Obama and congressional leaders urging them to support the EPA's mission and to reject efforts to block, delay or weaken implementation of the Clean Air Act. In their letters, the groups note that studies consistently show that the economic benefits of implementing the act far exceed the costs of controlling air pollutant emissions.

The EPA's rule is strictly tailored to only the country's biggest power plants and industrial polluters. These safeguards apply to about 700 of the top polluting power plants and oil refineries, facilities that need new permits, anyway, under current law.

It's been proven countless times that we can protect the environment and public health and grow and strengthen our economy at the same time. To say otherwise simply ignores the facts.

Madam Speaker, I want to make sure that no one is misled by the title of the bill we're considering, the Energy Tax Prevention Act. The only amendment that would have actually prevented energy taxes was offered by my friend from Oregon (Mr. BLUMENAUER) and was denied even a floor discussion and debate or a vote under this rule. The only thing this bill is taxing is our patience. As serious issues confront America, including the government shutdown, the majority seems intent on legislating by false bumper-sticker slogans.

Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to consider Senate bill 388.

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

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

There was no objection.

Mr. POLIS. Madam Speaker, I urge my colleagues to vote ''no'' and defeat the previous question so we can debate and pass a bill that actually does something useful, ensures Members of Congress don't get paid during a shutdown of government and has a real chance of being enacted into law and signed by President Obama, and I urge a ''no'' vote on the rule.

[From Nature]

INTO IGNORANCE

VOTE TO OVERTURN AN ASPECT OF CLIMATE SCIENCE MARKS A WORRYING TREND IN US CONGRESS

As Nature went to press, a committee of the US Congress was poised to pass legislation that would overturn a scientific finding on the dangers of global warming. The Republican-sponsored bill is intended to prevent the US Environmental Protection Agency (EPA) from regulating greenhouse-gas emissions, which the agency declared a threat to public welfare in 2009. That assessment serves as the EPA's legal basis for regulation, so repealing the 'endangerment finding' would eliminate its authority over greenhouse gases.

That this finding is scientifically sound had no bearing on the decision to push the legislation, and Republicans on the House of Representatives' energy and commerce committee have made clear their disdain for climate science. At a subcommittee hearing on 14 March, anger and distrust were directed at scientists and respected scientific societies. Misinformation was presented as fact, truth was twisted and nobody showed any inclination to listen to scientists, let alone learn from them. It has been an embarrassing display, not just for the Republican Party but also for Congress and the US citizens it represents.

It is tempting to write all of this off as petty partisanship, a populist knee-jerk reaction to lost jobs and rising energy prices by a well-organized minority of Republican voters. After all, US polling data has consistently shown that, in general, the public accepts climate science. At a hearing last week, even Ed Whitfield (Republican, Kentucky), who chairs the subcommittee, seemed to distance himself from the rhetoric by focusing not on the science but on the economic effects of greenhouse-gas regulation. ''One need not be a sceptic of global warming to be a sceptic of the EPA's regulatory agenda,'' said Whitfield.

''The US Congress has entered the intellectual wilderness.''

Perhaps, but the legislation is fundamentally anti-science, just as the rhetoric that supports it is grounded in wilful ignorance. One lawmaker last week described scientists as ''elitist'' and ''arrogant'' creatures who hide behind ''discredited'' institutions. Another propagated the myth that in the 1970s the scientific community warned of an imminent ice age. Melting ice caps on Mars served to counter evidence of anthropogenic warming on Earth, and Antarctica was falsely said to be gaining ice. Several scientists were on hand—at the behest of Democrats on the subcommittee—to answer questions and clear things up, but many lawmakers weren't interested in answers, only in prejudice.

It is hard to escape the conclusion that the US Congress has entered the intellectual wilderness, a sad state of affairs in a country that has led the world in many scientific arenas for so long. Global warming is a thorny problem, and disagreement about how to deal with it is understandable. It is not always clear how to interpret data or address legitimate questions. Nor is the scientific process, or any given scientist, perfect. But to deny that there is reason to be concerned, given the decades of work by countless scientists, is irresponsible.

That this legislation is unlikely to become law doesn't make it any less dangerous. It is the attitude and ideas behind the bill that are troublesome, and they seem to be spreading. Fred Upton, the Michigan Republican who chairs the full energy and commerce committee, once endorsed climate science, but last month said—after being pinned down by a determined journalist—that he is not convinced that greenhouse-gas emissions contribute to global warming. It was yet another blow to the shrinking minority of moderate centrists in both parties.

One can only assume that Congress will find its way at some point, pressured by voters who expect more from their public servants. In the meantime, as long as it can fend off this and other attacks on the EPA, President Barack Obama's administration should push forward with its entirely reasonable regulatory programme for reducing greenhouse-gas emissions where it can, while looking for ways to work with Congress in other areas. Rising oil prices should increase interest in energy security, a co-benefit of the greenhouse-gas and fuel-efficiency standards for vehicles that were announced by the administration last year. The same advice applies to the rest of the world. Work with the United States where possible, but don't wait for a sudden change of tenor in Washington, DC.

One of the scientists testifying before Whitfield's subcommittee was Christopher Field, director of the Carnegie Institution's global ecology department in Stanford, California. Field generously hoped that his testimony at last week's hearing took place ''in the spirit of a genuine dialogue that is in the best interests of the country''. Maybe one day that hope will be justified.

[From the New York Times, Apr. 3, 2011]

THE TRUTH, STILL INCONVENIENT

(By Paul Krugman)

So the joke begins like this: An economist, a lawyer and a professor of marketing walk into a room. What's the punch line? They were three of the five ''expert witnesses'' Republicans called for last week's Congressional hearing on climate science.

But the joke actually ended up being on the Republicans, when one of the two actual scientists they invited to testify went off script.

Prof. Richard Muller of Berkeley, a physicist who has gotten into the climate skeptic game, has been leading the Berkeley Earth Surface Temperature project, an effort partially financed by none other than the Koch foundation. And climate deniers—who claim that researchers at NASA and other groups analyzing climate trends have massaged and distorted the data—had been hoping that the Berkeley project would conclude that global warming is a myth.

Instead, however, Professor Muller reported that his group's preliminary results find a global warming trend ''very similar to that reported by the prior groups.''

The deniers' response was both predictable and revealing; more on that shortly. But first, let's talk a bit more about that list of witnesses, which raised the same question I and others have had about a number of committee hearings held since the G.O.P. retook control of the House—namely, where do they find these people?

My favorite, still, was Ron Paul's first hearing on monetary policy, in which the lead witness was someone best known for writing a book denouncing Abraham Lincoln as a ''horrific tyrant''—and for advocating a new secessionist movement as the appropriate response to the ''new American fascialistic state.''

The ringers (i.e., nonscientists) at last week's hearing weren't of quite the same caliber, but their prepared testimony still had some memorable moments. One was the lawyer's declaration that the E.P.A. can't declare that greenhouse gas emissions are a health threat, because these emissions have been rising for a century, but public health

has improved over the same period. I am not making this up.

Oh, and the marketing professor, in providing a list of past cases of ''analogies to the alarm over dangerous manmade global warming''—presumably intended to show why we should ignore the worriers—included problems such as acid rain and the ozone hole that have been contained precisely thanks to environmental regulation.

But back to Professor Muller. His climate-skeptic credentials are pretty strong: he has denounced both Al Gore and my colleague Tom Friedman as ''exaggerators,'' and he has participated in a number of attacks on climate research, including the witch hunt over innocuous e-mails from British climate researchers. Not surprisingly, then, climate deniers had high hopes that his new project would support their case.

You can guess what happened when those hopes were dashed.

Just a few weeks ago Anthony Watts, who runs a prominent climate denialist Web site, praised the Berkeley project and piously declared himself ''prepared to accept whatever result they produce, even if it proves my premise wrong.'' But never mind: once he knew that Professor Muller was going to present those preliminary results, Mr. Watts dismissed the hearing as ''post normal science political theater.'' And one of the regular contributors on his site dismissed Professor Muller as ''a man driven by a very serious agenda.''

Of course, it's actually the climate deniers who have the agenda, and nobody who's been following this discussion believed for a moment that they would accept a result confirming global warming. But it's worth stepping back for a moment and thinking not just about the science here, but about the morality.

For years now, large numbers of prominent scientists have been warning, with increasing urgency, that if we continue with business as usual, the results will be very bad, perhaps catastrophic. They could be wrong. But if you're going to assert that they are in fact wrong, you have a moral responsibility to approach the topic with high seriousness and an open mind. After all, if the scientists are right, you'll be doing a great deal of damage.

But what we had, instead of high seriousness, was a farce: a supposedly crucial hearing stacked with people who had no business being there and instant ostracism for a climate skeptic who was actually willing to change his mind in the face of evidence. As I said, no surprise: as Upton Sinclair pointed out long ago, it's difficult to get a man to understand something when his salary depends on his not understanding it.

But it's terrifying to realize that this kind of cynical careerism—for that's what it is—has probably ensured that we won't do anything about climate change until catastrophe is already upon us.

So on second thought, I was wrong when I said that the joke was on the G.O.P.; actually, the joke is on the human race.

I yield back the balance of my time.

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

Madam Speaker, I appreciate the gentleman from Colorado for this wonderful discussion and debate that we've had here today.

Madam Speaker, the bill we're discussing today does not weaken the Clean Air Act or the regulation of air pollution. It does not interfere with the EPA's longstanding authority to protect the environment. In fact, as I stated in the very beginning, it simply clarifies that the Clean Air Act was never designated, designed or shown to be for regulating greenhouse gas emissions. Thus, we would be removing authority that the EPA has not had, should not have, and would not have because this Congress will not pass what is called cap-and-tax regulations.

By gaining control of government spending and eliminating government regulations, the private sector believes that the Republican Congress can be here for the interests of not only the taxpayer but also to make sure that jobs and investment in this economy in the future are very bright.

I applaud my colleagues for coming down to help debate this bill. I encourage a ''yes'' vote on the rule.

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

AN AMENDMENT TO H. RES. 203 OFFERED BY MR. POLIS OF COLORADO

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

SEC. 2. Immediately upon adoption of this resolution it shall be in order to consider in the House the bill (S. 388) to prohibit Members of Congress and the President from receiving pay during Government shutdowns, if called up by the Minority Leader or her designee. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration; and (2) one motion to recommit.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of S. 388.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

Mr. SESSIONS. Madam Speaker, 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. POLIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 203, if ordered; and approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 266, nays 158, not voting 8, as follows:

[Roll No. 230]

YEAS—266

Adams	Barton (TX)	Blackburn
Aderholt	Bass (CA)	Bonner
Akin	Bass (NH)	Bono Mack
Alexander	Benishek	Boren
Altmire	Berg	Boustany
Amash	Biggert	Brady (TX)
Austria	Bilbray	Brooks
Bachmann	Bilirakis	Broun (GA)
Bachus	Bishop (GA)	Buchanan
Barletta	Bishop (UT)	Bucshon
Bartlett	Black	Buerkle

Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chu
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Conyers
Cravaack
Crawford
Crenshaw
Culberson
Cummings
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Hinchey
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson (IL)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lee (CA)
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Payne
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Rush
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Waters
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NAYS—158

Ackerman
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—8

Andrews
Baca
Frelinghuysen
Giffords
Meeks
Olver
Sanchez, Loretta
Young (FL)

□ 1423

Messrs. CRITZ, INSLEE, Ms. MOORE, and Ms. WOOLSEY changed their vote from ''yea'' to ''nay.''

Messrs. CLEAVER, RUSH, WATT, SCOTT of Virginia, JACKSON of Illinois, RICHMOND, CUMMINGS, Ms. CHU, and Ms. BASS of California changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WOMACK). 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. POLIS. 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 250, noes 172, not voting 10, as follows:

[Roll No. 231]

AYES—250

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
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
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOES—172

Ackerman
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)

Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
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
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—10

Andrews
Baca
Berman
Frelinghuysen
Giffords
Meeks
Murphy (CT)
Olver
Sanchez, Loretta
Young (FL)

□ 1431

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.

THE JOURNAL

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

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

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. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 321, nays 98, answered ''present'' 1, not voting 12, as follows:

[Roll No. 232]

YEAS—321

Adams
Aderholt
Akin
Alexander
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Cicilline
Clay
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Gallegly
Garamendi
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Harper
Hartzler
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinojosa
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marino
Markey
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pascrell
Paul
Paulsen
Payne
Pearce
Pence
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rangel
Rehberg
Reichert
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walberg
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (IN)

NAYS—98

Ackerman
Altmire
Baldwin
Bass (CA)
Bishop (NY)
Boswell
Brady (PA)
Burgess
Capuano
Cardoza
Chu
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Conyers
Costa
Cravaack
Crowley
Cummings
DeFazio
Dent
Dold
Donnelly (IN)
Duffy
Farr
Filner
Fitzpatrick
Foxx
Frank (MA)
Fudge
Gardner
Garrett
Gerlach
Gibbs
Gibson
Grijalva
Gutierrez
Hanna
Harris
Hastings (FL)
Heck
Heller
Himes
Hinchey
Hirono
Honda
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Keating
Kinzinger (IL)
Kucinich
Lee (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lynch
Maloney
Matsui
McCotter
McDermott
McGovern
McKinley
Moore
Napolitano
Pallone
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Platts
Rahall
Reed
Renacci
Rooney
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schock
Sires
Slaughter
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tipton
Towns
Visclosky
Walden
Weiner
Wu
Young (AK)

ANSWERED ''PRESENT''—1

Amash

NOT VOTING—12

Andrews
Frelinghuysen
Giffords
Gingrey (GA)
Gohmert
Johnson (GA)
Marchant
Meeks
Olver
Owens
Sanchez, Loretta
Young (FL)

□ 1439

Mr. DOLD changed his vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, on rollcall No. 229 on a motion to adjourn, I am not recorded because I was absent. Had I been present, I would have voted ''aye.''

Mr. Speaker on rollcall No. 230 on ordering the previous question (H.R. 910), I am not recorded because I was absent. Had I been present, I would have voted ''nay.''

Mr. Speaker on rollcall No. 231 on H. Res. 203, I am not recorded because I was absent. Had I been present, I would have voted, ''nay.''

Mr. Speaker on rollcall No. 232 on the Journal, I am not recorded because I was absent. Had I been present, I would have voted, ''nay.''

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation that we are about to take up, H.R. 910, and to insert extraneous material on the bill.

The SPEAKER pro tempore (Mr. NUGENT). Is there objection to the request of the gentleman from Michigan?

There was no objection.

ENERGY TAX PREVENTION ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 203 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. 910.

□ 1441

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. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, 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 Michigan (Mr. UPTON) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, last November, Americans spoke with a very clear voice. They told us that we needed to get the country working again. They told us that Big Government was not the solution. They told us to lead or get out of the way on the economy, and our side got it, particularly with the cap-and-trade vote in the last Congress.

Well, Mr. Chairman, today the House has a chance again to vote for a bill that directly responds to the demands of the American people. This legislation will remove the biggest regulatory threat to the American economy. This is a threat imposed not by Congress, but entirely by the Obama Environmental Protection Agency.

We all know that this administration wanted a cap-and-trade system to regulate greenhouse gases, but Congress said no. So beginning in early 2009, EPA began putting together a house of cards to regulate emissions of carbon dioxide. The agency began with automobiles, declaring that their emissions endangered public health and welfare.

That single endangerment finding has since been used by EPA to launch an unparalleled onslaught. The result, 2 years later, is a series of regulations that will ultimately affect every citizen, every job creator, every industry, really every aspect of our economy and way of life.

Mr. Chairman, this bill is about protecting jobs. EPA regulations will hit our manufacturing sector hard, with direct limits on factory emissions, indirect costs from the higher prices to power their facilities.

It will hit small businesses hard too, because when the electricity to power your business and the gasoline to fuel your vehicles is more expensive, your profit is less and you hire fewer new employees. That's why the NFIB, the Farm Bureau, NAM, Chamber of Commerce, and others, have endorsed H.R. 910. This is a key vote with many of those different groups.

Mr. Chairman, this bill is also about energy prices for working families. Power plants will be forced to comply with strict new emission caps. You will have to purchase expensive new equipment to retrofit their facilities. We all know the costs have nowhere to go except on families' and businesses' monthly utility bills.

And it is about gas prices. The refiners that turn oil into gasoline will also be caught into the web of costly regs. When it costs more to make gasoline, it costs more to buy gasoline. And with prices already at $4 a gallon across much of the country, the last thing that our families need is government policies designed to make the price at the pump even higher.

I am from Michigan. I know what a struggling economy, indeed, looks like. And I think that it is a travesty that this government is deliberately imposing policies that are going to harm job creators and working families.

And for what, Mr. Chairman, for what? EPA Administrator Lisa Jackson herself admits that U.S. regulation of greenhouse gases will not affect global climate conditions. The only environmental impact may be to ship our jobs to countries with no environmental protections at all, so, Mr. Chairman, at the end of the day the EPA climate regime is all economic pain and no environmental gain.

So let's pass this bill today and get the American economy back on track.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself 3 minutes.

Since the Clean Air Act was adopted 40 years ago, we have made steady progress in cleaning our air and protecting the public health and welfare.

Today, however, the Clean Air Act is under attack and progress is threatened.

The Upton-Inhofe bill is a direct assault on the Clean Air Act. Its premise is that climate change is a hoax and carbon pollution does not endanger health and welfare.

But climate change is real. It is caused by pollution, and it is a serious threat to our health and welfare. We need to confront these realities, not put our heads in the sands.

American families count on the Environmental Protection Agency to keep our air and water clean. But this bill has politicians overruling the experts at the Environmental Protection Agency, and it exempts our biggest polluters from regulation.

If Upton-Inhofe is enacted, the Environmental Protection Agency's ability to control dangerous carbon pollution will be gutted.

That's why health experts like the American Lung Association are opposed to this legislation. They know it is a polluters' protection act. It is anti-science, anti-environment, and anti-health.

The Environmental Protection Agency made a scientific determination that carbon pollution endangers health and the environment. Our Nation's top scientists at the National Academy of Sciences agree with this finding and so do scientists around the world.

Yet this legislation repeals that scientific finding. That's something no Congress has ever done.

We need an energy policy based on science, not science fiction. With oil at $100 per barrel and rising, the Middle East in turmoil and a nuclear crisis in Japan, we urgently need clean energy policies. We need more vehicles that run on electricity, natural gas, and renewable fuels. We need more wind and solar power, and we need more energy efficiency.

What we need is to work together to develop energy policies that reduce our dependence on foreign oil and protect the health of American families. Instead, we are pursuing a divisive, partisan bill that takes us in exactly the wrong direction.

This extreme legislation won't pass in the Senate and, if it did, it would be vetoed by President Obama.

It is a distraction from the imperative of developing new sources of energy that will break our dependence on foreign oil, protect our health and preserve our environment.

Americans want clean air to breathe and sensible, science-based limits on carbon pollution.

I urge all Members to oppose this legislation.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the chairman emeritus of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I thank the distinguished chairman.

I rise in strong support of this bill.

I would like to make a few comments. First of all, the bill before us doesn't change one sentence or one paragraph in the Clean Air Act. It doesn't change anything.

What it does do is prevent the EPA from using the Clean Air Act to regulate CO_2 as a criteria pollutant under the Clean Air Act. I was in Congress when we passed the Clean Air Act amendments back in 1991. I was a cosponsor of the bill. I worked on the bill in committee, voted for it on the floor. So I am a supporter of a strong Clean Air Act.

CO_2 is not a criteria pollutant under the Clean Air Act. It was never intended to be. It's only because of a 5–4 Supreme Court decision that said the EPA had to make a decision whether it should be, and then a very flawed EPA endangerment finding, when President Obama became the President, that we have an EPA authority, tenuous as it is, to regulate CO_2 under the Clean Air Act.

□ 1450

What this bill does is take us back to the original Clean Air Act and say we're going to regulate the criteria pollutants. But greenhouse gases and CO_2, which is a greenhouse gas, are not one of those criteria pollutants.

What are the purported benefits of regulating CO_2? According to numerous

studies, in terms of the amount of reduction in CO_2, by the year 2100, which is 90 years away, 89 years away, we would see a reduction of about 3 parts better per billion if we regulated CO_2 from the current 380 to 390 parts per billion. We would see a reduction in temperature by about 0.006 to 0.015 of a degree centigrade, and we would see a reduction in sea-level rise by about 0.007 of a centimeter. In other words, if we spend up to $100 billion a year to regulate CO_2, we get no reduction in parts per billion, we get no reduction in temperature, and we get no reduction in sea level. But we do get a huge cost to the economy every year.

This bill is a commonsense bill that simply says the Clean Air Act is the Clean Air Act, and let's use it to regulate sulfur dioxide, and let's use it to regulate lead and particulate matter and ozone, but let's not use it to regulate a naturally-occurring compound which is necessary for life and which helps us all.

Please vote against all the amendments, and please vote for this very commonsense bill when we get to final passage.

The Environmental Protection Agency (EPA) is proposing to regulate carbon dioxide emissions under the Clean Air Act. Reports from the U.S. Chamber of Commerce and even the Senate Committee on Environment and Public Works estimate that the cost of these proposed regulations will be about $78 billion per year. The regulations will affect industries, farms, hospitals, office buildings, and hotels to name just a few. The regulations will adversely affect our ability to produce energy and structural materials.

According to the EPA, the regulations will have this estimated effect: "Based on the reanalysis the results for projected atmospheric CO2 concentrations are estimated to be reduced by an average of 2.9 ppm (previously 3.0 ppm), global mean temperature is estimated to be reduced by 0.006 to 0.015 °C by 2100 (previously 0.007 to 0.016 °C and sea-level rise is projected to be reduced by approximately 0.06–0.14cm by 2100 (previously 0.06–0.15cm)."—Federal Register 75, page 25,495.

If we add up the yearly costs, then by the year 2100, we will have spent about $7 trillion to possibly make us cooler by 0.015 degrees Centigrade. This doesn't seem to be much of a benefit as a result of such a high cost.

The Clean Air Act was never designed to regulate GHGs. It is time for us to come to our senses and statutorily forbid the EPA to regulate greenhouse gases.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 3 minutes to the ranking member on the Energy Subcommittee of the Energy and Commerce Committee, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the gentleman from California for yielding this time and recognizing me for this discussion.

Mr. Chairman, I am opposed to H.R. 910, the Upton-Inhofe dirty air act, because this bill is an extreme and excessive piece of legislation, and it is simply bad public policy. This bill would ignore the warnings from the respected scientific community simply because policymakers do not like what that science is telling us, and it will place earnings and profits above protecting the American public.

I applaud the Obama administration for making a clear and unequivocal statement yesterday that the President would veto this bill if it ever made it to his desk.

Mr. Chairman, every respected and every notable scientific organization, including the National Academy of Sciences, the American Association for the Advancement of Science, the American Geophysical Union, the American Meteorological Society, the U.S. Global Change Research Program, as well as the Intergovernmental Panel on Climate Change, are all in agreement that manmade greenhouse gases do contribute to climate change, and that these impacts can be mitigated through policy to curb these emissions.

Additionally, Mr. Chairman, many of the Nation's top public health advocacy groups, including the American Lung Association and the American Public Health Association, as well as leading civil rights groups, such as the NAACP and the Environmental Law and Poverty Center, have all come out strongly against this bill saying that it would leave our most vulnerable citizens and our most vulnerable communities unprotected if this bill were to become law.

As this USA Today poster here highlights, Mr. Chairman, there are so many more benefits in acting to address climate change, as the science tells us we must do—including energy independence, sustainability, cleaner air and water, and a healthier, more vibrant, more robust populace, just to name a few—than the option, which is living with the status quo and hoping beyond hope that the majority of the world's scientists are just plain wrong.

Mr. Chairman, I am opposed to this bill because the science compels me to be opposed to this bill. And I urge all of my colleagues, every one of you all, to vote against this bill.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the chairman of the Energy and Power Subcommittee, the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I am delighted that we have this opportunity today to debate this important legislation.

Over the last 2 years, the Environmental Protection Agency has been the most aggressive agency representing environmental causes in many, many years. Today, we have an opportunity to try to stop their unprecedented power grab. Even the longest-serving Member of this House, the distinguished Democrat from Michigan, Mr. JOHN DINGELL, whom we all respect and admire, said it would be a glorious mess if EPA ever tried to regulate greenhouse gases. Carbon dioxide, one of the things they are trying to regulate, is necessary for human life.

When we had hearings on this issue, Lisa Jackson, the administrator of EPA, came to the Congress. And she said, when asked the question, what kind of impact would their regulations have, she said it would have negligible impact on solving global warming unless other nations were willing to act as well.

Now, what this really gets down to is about coal, because coal in America produces 52 percent of our electricity. In China, coal produces about 80 percent of their electricity. Electricity is produced at the lowest rate with coal. And that is necessary if America is going to be competitive in the global marketplace. That's why today you see China expanding its coal marketing and coal utilities to produce electricity. That's why in China you see so many jobs being produced because they produce at a very low cost.

This legislation will stop EPA from driving up electricity costs in America. It will make it less likely that we are going to continue to lose jobs to China if we stop EPA. And I would remind all of you that when Gina McCarthy, the air quality director of EPA, came to Congress, she said herself that trying to regulate greenhouse gases in America just for the enforcing arms of the greenhouse gas bill, which would be every State in America, would cost the enforcing agencies $24 billion, not including the additional cost to all of the utility companies, those people who have boilers, farmers, others, the additional costs that it would provide for them.

So if we want America to be competitive, to create jobs, to compete with China, we must stop this out-of-control EPA. And that is precisely what this legislation is designed to do. We're not changing the Clean Air Act in any way. Ambient air quality, all of those things, will still be in force.

So I would urge passage of this legislation.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

I rise in opposition to the dirty air act, which overturns the scientific finding that pollution is harming our people and our planet. But as long as Republicans are making an ideological decision to overturn scientific reality, I wonder if the Republicans could offer an amendment overturning inconvenient geological reality as well. Let's tell the United States Geological Survey that Congress doesn't believe that the United States only has 2 percent of the world's oil as well. What the Republican majority is bringing to the House floor today is almost as absurd.

Republicans want our only weapon against OPEC to be a bumper sticker slogan, "Drill, Baby, Drill." Well, I have news for my Republican friends. We are drilling, baby. U.S. oil production is at its highest level in nearly a

decade. Domestic natural gas production is at an all-time high. But we will never be able to drill our way out of this problem.

What Republicans fail to acknowledge is that a clean energy revolution is already underway. Take a look at the new electrical generating capacity we've been installing in the United States in the last 4 years—the last 4 years. Eighty percent of all new electrical-generating capacity has been natural gas, 33,000 new megawatts; and wind, 28,000 new megawatts.

□ 1500

This is the last 4 years, ladies and gentlemen. Coal is down to 10,000, but rising very quickly. Solar at nearly 2,000 megawatts; biomass at nearly 1,000 megawatts. In other words, there is a revolution that is already under way. The only problem is, there is no long-term policy or certainty that has been put on the books. All we have are the Republicans fighting as hard as they can to prevent this revolution from coming to fruition so that we can dramatically reduce the amount of greenhouse gases that warm our planet, back out the oil that OPEC wants to send us, and create a new, clean energy revolution here in America that produces jobs for Americans.

This arbitrary rejection of scientific fact will not cause the gross domestic product to rise or for unemployment to fall. But here is what their bill will do: it will lead to higher pollution levels, which will rise; oil imports, which will rise; temperatures, which will rise; job creation domestically, which will actually go down.

Vote ''no'' on this assault on science, on public health, and on the American economic competitiveness that allows a revolution to take off, which makes it possible for us to solve the problems of employment, national security, and a dangerously warming planet.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the chairman of the Environment and the Economy Subcommittee, the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Chairman, it is great that we have this chance to be on the floor today to really address one of the most important job-creating pieces of legislation we have brought to the floor, and that is this legislation today.

For the climate change believers, their plan is simple: price carbon fuels so we drive this new world of peace, security, and green energy. But they have forgotten one thing: they destroy jobs in doing that. These are well-known miners who lost their jobs the last time we did it. Thousands of coal miners in Illinois lost their jobs. Even in the greenhouse gas debate, it would add 50 cents to a gallon of gas. Does that create jobs? That destroys jobs. We are trying to price energy, and all costs go up.

So if you are concerned about the economy and you are concerned about jobs, this is the perfect bill to support.

Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to my colleague, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in strong opposition to the dirty air bill.

Once again the House is considering legislation that has little to no chance of becoming law. Meanwhile, the public wants us to focus on job creation. But the leadership of this House isn't listening. The only job they seem interested in is the one they want EPA not to do: protect the public's health. It is not surprising that many of our Nation's biggest polluters have asked for this bill. It lets them keep polluting.

But what is surprising is with this bill we are rejecting scientific consensus. Even George W. Bush's EPA agreed that carbon pollution threatens the public's health.

Mr. Chair, H.R. 910 will increase the pollution that triggers asthma attacks, respiratory illness, and premature deaths. It will hobble America's efforts to compete in the global energy marketplace.

Earlier this year, the President stood on this House floor and talked about winning the future, about tapping into America's genius for innovation, and he used clean energy as a central example because it will help our economy grow. It will help America compete globally and protect the health and quality of life for all Americans.

Let's not obstruct the EPA from doing its job of protecting the public's health. Let's not stick our heads in the sand about the dangers of climate change. Let's not turn away from meeting this challenge, rather, use it to build dominance in the global industry of clean energy.

I urge my colleagues to vote ''no'' on this terrible bill.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. Mr. Chairman, I rise today in support of H.R. 910, the Energy Tax Prevention Act. Without this bill, the EPA is going to outsource jobs and business with greenhouse gas regulations, not to mention placing huge financial burdens on consumers who will see energy prices skyrocket as a result of compliance costs to utilities, refineries and more.

However, what I want to talk about today is how it relates to rural America and agriculture, particularly in Colorado. The EPA has time and time again said agriculture is exempt. If agriculture is exempt, then why did the Rural Electric Association in my district write to me and say it will cost farmers and ranchers in my State an additional $1,700 a year to irrigate their land, if the carbon bill were to pass this Congress last year and be signed into law by the President; $1,700 a year, that carbon legislation would have cost farmers and ranchers in my State. By 2030, it would have cost them an additional $7,000 a year for one meter to run their irrigation. That's costing agriculture. That's costing jobs.

Instead of becoming the Environmental Protection Agency, the EPA is becoming the ''Everyone Pays a Lot Agency.''

Mr. WAXMAN. Mr. Chairman, that information is incorrect. I would like to see a letter that pertains to this EPA action. I think it might have been a letter related to a different piece of legislation.

I am now pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the very distinguished ranking member of the House Energy and Commerce Committee.

Mr. Chairman, I rise in very, very strong opposition to this bill, H.R. 910.

I can't help but think as I listen to what is being said on the other side that they are sitting in a car looking in the rearview mirror, and they think they see the future. There is a reason why people on this side of the aisle are opposed to this bill and call it the dirty air bill, because that's exactly what it is. And so instead of helping to create jobs for the American people, which is their top priority, their very, very top priority, what is the gift of the new majority, dirty air. That's why the American Lung Association is vehemently opposed to this bill. The American Public Health Association is vehemently opposed to this bill. Former senior military officers, environmental organizations, and scientists all strongly oppose the bill.

Now, guess who is for it. Guess who is for it, America. Big Oil because it will increase the demand for oil and do nothing to reduce what consumers spend on gasoline. This bill would put an end to future cost savings because both the EPA and States would be prohibited from updating the standards that they have already set.

One would think that during this time of rising gas prices and the turmoil in the Middle East, that we would be voting on legislation to decrease our dependence on foreign oil, voting to drive innovation in clean energy industries, and voting to ensure future security and energy independence and leave the next generation of Americans with a healthy world. Instead, we are voting on a bill to gut the Clean Air Act. I think this is all heavy evidence for Members of the House to oppose the dirty air act.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the former chairman of the Natural Resources Committee and the current ranking member on the Transportation Committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the chairman for yielding the time to me, and I appreciate his and his committee's work on this legislation.

Mr. Chairman, I don't think anybody in this body is for dirty air or dirty

water or any of the adjectives that have been used to describe the supporters of this legislation. Certainly the Clean Water Act and Clean Air Act and other worthy pieces of legislation that Congress has passed over the decades have worthy goals and have achieved tremendous progress for this country. And there is not a person in this country, I dare say, that would want to renege on a lot of the positive initiatives that have been achieved under these pieces of legislation.

□ 1510

No singular government agency, however, is sufficiently positioned to tackle the complex solution required to address carbon emissions. The answer has to be multipronged. It must involve innovation and investment in addition to reductions. It must be crafted taking into account the realities of the effect that emission reductions will have on the economic recovery this country is currently experiencing and on jobs, especially in the heartland of America. These are not matters that the EPA is required to consider or equipped to address.

To simply allow the EPA to move ahead on its own in crafting a national strategy on climate change is a recipe for disaster. It assures a lopsided solution to a broad and cumbersome challenge. And, what may be worse, it does not provide for the kind of transparency and the kind of public input that is needed for a viable, long-term solution.

It is one of the eternal truths of our form of government, Mr. Chairman, that the public has to be involved, it has to be informed, and the public must be engaged. This legislation is crystal clear in its message that the EPA has gotten ahead of public opinion and that the Congress now has a responsibility to pull it back.

I support this legislation, and I urge its passage today.

Mr. WAXMAN. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, we should oppose this dirty air act because it would suggest that we are a nation in a deep and dangerous sleep, dozing in the face of disastrous pollution, slumbering while our children are riddled with asthma. It's time for America to wake up, get up out of our comfortable beds of denial, and get to work building a new, clean economy.

It's time to wake up, America. The Chinese are not sleeping while they build five times more wind turbines than us. The Germans are not sleeping building more solar panels. The Indians are not sleeping who are restricting carbon pollution. It is time to wake up. Nobody in human history has ever won a race while asleep. And that's why it's time for a national awakening by rejecting this bill. It's a time to put engineers to work on clean energy. It's a time to help businesspeople to grow businesses. It's a time to help students learn new technology.

It is an irony, but it's true: You can only dream while you're asleep, but you can only realize a dream when you're awake.

We should believe in American exceptionalism. We are exceptional in innovation, exceptional in entrepreneurship, exceptional in pioneering technology. And if we do these things, the sun we see on the horizon will be a sunrise, not a sunset. It will be a sign of an awakening nation. We'll do this because we will know and America can know the profound satisfaction of building a clean energy economy and producing children free of asthma rather than increasing it like this dirty air act.

Vote ''no'' against this small-minded exercise in pessimism. Vote ''no'' and embrace the optimism that is inherent in our national character.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentlelady from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Mr. Chairman, I rise in support of the legislation and thank our chairman, the gentleman from Michigan, for bringing it forth and bringing forth a bill that will limit the EPA's regulatory overreach. It is important that we do. This is an issue that has been going on since 2007, when the Supreme Court gave the EPA permission to regulate greenhouse gases. At that point, I introduced a bill that would have stopped the EPA. Unfortunately, Congress didn't act and the EPA has now issued a final rule, and there will be more rules and regulations on the way if Congress does not step in and take action to stop this.

I am grateful that we are stepping forward and making certain that this authority returns to Congress. I urge my colleagues to vote for H.R. 910 and reassert Congress's authority over this issue, as it should be, and take it away from unelected bureaucrats.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 2 minutes to a distinguished member of our committee, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. I thank the ranking member for yielding.

Mr. Chairman, as the representative of a district that has one of the highest greenhouse gas emission levels per square mile in the United States and the Caribbean, I rise in strong opposition to H.R. 910, appropriately known as the Dirty Air Act.

As a physician and as a person who has been trained to make decisions on sound science, I have to reject this legislation that is based wrongly on the premise that there is no science that supports the court's decision that greenhouse gases are injurious to the public health. That premise is wrong. Once again, our Republican colleagues deny sound science in their attempt to achieve misguided and, in this case, harmful political ends. Leading scientific academies, associations, and think tanks have all clearly documented a clear connection between these gases and poorer health. They make just as clear a connection of these gases to the acceleration of climate change, which adds another dimension of health challenges, some of which we are already facing today.

My colleagues on the other side of the aisle tend to attribute the findings to the EPA administrator, but it is not she who has determined that these harm the public health. It was the scientific community, respected experts in the field.

Mr. Chairman, the reduction of greenhouse gases is particularly important to the poor and racial and ethnic minorities, as it has been shown that polluting industries are more often located in or near our communities.

In committee, and I suppose today, you will hear a lot of talk about CO_2, but that is not the only greenhouse gas that we're concerned about. This harmful group of gases also includes methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

The Virgin Islands have seen dramatic increases in asthma and cancers as the presence of these gases has increased. There is no way I can support this bill. No one should support it. We have a responsibility to protect the health of the American public. I urge my colleagues to reject H.R. 910 and to vote ''no'' to dirty air.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
March 23, 2011.

MEMBERS,
House of Representatives,
Washington, DC.

Re: NAACP Opposes H.R. 910, the Energy Tax Prevention Act of 2011

DEAR REPRESENTATIVE: On behalf of the NAACP, our nation's oldest, largest and most widely recognized grassroots-based civil rights organization, I am writing in opposition to H.R. 910, the Energy Tax Prevention Act of 2011. If enacted as written, H.R. 910 would block the ability of the U.S. Environmental Protection Agency (EPA) to reduce greenhouse gases under the authority of the Clean Air Act.

For more than 40 years, the EPA has used the authority granted to it by the Clean Air Act to protect our health and our environment. EPA actions to reduce greenhouse gas emissions are therefore appropriate, and should in fact be supported. If successful the reduction of greenhouse gases will help slow global warming, improve Americans' health and create new jobs.

The reduction of greenhouse gas emissions is especially important to racial and ethnic minorities, as we are disproportionately affected by the negative consequences of global warming socially, economically, and through our health and well-being. One need look no further than Hurricane Katrina and its tragic aftermath to see that African Americans and other communities of color are disproportionately affected by severe weather and other negative consequences of global warming. More recently, we can look to the extreme weather patterns experienced

by much of the United States this past winter, with unseasonable snow, ice and temperatures well below freezing in Atlanta, GA, and points south.

Rather than focus on legislative initiatives which would hinder our nation's progress in addressing the dangers of climate change and the resulting social, health and economic consequences, the NAACP urges the U.S. Congress to work toward the enactment of comprehensive climate protection and clean energy legislation that reduces global warming pollution. As such, the NAACP looks forward to working with you to ensure that effective actions are taken. In that vein, I hope that you will feel free to contact me should you have any questions or comments on the NAACP position.

Sincerely,

HILARY O. SHELTON,

Director, NAACP Washington Bureau & Senior Vice President, Advocacy and Policy.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota (Mr. BERG).

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

Mr. BERG. Mr. Chairman, this bill is a starting point to lowering energy costs. This bill encourages private sector investment and will grow jobs.

North Dakota is a leader in energy development. However, overreaching EPA regulations threaten not only energy producers but consumers as well.

The EPA's efforts to impose a cap-and-trade tax threaten to increase the price of energy for American families. These higher energy costs will also impact small business, threatening them and preventing them from growing the economy and creating jobs.

Our economy is suffering, and heaping more taxes on American families and imposing new regulations that will hurt job creation is not what our country needs to get back on track.

I firmly support the Energy Tax Prevention Act.

Mr. WAXMAN. For the purpose of a unanimous consent request, I yield to the gentleman from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to H.R. 910.

On April 2, 2007, the Supreme Court in Massachusetts v. EPA held that greenhouse gases, including carbon dioxide, are "air pollutants" under the Clean Air Act. As a result, the EPA was legally obligated to determine whether greenhouse gas emissions from motor vehicles could be reasonably anticipated to endanger public health or welfare. If the EPA made a positive finding, then it would also have to issue regulations to reduce such emissions.

On December 7, 2009, the EPA issued its endangerment finding. The finding was based on a 200–page synthesis of major scientific assessments authored by not only the Intergovernmental Panel on Climate Change, but also by the U.S. Global Change Research Program, the U.S. Navy, the U.S. Department of Agriculture, the National Research Council, NOAA, NASA, the U.S. Fish and Wildlife Service, the CDC, the U.S. Geological Survey, the National Snow and Ice Data Center, and others. The EPA's scientific basis for the finding was extensively reviewed by, among others, a group of leading scientists from federal agencies.

In order to limit the number of industrial sources that would be subject to regulation, the EPA issued its "Tailoring Rule" last May which raised the Clean Air Act statutory thresholds to require greenhouse gas permitting only for the largest industrial sources of greenhouse gas emissions from 100/250 tons to 100,000 tons per year.

In response to these actions, House Energy and Commerce Chairman FRED UPTON introduced the Energy Tax Prevention Act to strip the EPA of its authority to regulate carbon under the Clean Air Act.

My two largest concerns with the bill is that it overturns both the Supreme Court's finding that the EPA has the authority to regulate greenhouse gases under the Clean Air Act and the EPA's scientific determination that greenhouse gases endanger human health and the environment.

By doing this, the Energy Tax Prevention Act could also: prohibit EPA from enforcing existing greenhouse gas reporting requirements; prevent EPA from taking impacts on climate change into consideration when approving alternatives to ozone depleting substances under Title VI of the Clean Air Act and the Montreal Protocol; create legal uncertainty about the status of the recent motor vehicle standards adopted by EPA; and call into question EPA's authority to implement voluntary programs to reduce greenhouse gas emissions.

I must emphasize that I am opposed to the EPA moving forward with regulations on large utilities and refineries in our country, because I believe that the Congress should be the decision maker on carbon control issues. However, we cannot discount the Supreme Court decision, say climate change is not an issue and move on with it, which is the approach the Energy Tax Prevention Act takes. Instead, we should pass a bill that would delay the EPA from moving forward with these regulations so that the Congress has time to address this issue with input from Members that represent diverse constituencies nationwide.

So I ask my colleagues on the other side of the aisle to provide leadership on this front. Let's address carbon so that we don't have to worry about what the EPA is doing and whether they will be sued by outside groups to further regulate these industries or move up already announced dates for rulemaking. This Congress has the power to be 100% in control of giving our manufacturing base the regulatory certainty it needs. Cap and Trade legislation will not pass this Congress, but I believe a solution can be found for controlling carbon emissions by using nuclear and natural gas to generate electricity.

As such, I encourage my colleagues to vote against this bill and instead, let us pass into law a bipartisan, comprehensive carbon control program that regulates emissions with the least disruption to our economy.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

Mr. Chairman, I rise in strong opposition to this legislation, which makes a mockery of science, public health, international cooperation, the environment, the Supreme Court, and Congress.

The problems with this bill start with its title, the "Energy Tax Prevention Act." The bill has nothing to do with taxes. I had an amendment to actually prevent the EPA from imposing an energy tax that the Rules Committee would not allow.

□ 1520

During the rules debate, my colleague Mr. SESSIONS from Texas indicated the committee did not because my amendment was "not germane", because the bill doesn't have anything to do with taxes.

Welcome to another journey down the legislative rabbit hole. Last week, the majority pretended that you didn't have to have both Chambers of Congress to enact a law. This week, we have purposely misleading bill titles.

The rule, by the way, did waive a point of order on germaneness for a provision added in committee, but the Rules Committee refused to make in order an amendment that would actually prevent energy taxes. That's because there is no threat that the EPA will impose taxes. Instead, the agency's measured and reasonable approach to update the Clean Air Act to deal with carbon pollution will reduce health and economic costs.

The tax moniker is not the only falsehood being floated about the EPA. Supporters have also claimed this bill will prevent rising gas prices. The Pulitzer Prize-winning PolitiFact has rated this claim false.

My colleagues on the other side of the aisle understand that. They're taking a page from Frank Luntz' approach to environmental policymaking. They don't want to have a fact-based debate about the EPA's authority to limit carbon pollution. Instead, they're working to perfect the use of poll-tested, wildly inaccurate language to attack sound science and to undermine confidence in laws that keep us safe.

I hope my colleagues will join me in rejecting this unfortunate piece of legislation and the tactic that is being used to advance it.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the House Ag Committee, the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. I rise in support of H.R. 910.

Mr. Chairman, for more than 2 years, we have watched Obama's Environmental Protection Agency try to expand its authority over American agriculture. Most telling of the EPA's irrational regulatory approach is how it has concluded that the breath we exhale and the gas that livestock expels are dangerous pollutants and should be regulated under the Clean Air Act.

During a recent Agriculture Committee hearing, the EPA Administrator said agriculture is currently exempt from the proposed regulations because the EPA has targeted only the largest greenhouse gas emitters. This doesn't provide any certainty to our farmers and ranchers, especially since, in a recent interview, Lisa Jackson was

quoted as saying that the EPA will begin looking at regulating greenhouse gases from farms as soon as 2013, which counters her own remarks at that hearing.

Additionally, a mythical exemption doesn't insulate farmers, ranchers and rural businesses from the higher energy and operating costs they'll face from other industries hit by these regulations. Whether it's the fuel in the tractor, the fertilizer for the crops or the delivery of food to the grocery store, this backdoor energy tax will increase the cost of doing business in rural America.

I urge my colleagues to join me in passing H.R. 910, the Energy Tax Prevention Act, and protect agriculture from EPA's overreach. This bill will prevent the EPA from running wild across America's farms and from subjecting our producers to more burdensome regulations that threaten to put them out of business. Rural America has never stopped being a good place to live; so it's our job to make sure it's a good place to make a living, too.

Mr. WAXMAN. Mr. Chairman, I now yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my friend from California for his leadership.

Mr. Chairman, I rise today in opposition to H.R. 910.

My friend Mr. BLUMENAUER made the point that there is a deliberate misleading title to this bill somehow cynically allowing voters to believe that this is about taxes. I had an amendment before the Rules Committee that, unfortunately, was not accepted. How about we be intellectually honest about this? Let's rename the bill the Koch Brothers Appreciation Act of 2011. At least then we could clear the air and be honest; but then again, that's what this bill is all about, not clearing the air but ensuring that it stays polluted.

Today, sadly, the other party will attempt to pass a bill that denies decades of science in order to protect the profits of a few favored corporations. Next, we may hear claims that the Earth is, indeed, flat.

When Congress passed the Clean Air Act in 1970, it directed the EPA to protect the public health and welfare from pollution that would alter weather and climate. In the last 40 years, hundreds of peer-reviewed scientific papers have found that global warming is caused by humans, is becoming worse, and poses a dire threat to our public health, national security and economic vitality.

This bill makes Congress the final arbiter of science. That is a perilous path, Mr. Chairman, to go down, and it repudiates 100 years of bipartisan efforts to craft public health legislation according to science. Not since the Scopes trial has a division of government waged such an outlandish assault on science. With H.R. 910, Republicans, sadly, have aligned themselves with that school board in Tennessee and with the Pope who excommunicated Galileo.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding me the time and for his leadership on this issue.

I rise in strong support of this legislation.

Despite President Obama stating that he would prefer Congress to take the lead in determining how to handle greenhouse gases, what do you know? The Environmental Protection Agency has begun their own plan to regulate greenhouse gases.

American voters spoke in November, and they clearly rejected the cap-and-trade agenda that was offered in this Congress last year and that was not taken up in the United States Senate. Now we, ourselves, are faced with the need to act. So unless Congress acts to stop the EPA, this administration and the Environmental Protection Agency will enact their own cap-and-trade-like agenda.

Without action, the EPA will add more regulatory red tape onto American businesses and manufacturers, hampering the ability of companies to operate competitively in the United States. These businesses could be forced to move those jobs overseas, to locations with fewer regulatory burdens, or they could simply pass these increased costs on to American consumers. Either choice is not good for jobs in America. Without action, these regulations will be paid by anyone who turns on a light switch or who plugs in an appliance.

We must stop the EPA from continuing their spree of overregulating our economy. During this economic slow-down, we should be adopting policies that seek to rebuild our economy and create more jobs. We should be producing more energy, an all-of-the-above energy plan that I know the Energy and Commerce Committee is working on, to increase the domestic production of oil and natural gas and coal and safe nuclear power and to encourage new productions from new sources of energy.

Let's make America energy independent. Let's not raise the cost of energy and ship jobs overseas, which will cost millions of American jobs. We should be doing just the opposite. This legislation starts us on that path, and I urge my colleagues to support it.

Mr. WAXMAN. Mr. Chairman, may I inquire as to how much time is remaining on each side?

The CHAIR. The gentleman from California has 10 minutes remaining. The gentleman from Michigan has 11½ minutes remaining.

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

Mr. UPTON. Mr. Chairman, I yield 1 minute to a cosponsor of the bill, the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise today in support of Chairman UPTON's bill, H.R. 910, a bill to prevent the EPA from regulating greenhouse gases. By passing this bill, Congress will rein in the EPA and save thousands of American jobs.

This is a very sensitive issue to me. Georgia-Pacific, a subsidiary of Koch Industries, is the largest employer in my hometown of Muskogee, Oklahoma, employing almost 1,000 Oklahomans. I am proud of the work Koch Industries brings to my district and of its record of environmental stewardship. I want to make sure that Georgia-Pacific employees keep their jobs and that Koch can continue to invest in Oklahoma.

Every Member of Congress understands the delicate balance between creating jobs and preserving the environment, but I ask my colleagues to see that the answer to America's economic and environmental challenges is not a more powerful EPA. Let's pass the Upton bill and put an end to this job-killing idea.

Mr. WAXMAN. Mr. Chairman, I continue to reserve the balance of my time.

□ 1530

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), the former chairman of the House Ag Committee and now ranking member of that committee.

Mr. PETERSON. Mr. Chairman, I rise today in support of H.R. 910.

We recently held a hearing in the Agriculture Committee with folks from the EPA and from people in agriculture, and the message that we heard was pretty clear from agriculture that they believe the EPA needs to be reined in, not only as regards this bill, but other measures that are being considered within the EPA as well. What this bill will do is hit a pause button on the EPA's current efforts to regulate greenhouse gases, and that's exactly what people in agriculture think we need.

I have traveled the country, all over the country, talking to agriculture producers both in my district and other places, and they are concerned about what they see coming out of this agency, the regulations that they are seeing. And what really concerns them is that the agency does not seem to understand agriculture and, frankly, doesn't seem to want to understand agriculture.

These proposed regulations we're seeing from EPA could potentially get in the way of what agriculture producers are already doing when it comes to conservation of our natural resources. American farmers and ranchers rely on these resources to provide the world's food supply and are committed to preserving them for the next generation.

The EPA claims to be operating in an open and transparent manner, but the agency is sending mixed messages. At the recent hearing that I mentioned earlier, we were told that agriculture is currently exempt from proposed regulations, yet press reports have quoted

the administrator since as saying the EPA will begin looking at regulating greenhouse gases from farms as soon as 2013.

If Congress doesn't do something about the regulations being imposed on our farmers, ranchers and rural communities, the economic effects are going to affect everybody in America. We are being asked to feed more and more people not only in this country, but around the world. This kind of legislation, the effect is going to be to make it harder to do that and also to raise the cost on all of the consumers in this country at a time when that's the last thing that we need.

I encourage my colleagues to support H.R. 910.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank my colleague from California.

For 40 years, the Clean Air Act has been successful in reducing emissions in the atmosphere, pollution that kills people. Thousands of people are alive today because of the Clean Air Act. None of them know who they are. It might be people in this Chamber, some of us. And the success of the Clean Air Act is due in large part to being enacted and strengthened based on the best science available to find effective ways to remove the worst pollutants from our air. The legislation before us today—appropriately nicknamed the ''dirty air act''—would gut the Clean Air Act and prevent EPA scientists from doing their jobs.

The Clean Air Act was written wisely to allow the safeguards to grow with the scientific understanding of the dangers proposed by various chemicals in the air and with the technological means for controlling those pollutants. Carbon pollution, a couple of years ago, was determined by EPA scientists to endanger the health and welfare of the American people. EPA scientists should be allowed to continue their work. Air pollution is costly in lives and in dollars.

The Clean Air Act is successful. The legislation must be protected.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I rise today in support of H.R. 910, the Energy Tax Prevention Act, which would prohibit the EPA from using the Clean Air Act to regulate greenhouse gases.

Congress has already said no to a cap-and-trade tax, yet the EPA is intent on taking matters into their own hands, which will result in a bleeding of jobs. If the EPA is allowed to continue to pick winners and losers in this country, we will be seeing higher prices at the gas pump, higher utility bills, and job loss.

We should be making it easier, not harder, for small businesses to expand and hire. However, the EPA's assault on fossil fuels will result in higher domestic energy costs and push American jobs overseas.

At home in West Virginia, the EPA is making it much more expensive to turn on our lights and drive to work; that's not the way to get our economy back on track.

This legislation is of particular importance to my constituents in West Virginia. The EPA's regulations will disproportionately affect our State's economy. West Virginia powers the Nation. Our energy providers provide thousands of good-paying jobs, and coal alone provides over half of our Nation's electricity and over 95 percent of the power in my State.

I strongly urge my colleagues to vote in favor of H.R. 910 to stop the EPA's regulatory overreach and job-killing strategies.

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

I want to clarify some statements that have been made that are absolutely inaccurate.

There may be Members who are unhappy about EPA regulations as they hear from their constituents, but that is not what is involved in this bill today.

This bill would stop EPA from regulating as it relates to carbon emissions; and EPA has undertaken this because of a scientific finding that carbon emissions are causing a danger to public health and the environment.

EPA, under the Clean Air Act, has a wide range of possible regulations, but EPA has decided that they would restrict their regulations only to large new sources or expansion of existing sources of pollution of 100,000 tons per year, and that is all.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. Mr. Chairman, I yield myself another 30 seconds.

So we heard these claims that they are going to come in and regulate in areas where they're not seeking to regulate, nor have they in fact done it. A new source, emitting 100,000 tons of pollution, is equivalent to burning a train car load of coal per day.

We hear concern from people from the coal-burning States, but they're not threatened unless there are new sources of that magnitude. The oil companies are not going to be regulated unless they are going to build a new source of that magnitude. Maybe they are fearful about other regulations, but that is no reason to support this bill.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the chairman of the Energy and Power Subcommittee, the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. On this tailoring rule that was adopted by EPA saying that they would regulate only those emitters of 100,000 tons or more per year, that is in direct violation of the language of the Clean Air Act, which says they have to regulate anything 150 to 250 tons per year.

Lawsuits have already been filed against the EPA of violating the Clean Air Act, and there is a strong sense that the tailoring act would be ruled illegal. And if it is, as Gina McCarthy said, they would have to regulate everything in society, including small farms, small businesses, everyone. They do not have the manpower to do it; and as she stated, it would cost the enforcing agencies alone $24 billion, and that's not including the money that industries and others would have to spend to comply with the new regulations. So the statement that they will not be impacted is certainly not settled.

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

I want to refute the statements that have just been made.

There is a court doctrine allowing EPA to design regulations that are tailored according to administrative necessity, and they need not go beyond that.

The complaint on the other side is that there is a wide-ranging regulation, but there is not. And there will be an amendment offered by Representatives KIND and OWENS to restrict the regulations by law to what the EPA is implementing.

□ 1540

And I hope the gentleman that spoke just now will vote for that amendment. But whether it passes or not, EPA can tailor its regulation, and they ought not complain about a regulation that's not being proposed. They don't want even the minimal one that EPA is implementing.

If we don't legislate and we don't regulate, we are ignoring the problem and we're going to make it much, much worse and costlier to correct later on.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. Mr. Chairman, I rise in support of this legislation.

For me, this debate is not about whether or not climate change is occurring, nor is it about preventing the congressionally directed policies that Congress should have to reduce greenhouse gas emissions and allow us to have a low-carbon producing economy.

I, for one, think that climate change is real and a problem that needs to be addressed with practical solutions that have attainable goals to reduce emissions and provide certainty in our economy. I also believe that the Clean Air Act has truly benefited our Nation and should never be weakened—rather, strengthened.

However, agencies should not be able to regulate what has not been legislated. Doing so does not solve problems. It creates even more uncertainty as it opens up the agency's rules to countless legal challenges.

And I am committed to finding a workable solution to achieve clean air, help address global warming, and preserve the economic competitiveness of

the United States in the global marketplace. With my friend, Congressman MATHESON of Utah, we offered an amendment during markup that is now in the bill that states that there is established scientific concern over warming of the climate system and Congress should fulfill its role in developing policies to control greenhouse gas emissions.

I rise in support of this legislation, but I also support a meaningful solution to the carbon crisis.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 3 minutes to the Democratic whip in the House, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Briefly, in response to the gentleman's assertion, of course the court has said EPA does, in fact, have this authority. This is not a new authority they're making up. Rather than invest in new energy technologies, address carbon pollution, and create clean energy jobs, our friends on the other side are choosing instead to deny the problem and take away America's tools for responding to it.

This bill would overturn auto emission standards that are making our cars and trucks cheaper to drive and breaking our independence on foreign oil. This bill would not do a single thing to bring down the price of gas, but it would keep America from saving 1.8 billion barrels of oil over the lifetime of our new cars. We would not have gotten there, frankly, if some of the proponents of this bill who opposed getting to those standards had prevailed. And it would do so at a time when the turmoil in the Middle East should serve as an energy independence wake-up call.

I'm for using all of our energy that we can do so in a healthy, safe way. This bill, however, would significantly weaken the Clean Air Act over its 40-year span.

The benefits of the act: longer lives, healthier kids, greater workforce productivity, and protected ecosystems have outweighed the costs by more than 30–1. That's a pretty good return, ladies and gentlemen. Last year, according to the EPA, just one part of the Clean Air Act prevented someone 160,000 premature deaths, 130,000 heart attacks, and 100,000 hospital visits. That is a pretty good return on our investment.

And according to the American Medical Association, ''If physicians want evidence of climate change, they may well find it in their own offices. Patients are presenting with illnesses that once happened only in warmer areas. Chronic conditions are becoming aggravated by more frequent and extended heat waves. Allergy and asthma seasons are getting longer.''

The gentleman from New Hampshire said he doesn't doubt global warming. I agree with that conclusion. It is a shame this bill doesn't take that perspective. The Republican response is to make pollution easier, frankly.

Finally, this bill overturns scientific findings that carbon pollution endangers the environment and human health, which has been confirmed by all of the world's leading scientists.

A partisan majority can pass whatever bill it wants. I understand that. But it cannot legislate the facts out of existence, facts that as recently as a few years ago were accepted in both parties. What changed? The science or the politics?

Mr. Chairman, I urge my colleagues to oppose this bill, which recklessly endangers our air, our health, our climate, and our energy independence.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY), a member of the committee.

Mr. MURPHY of Pennsylvania. Okay. Here we go.

When we discussed the cap-and-trade bill, it worked sort of like the Seinfeld show. George Costanza comes to Jerry and says, ''You know what we should do with this show, what it should be about?'' Jerry says, ''What?'' George says, ''It's about nothing.''

Here's how cap-and-trade works: Factory A has something coming out of its smokestack; Factory B doesn't. So Factory B sells their ''nothing'' to Factory A. Factory A adds that cost to the cost of their products. Sooner or later, they raise costs of electricity, raise costs of their products. They can't make it in America any more.

America figured this out long ago, and they said we're going to see energy prices go up, we're going to see jobs and income go down. We don't want it to work this way. We want clean air, clean land, and clean water. But the way these things are working is not what's going to make it happen.

So the American people say don't export our jobs, don't export our factories, don't export our manufacturing and then end up importing emissions from other countries. It's a global problem. It's something we have to deal with. But having the EPA do this without working through Congress isn't the way to make this happen.

Let's come up with a real solution here but not continue on down this road of exporting our jobs to other countries.

Mr. WAXMAN. I continue to reserve my time.

Mr. UPTON. Mr. Chairman, if I might just enter in a brief colloquy with my friend, the gentleman from California.

Each of us has about the same amount of time left. I have allocated my time; I presume you have as well. My remaining speakers are meeting someplace, and I'm prepared to close and yield back if you are, unless somebody comes to the floor awfully fast.

Is it the same for you?

Mr. WAXMAN. I find myself in the same position. I am prepared to close and yield back my time, unless one of our Members shows up unexpectedly.

Mr. UPTON. Fine.

Mr. WAXMAN. Mr. Chairman and my colleagues, I have before me a letter from the United States Environmental Protection Agency. We asked them very specific questions, and one was whether this would establish a backdoor cap-and-trade program. They said, one, EPA has not adopted a cap-and-trade program to address greenhouse gas emissions; two, EPA is not considering or evaluating a cap-and-trade program to address these emissions under existing Clean Air Act authority; and they further went on to say they do not anticipate that they will do a cap-and-trade program. None of the five programs that they have adopted or are considering adopting to limit harmful pollutions are cap-and-trade programs.

So when we hear Members get up and say, oh, they're about to adopt a cap-and-trade program because Jerry Seinfeld's show might lead you to that conclusion, it is not, according to Lisa Jackson, the head of EPA, their intent.

EPA, under the law, is required to look at the science. Once they determined that carbon is a pollutant that causes harm to public health and the environment, they must regulate. They could, under their powers, fashion the regulation in a modest way, which is exactly what they've done. The regulations that they are implementing can be met through greater efficiency in these new sources that would emit such large amounts of carbon. That is a reasonable thing to do because it is beneficial for the industries to be more efficient.

We have found over the years, under the Clean Air Act, when sources of pollution, industries, reduce their pollution, they become more efficient and more competitive. That's what will happen as a result of the regulations that are being implemented. Let us not tie EPA's hands and say they cannot deal with this subject.

For those who deny the science, I disagree with you. But if you're wrong, it will take a long time before any strategy will come into effect to reduce these emissions. Buy at least an insurance policy to reduce these dangerous pollutants so that we can avoid some of the terrible consequences of greenhouse gas emissions and climate change, which are already evident in this country and around the world.

I urge my colleagues to oppose this bill. Vote ''no.''

I yield back the balance of my time.

□ 1550

Mr. UPTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we followed regular order on this bill. We had plenty of hearings. We issued a discussion draft. We had markups in both full and the subcommittee. We sought bipartisan support. In fact, we received it. Mr. PETERSON, who spoke earlier, the former chairman of the House Ag Committee, Mr. RAHALL, the former chairman of the Natural Resources Committee, are both original cosponsors.

We have different rules than the other body, the Senate. They are debating this same issue today in fact.

They have been debating it now for a couple of weeks. And it's interesting to me that a number of the amendments on the amendment tree in the Senate by different Democratic sponsors—in fact, I would confess that the EPA has run amok because they, too, though they might not be fully supportive of this legislation, they too are supporting a 2-year time-out to the EPA, to tell them to stop. They're not ready for this.

I supported, I voted for the Clean Air Act back in 1990. And I think most of my colleagues then, it was a strong majority that supported that. It allows the EPA to regulate 188 different contaminants. They do that. This bill does not weaken that work by the EPA.

There was an issue then that the Senate included in their version of the bill something that did regulate greenhouse gases. And when it went to conference with the House, JOHN DINGELL was then chairman of the conference committee, the House did not accept the Senate language. The Senate receded to the House, as the lingo goes, and in fact the Clean Air Act then ended up without regulating greenhouse gases.

We had a huge debate in the last Congress on cap-and-trade. Speaker PELOSI had an 86-vote margin here in the House. Cap-and-trade, yes, it did pass in the House. It passed by seven votes. So you switch four votes, it goes the other way. But despite that passage in June of 2009, the Senate did not take that legislation up. Didn't go through subcommittee, full committee, never got to the Senate floor, and it died with the conclusion of the 110th Congress.

What we are saying is that the Congress, elected leaders here, should decide what is regulated. We know from the testimony that we had in committee we may lose as many as 1.5 million jobs. We heard from the refineries. They know that it's going to increase costs because they're going to have additional regulation. They're going to pass those costs on. And, in fact, it will raise the price of gasoline by 20 cents to 50 cents over the next number of years. That's not what we want to see in this country.

And what's going to happen? What's going to happen to those jobs? They're going to leave this country, and they're not going to come back. And they're going to go to other places like, let's face it, India and China, where neither country has nearly the environmental laws that we have today. We are going to continue to enforce, to see the Clean Air Act enforced. This does not weaken that act. We just say we're not ready to regulate greenhouse gases, not when we have an unemployment rate where it is today—Michigan much higher than the national average—knowing that it's going to cost a lot of jobs.

So I would urge my colleagues to support this legislation. It tells the EPA, no, you are not going to do this. We will see what happens with the Senate, as they debate this issue the rest of the day and perhaps into tomorrow. But I would urge all of my colleagues to support H.R. 910, particularly now as we get into the amendments.

Mr. CAMPBELL. Mr. Chair, I rise in support of H.R. 910, the Energy Tax Prevention Act.

In 2009, the Administration announced their "National Program" to regulate fuel economy. But if you read beyond the press releases touting the "National Program" you'd find that it wasn't one program at all. In reality, the so-called "National Program" is made up of three different fuel economy programs, administered by three different agencies—NHTSA, EPA, and the California Air Resources Board—under three different sets of rules, pursuant to three different laws.

Why on earth do we need three different agencies regulating the same thing? The truth is, we don't. H.R. 910 would end the regulatory duplication, and the millions in taxpayer dollars wasted on such redundancy by EPA.

Mr. Chair, as the old Beatles song goes, "one and one and one is three." The CAFE program plus an EPA program plus a California program adds up to three different programs. That's what we have now, but we must do better for consumers, who will ultimately have to bear the cost of all this unnecessary regulation. H.R. 910 returns the regulation of fuel economy back to one standard, with rules written by Congress, not unelected bureaucrats. I urge a "yes" vote on this important legislation.

Mr. LANGEVIN. Mr. Chair, I rise in strong opposition to H.R. 910, the Energy Tax Prevention Act or "Dirty Air Act" which will end the Environmental Protection Agency's (EPA's) ability to regulate harmful carbon pollution.

I will vote against this bill for many reasons, but one that is particularly concerning to me is related to my strong support for Science, Technology, Engineering, and Mathematics (STEM) education. I believe that STEM education is critically important to our recovering economy and to our future competitiveness and innovation. I support programs, such as the Cyber Foundations Competition, to encourage more students to pursue careers in science and technology and I believe that many of my colleagues on both sides of the aisle share this goal. But how can we ask our students to pursue careers in science and then ignore scientists when their findings are not politically convenient? This bill sets science aside and sends a dangerous message to our students pursuing studies in STEM fields.

In addition to an attack on science, this bill will stop and reverse the public health, environmental, and economic protections that have been achieved since the passage of the Clean Air Act 40 years ago. In 2010 alone, the Clean Air Act contributed to the prevention of 160,000 premature deaths, 130,000 heart attacks, and more than 100,000 hospital visits. This bill will also prevent the EPA from setting pollution standards for cars and trucks, increasing carbon emissions in our communities, and continuing our nation's addiction to foreign oil. Further, a return to outdated technology will limit new innovations in renewable and more efficient technologies and limit the job growth opportunities in these emerging manufacturing industries.

Rhode Islanders have great respect for their environment and they deserve the right to step outside and feel safe breathing the air around them. By preventing the EPA from regulating greenhouse gas emissions, we are turning back the progress we have made to protect our health under the Clean Air Act and we are halting important economic opportunities that will help make our nation a world leader in new technologies. I urge my colleagues to join me in opposing this bill and supporting responsible regulations that will keep our nation moving forward and keep our environment safe for future generations.

Mr. LEVIN. Mr. Chair, I rise in opposition to the legislation before the House, which would weaken the Clean Air Act and the ability of the Environmental Protection Agency to protect public health and the environment from carbon pollution.

The scientific community has been telling us for years, with growing urgency, that greenhouse gas emissions are contributing to changes in the climate and that the impact of these changes will be overwhelmingly negative going forward. There is a lot of room for a constructive debate on what the U.S. response should be to the buildup of heat-trapping gases in the atmosphere. Our response cannot be to simply deny the existence of the problem.

But that is exactly what the bill before the House does. This legislation rejects the scientific consensus that climate change is occurring and overturns EPA's scientific finding that carbon pollution endangers public health and the environment. In a word, this bill would take a fundamentally anti-science dogma and enshrine it into public law. It is the legislative equivalent of sticking our heads in the sand.

We've heard a lot of overheated rhetoric by the proponents of this bill that protecting the American people from carbon pollution amounts to some kind of job-killing tax increase that will make gasoline and electricity cost more. In fact, the rules EPA is developing seek to curb carbon pollution by the very largest emitters in this country over a period of many years. We're talking about facilities that emit more than 75,000 tons of carbon into the air each year. In most cases, the new rules will simply require these facilities to make energy efficiency improvements. As we've seen in so many other areas, investments in energy efficiency often pay for themselves and actually create jobs.

H.R. 910 is opposed by scientists, public health groups, environmentalists, sporting organizations like Trout Unlimited, as well as the UAW and the Blue/Green Alliance. This legislation should be rejected.

Mr. TERRY. Mr. Chair, I rise today in support of H.R. 910, The Energy Tax Prevention Act of 2011. This legislation will amend provisions of the Clean Air Act, to establish general rules prohibiting the Administrator of the Environmental Protection Agency (EPA) from regulating green house gas emissions to address the issue of climate change.

Being from Nebraska, I meet with a number of agriculture interests, all of them very concerned about the activism that the EPA has and is demonstrating these last few years. Folks joke about green house gas emissions that come from farm animals, especially cows and cattle. While on the one hand it is funny to think that this is a problem; however, on the other hand, it just demonstrates the kind of

people who are working in today's EPA and this is really serious.

When Administrator Jackson testified before the House Agriculture Committee she stated, ''One notion is that EPA intends to regulate the emissions from cows—what is commonly referred to as a 'cow tax.' '' ''The truth is—the EPA is proposing to reduce greenhouse gas emission in a responsible, careful manner and we have even exempted agricultural sources from regulation.'' When the Administrator testified before the Energy and Power Subcommittee of the Energy and Commerce Committee, as a member, I asked her to clarify if she would exempt agriculture from these regulations and she said she would—twice over. I appreciate her willingness to exempt this very important industry, because not exempting agriculture would have a dramatic impact on the Nebraska economy. My concern is that Administrator Jackson does not have the legal authority to unilaterally exempt agriculture; and even if she does, that industry is only one law suit away from being regulated, due to citizen law suits. I have no doubt that the Sierra Club, PETA, the Natural Resource Defense Council, the U.S. Humane Society, or some other group will sue either individually or together with regards to greenhouse gases on farms.

The EPA's own figures on agriculture state that 37,000 farms are above the threshold of being a major source of greenhouse gas emissions. The Clean Air Act explicitly states that ''major sources'' must obtain a Title V operating permit. This could have a direct impact on many operations within agriculture, including corn, wheat, grain, cattle, and hog operations. This overzealous regulation will cause the cost of food production to rise and will also cause an indirect impact on bringing goods to market by helping to increase energy costs.

While I appreciate Administrator Jackson's willingness to exempt us from the cow tax, I think it is more important that we pass H.R. 910 and get it to the President for his signature, in order to guarantee that none of our energy is taxed.

Only with the passage of H.R. 910 will we end EPA's over reach on this issue.

Mr. MORAN. Mr. Chair, emboldened by their electoral victories last fall, my Republican colleagues have embarked on a campaign to weaken or repeal many of the landmark laws that have protected the public's health and the environment.

The first opening shots at the Environmental Protection Agency (EPA) were fired through amendments to legislation (H.R. 1) to complete the fiscal 2011 budget.

More than 22 anti-environmental and anti-conservation riders, that suspend agencies from taking action to implement provisions in Federal law, were added to bill on the House floor during the week of February 13th.

Fortunately, the Senate rejected the House bill, bringing us down a path to where we are today in a high stakes showdown whose outcome looks even more likely to result in a government-wide shutdown.

But, instead of sitting down to try to work out a budget, we are here on the House floor debating a bill to overturn a scientific finding.

EPA determined through its December 2009 endangerment finding that greenhouse gases endanger the public's health.

Today's House floor action is reminiscent of the Catholic Church's response to Galileo Galilei's publication of his famous work, Dialogue Concerning the Two Chief World Systems, which stated that the sun was the center of the universe.

It was not until October 31, 1992 when Pope John Paul II expressed his regret for how the Galileo affair was handled by the Catholic Church.

Unfortunately, climate change does not afford us the luxury of time to amend our policies decades from now.

Climate change is upon us and the longer we delay, question the science and fail to take even modest action to curb future growth, the costlier the consequences will be.

Today's legislation is a cynical attempt to pretend climate change is not occurring and restrict the one agency authorized by law to do something about it.

History will neither reflect kindly on those who reject science in the pursuit of short-term economic and political gain.

I urge my colleagues to oppose this bill.

Mr. PRICE of North Carolina. Mr. Chair. I rise in opposition to H.R. 910. While cynically called the Energy Tax Prevention Act by its sponsors, the bill could more aptly be named the ''Dirty Air Act''.

This legislation would overturn EPA's scientific finding that greenhouse gases endanger human health and welfare, which stemmed from a landmark 2007 Supreme Court decision, and prevent the EPA from using the Clean Air Act—now or in the future—to limit greenhouse gas pollution from power plants and other industrial sources. This reckless and misguided attack on our environment and public health will allow more pollution into the air we breathe and threaten the health of Americans across the country.

Supporters of the bill claim that setting standards for greenhouse gases under the Clean Air Act will cost jobs and undermine the competitiveness of America's manufacturers. But the argument that clean air somehow poses a hazard to the economy is as ridiculous now as it was in the 1970s, when the major polluters used it to try and stop enactment of landmark environmental laws. Rolling back the EPA's authority to limit pollution—whether it be carbon or lead—won't create a single job. It will simply undo 40 years of progress toward a cleaner environment and better public health.

In fact, the very provisions of the Clean Air Act that this bill attacks have a forty-year track record of delivering cleaner air and improved health, along with the benefits of enormous growth in the economy. In its first 20 years, the Clean Air Act prevented an estimated 200,000 premature deaths. Some 1.7 million tons of toxic emissions have been removed from our air each year since 1990. Innovations spurred by the Act have made our cars up to 95 percent cleaner today than they were in the past. EPA economists estimate that the total benefits of the Clean Air Act amount to 30 times its costs.

Passage of this bill would also mark the first time in history that Congress has approved legislation to overrule an objective scientific finding. Congress enacted the Clean Air Act precisely to require the EPA to make science-based decisions about the threats to health and welfare presented by air pollution instead of allowing such decisions to be driven by political ideology or special interests. And that is exactly what EPA's scientists have done: under both the Bush and Obama administrations, objective scientific studies have found that greenhouse gases pose a real and indisputable threat.

Recently, more than 2,500 scientists—from all 50 states—sent a letter to Congress calling on Members to support EPA's updated carbon pollution standards under the Clean Air Act, noting that the ''science-based law has prevented 400,000 premature deaths and hundreds of millions of cases of respiratory and cardiovascular disease during the 40 years since it was first passed—all without diminishing economic growth.''

Rather than heeding the science and letting the EPA and the states do their job to protect public health and our environment, this bill would give the nation's biggest polluters a free pass to keep polluting and place the health of our nation—particularly our children, elderly citizens and other vulnerable populations—at risk. A vote for this bill is a vote against the commonsense Clean Air Act provisions that keep our air clean and protect our public health. I urge my colleagues to support science and the Clean Air Act and oppose H.R. 910.

Mr. COSTELLO. Mr. Chair, I rise in support of H.R. 910, the Energy Tax Prevention Act of 2011.

Based on the physical evidence and forecasts of most scientists, it is clear climate change is happening, man-made causes are a significant factor, and that left unaddressed, climate change poses a public health risk. I believe we must move forward from debating the science of climate change to developing balanced policies that combat its impacts.

However, I oppose the Environmental Protection Agency's (EPA's) attempt to regulate greenhouse gas emissions. I believe Congress must retain the authority to develop a climate change policy that reduces emissions, improves energy efficiency, and encourages clean energy technology, including clean coal, while also protecting and creating jobs, keeping energy costs affordable, and preserving our economic recovery. I am not convinced EPA's current path will achieve those goals.

While I do not agree with all aspects of this legislation, I support H.R. 910, to ensure Congress has the ability to develop a practical climate change policy at the appropriate time. I ask my colleagues to join me in supporting this legislation.

Mr. PENCE. Mr. Chair, I rise in support of the Energy Tax Prevention Act of 2011, which would prohibit the EPA from regulating greenhouse gas emissions under the Clean Air Act.

With gas prices averaging $3.70 per gallon, up from $3.50 a month ago, up nearly a dollar from a year ago, and with unemployment rates continuing at heartbreaking levels, the last thing the American people need is a national energy tax.

Yet the Obama EPA seems intent on implementing policies that will not only drive up the price at the pump, but drive even more American jobs to places like India and China. According to a study conducted by the Heritage Foundation, annual job losses will exceed 800,000 should the Congress fail to act in preventing the EPA from moving ahead with their global warming agenda.

In this difficult economy, the federal government must make affordable, domestic energy production a top priority and House Republicans are doing just that.

I applaud the work of my colleagues in developing an all-of-the-above energy solution

that will create jobs and end our dependence on foreign sources of energy.

But Congress first must stop the EPA's assault on working families, small businesses and family farms by rejecting this backdoor national energy tax.

Mr. STARK. Mr. Chair, I rise today in strong opposition to weakening the Clean Air Act and ignoring the very real threat posed by global warming. Republicans might like to teach creationism in schools and demonize science, but the fact is that climate change is man-made, is happening, and threatens our way of life. Failure to act is unacceptable.

The Obama Administration is taking small but important steps toward regulating only the largest sources of greenhouse gases. This legislation would end that progress. The Environmental Protection Agency (EPA) is exercising its Clean Air Act authority as recognized by the conservative Supreme Court in Massachusetts v. EPA. The Upton-Inhofe bill (H.R. 910) would not only undermine the Clean Air Act, it would also take the unprecedented step of overturning a scientific finding by the EPA that carbon pollution endangers America's health and environment.

At a time of rising gas prices and oil related conflicts around the world, this legislation would further increase our dependence on oil and other fossil fuels. This bill would take us back to a failed energy policy that has made our country addicted to fossil fuels and imported oil.

Rather than sticking our heads in the sand, Congress needs to implement a comprehensive energy policy that puts a price on carbon pollution and invests in the energy sources of the future. We could start by ending taxpayer subsidies for giant oil companies and corn ethanol, but I doubt that bill will be on the floor anytime soon.

The Republican attack on science and logic will not create a single job or protect a single American's health. All it will do is appease the radical fringe of their party. I urge all my colleagues to vote no.

Mr. SENSENBRENNER. Mr. Chair, I rise today in strong support of H.R. 910, the Energy Tax Prevention Act, which is commonsense legislation that will help economic recovery efforts and reduce energy prices.

It is troubling to see the Obama Administration continue to advocate for policies that will inhibit job creation in this country, and also raise prices of goods and services for every American. We should not move forward with imposing regulations that will slow the current economic recovery.

Over the last few months, my colleagues on the other side of the aisle have borrowed the Republican mantra from the past couple of years when the Democrats had control and asked, "Where are the jobs?" I have found this quite humorous considering that since Republicans have taken over leadership of the House, we have been actively working to rein in excess government waste and pass legislation to make it more affordable to do business in this country. But, setting that aside, we should all be able to agree that without passage of the Energy Tax Prevention Act, the answer to their question will be: not in the U.S.

We must not continue to allow the EPA to move forward in regulating all sectors of our economy. It is a simple fact that by imposing costly regulations on American businesses, it will ultimately force these companies to reduce jobs, or in the worst case scenario, move operations overseas. Additionally, while some may feel that industries can afford to pay more to comply with the slew of EPA regulations that have already been implemented, or will soon be implemented, these extra costs will ultimately be passed onto the American consumer.

The EPA's reliance on the Intergovernmental Panel on Climate Change (IPCC) assessment reports should be cause for alarm. Given the climategate e-mail scandal, and other information that has come to light, there are many serious questions as to the legitimacy of the process used by the IPCC to base their conclusions. It would seem to me that since the EPA relied heavily on questionable conclusions by the IPCC, it is essential for Congress to pass H.R. 910 so we may go back and reexamine our greenhouse gas policy.

Like most Americans, I believe that there can and should be a proper balance between economic prosperity and environmental sustainability. Everyone wants clean air and clean water, and no one wants sky-high electric and tax bills. I have long argued that the key to our energy independence is through technological innovation. The best way for the federal government to support technological innovation is to incentivize it through research and development grants and tax credits. Excessive regulations cannot assure technological breakthroughs, especially expensive and onerous mandates like the cap-and-tax proposals in the previous Congress.

With the recent spike in gas prices, we need to do all we can to decrease the cost of doing business. H.R. 910 is the first in a series of legislative proposals that Republicans are planning on putting forward to cut energy prices and reduce the regulatory burdens that businesses and consumers face. I strongly support passage of this important legislation, and urge a "yes" vote.

Mr. CONYERS. Mr. Chair, today I rise in strong opposition to H.R. 910, the Republican Majority's so-called "Energy Tax Prevention Act." I think a more accurate title would be the "Science Ignorance Appreciation Act" or "Foreign Energy Dependence Act."

Today's measure would unilaterally invalidate the Environment Protection Agency's findings that carbon dioxide and other air pollutants pose a threat to public health and environment. Even more egregiously, the bill prohibits the EPA to regulate man-made greenhouse gases in spite of verified independent scientific research that shows that climate change poses an existential threat to our way of life.

The proposal is nothing more than censorship of government scientists who simply want to protect human and environmental health. There is an overwhelming scientific consensus that global warming is directly due to man-made behavior. In recent years we have begun to witness this science first hand, as extreme weather such as floods, droughts, blizzards, hurricanes and other natural disasters have begun to affect areas unaccustomed to such events. We cannot ignore the science and evidence.

If we pass this flawed legislation, we will lose an incredible opportunity to create the market forces necessary to stimulate innovation in clean energy technology such as wind, solar, and other clean energy programs.

The Energy Tax Prevention Act deliberately delays the day that America will be freed from its addiction to foreign oil. As we have seen with the recent instability in the Middle East, there are dramatic downsides to our current energy dependence strategy.

A "yes" vote today is a vote for unchecked pollution and global warming. It is a vote against scientific consensus and a clean energy future.

Mr. KUCINICH. Mr. Chair, I rise in strong opposition to H.R. 910, the Dirty Air Act. That this bill is taken seriously enough to receive a vote in the United States House of Representatives is embarrassing. This bill not only requires Members of Congress to ignore thousands of the world's best scientists and over four decades of peer reviewed research, but it requires Congress to assert that it is more qualified to judge the entire body of science. It is an assault on science, on reason, and on common sense. Americans expect better from their elected leaders.

No amount of fossil fuel company spin, lobbying and campaign contributions can change the fact that global warming is happening. But they can make important changes to global warming; The longer we wait to substantively and aggressively act, the faster global warming will happen, the more fiercely it will happen, and the less control we will be able to exert over it.

We are also throwing away badly needed opportunities. Failing to control global warming pollution means we fail to provide needed impetus to make the transition to clean energy. We are voting to turn our back on the opportunity to reclaim the mantle of global leader on clean energy from China and now, Germany. We are voting to turn our back on the opportunity to revitalize our manufacturing sector which has been ailing in cities like Cleveland for decades. We are voting to turn our back on the opportunity to create millions of new jobs and boost our economy. We are voting to turn our back on the opportunity to reduce air pollution that kills tens of thousands of people very year, who are disproportionately from communities of color and are of low income. We are voting to turn our back on the opportunity to strengthen our national security, which, according to the Pentagon, is threatened by global warming. We are voting to turn our back on the opportunity to inspire and lead with alternatives that would build a stronger America.

It is time for us to cast a vote in favor of future generations instead of merely invoking them to try to justify inhumane budget cuts. I urge my colleagues to vote "no" on this bill.

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

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 910

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 "Energy Tax Prevention Act of 2011".

SEC. 2. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

"SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

''(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

''(b) LIMITATION ON AGENCY ACTION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

''(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

''(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

''(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards' (as published at 75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' published at 75 Fed. Reg. 74152 (November 30, 2010).

''(B) Implementation and enforcement of section 211(o).

''(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

''(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I substances or class II substances (as such terms are defined in section 601).

''(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

''(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to permits).

''(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

''(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009).

''(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act', published at 74 Fed. Reg. 66496 (December 15, 2009).

''(C) 'Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs', published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (December 18, 2008).

''(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

''(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

''(F) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure To Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

''(G) 'Action to Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

''(H) 'Action to Ensure Authority to Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

''(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program', published at 75 Fed. Reg. 82430 (December 30, 2010).

''(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

''(L) Except for actions listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

''(5) STATE ACTION.—

''(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

''(B) EXCEPTION.—

''(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

''(I) is not federally enforceable;

''(II) is not deemed to be a part of Federal law; and

''(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

''(ii) PROVISION DEFINED.—For purposes of clause (i), the term 'provision' means any provision that—

''(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

''(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

''(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).''.

SEC. 3. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

''(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be construed to waive the application of subsection (a).''.

SEC. 4. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) there is established scientific concern over warming of the climate system based upon evidence from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level;

(2) addressing climate change is an international issue, involving complex scientific and economic considerations;

(3) the United States has a role to play in resolving global climate change matters on an international basis; and

(4) Congress should fulfill that role by developing policies that do not adversely affect the American economy, energy supplies, and employment.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 112–54. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–54.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike sections 2 and 3 of the bill, redesignate section 4 of the bill as section 3, and insert after section 1 of the bill the following section:

SEC. 2. STUDY AND REPORT.

(a) STUDY.—In the interest of protecting national security, the Administrator of the Environmental Protection Agency shall conduct a study to determine—

(1) the long term impacts of the Environmental Protection Agency having no authority to regulate emissions of greenhouse gases;

(2) if there are alternatives to ensure compliance with the Clean Air Act; and

(3) best practices with respect to greenhouse gas regulation under the Clean Air Act.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to Congress a report on the results of the study under subsection (a), including any findings and recommendations.

The CHAIR. Pursuant to House Resolution 203, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I want to thank the ranking member of the

full committee for reading a very important letter into the RECORD that the EPA has no intention to manipulate or to utilize cap-and-trade as part of their responsibilities. This is not a cap-and-trade initiative or legislation. It has nothing to do with cap-and-trade.

In fact, I think the whole concept of this Energy Tax Prevention Act is muddled and befuddled. I don't understand it. I practiced oil and gas law for almost 15 or 20 years. I come from Houston, and I recognize the difficulties that we have in the industry and understanding the industry. But I also am cognizant that this majority, my good friend on the other side that represents that, they are interested in adhering to the Constitution.

And I don't know why they have not studied the Supreme Court decision in Massachusetts versus EPA that clearly indicates, even though this was motor vehicle emissions that they were talking about, but it held that greenhouse gases, widely viewed as contributing to climate change, constitute air pollutants, and therefore that phrase as utilized under the Clean Air Act and the EPA has jurisdiction to regulate under the Clean Air Act.

I assume what we are doing is trying to bash a long-standing process rather than coming up with better ideas. I think my amendment brings about a better idea, because energy is a national security issue. And what my amendment poses to do is to ask serious questions about the impact of eliminating the EPA authority, finding a way to work through this question: What would be the long-term impact? Because the legislation that is now written by my friends on the other side of the aisle is telling the United States of America, in conflict with the United States Supreme Court decision—and let me just hold up a visual, the Constitution, which is what this majority says that they are basing their whole legislative agenda on.

Well, we have constitutional authority. And they are now telling us that we should not regulate water vapor, carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, perfluorocarbons, and any other substance. I don't hear a scream and cry of the industry. I do hear the idea that there are burdens that will come upon the industry that we should address.

So the amendment that I have that I am asking for real consideration on the basis of a national security question, How will we provide for resources that will provide for the engine economy of this Nation, the long-term impact of the Environmental Protection Agency having no authority to regulate emissions of greenhouse gases? Also, if there are alternatives to ensure compliance with the Clean Air Act, if you have a better alternative. And best practices with respect to greenhouse gas regulation under the Clean Air Act, which the Supreme Court decision clearly dictates that it has the authority to regulate it. But we need to collaborate and cooperate and understand how we balance the needs of an energy policy.

Might I also say that energy recognizes all forms of energy. And energy companies that are in oil and gas are looking at alternatives. They have whole sections that are addressing the question of alternative fuels. Why are we raising a bill that has no sense of direction in what it is trying to do and to eliminate an oversight that is protecting the American public in their quality of life and also doesn't speak to how we work with the industry to actually make sure that we check these emissions but as well provide the opportunity for domestic growth and domestic energy growth?

I ask my colleagues to support this amendment.

I reserve the balance of my time.

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

The CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. I just want to say to my friend from Texas that with regard to the hue and cry of folks that support this legislation, not a lot of business folks, I have a whole series of letters of support for our legislation from the American Electric Power to the Farm Bureau, the Iron and Steel Institute, Americans for Tax Reform, American Public Power, Business Roundtable, Chamber of Commerce, Metalcasters Alliance, Multi-Traders Letters, auto dealers, Realtors, manufacturers, National Association of Manufacturers, cattlemen, Mining Association, petrochemical, Rural Electrical Cooperative, and on and on.

LETTERS OF SUPPORT

AF&PA Press Statement
American Coalition for Clean Coal Electricity Press Statement
American Electric Power
American Farm Bureau Federation
American Iron and Steel Institute
Americans for Prosperity Press Statement
Americans for Tax Reform
API–ACC Coalition Letter
American Public Power Association
Business Roundtable Letter
Chamber of Commerce
Cornwall Alliance
Freedom Action Press Release
Industrial Energy Consumers of America Press Statement
Metalcasters Alliance
Midwest Power Coalition
Multi-Traders Letters
NACS
National Automobile Dealers Association
National Association of Realtors
National Association of Manufacturers
National Association of Manufacturers Press Statement
National Cattleman's Beef Association
National Center for Public Policy Research
National Mining Association Press Statement
National Petrochemical & Refiners Association
National Rural Electric Cooperative Association
NRECA Press Statement
Nucor Letter
Southern Company
Steelgram—Support H.R. 910
Tesoro Corporation
The Brick Industry
The Fertilizer Institute
Valero Energy Corporation

AMERICAN FOREST & PAPER ASSOCIATION,
Washington, DC.

AF&PA STATEMENT ON THE ENERGY TAX PREVENTION ACT (H.R. 910)

WASHINGTON.—American Forest & Paper Association President and CEO Donna Harman today issued the following statement regarding the Energy Tax Prevention Act (H.R. 910) as introduced in the U.S. House of Representatives by Energy and Commerce Committee Chairman Fred Upton (R–MI), Agriculture Committee Ranking Member Collin Peterson (D–MN), Transportation and Infrastructure Committee Ranking Member Nick Rahall (D–WV), and Energy and Power Subcommittee Chairman Ed Whitfield (R–KY).

''I applaud the introduction of this bi-partisan legislation to bring a halt to regulation of greenhouse gases through the Clean Air Act. There is broad agreement that the Clean Air Act is the wrong tool to regulate greenhouse gases. The rule serves to impose high costs and business uncertainty related to new investments in the manufacturing sector. Congress, not EPA, should decide energy policy; in particular, issues related to investments in renewable energy, including biomass.

''The Greenhouse Gas regulations are the latest example of those that would hamper job growth and put obstacles in the way of American business to compete in the global marketplace. Inexplicably, this is happening as other parts of the Administration are promoting the need for more exports and job creation.

''I commend Energy and Commerce Committee Chairman Fred Upton (R–MI), Agriculture Committee Ranking Member Collin Peterson (D–MN), Transportation and Infrastructure Committee Ranking Member Nick Rahall (D–WV), and Energy and Power Subcommittee Chairman Ed Whitfield (R–KY) for introducing this legislation. We look forward to working with Congress on this very important issue.''

AMERICAN COALITION FOR CLEAN COAL ELECTRICITY,
Alexandria, VA.

HOUSE, SENATE INTRODUCE LEGISLATION TO STOP EPA REGULATIONS

ALEXANDRIA, VA.—The American Coalition for Clean Coal Electricity today praised the introduction in the U.S. House and Senate of bipartisan legislation that would ensure the authority to regulate emissions of greenhouse gases rests with Congress, and not the EPA. The bills were introduced by House Energy and Commerce Committee Chairman Fred Upton and Senate Environment and Public Works Ranking Member James Inhofe.

''The EPA's sweeping regulations will affect the lives of millions of Americans, from their electricity bills to the economy as a whole. Given this wide-ranging impact, it is important that Congress—not the EPA—address greenhouse gas emissions in a manner that takes into consideration both environmental and economic impacts,'' said Steve Miller, president and CEO of ACCCE.

The bills would eliminate EPA's authority to regulate greenhouse gas emissions under the Clean Air Act, which is ill-suited for that task. The legislation introduced today would leave in place all of the essential provisions of the Clean Air Act.

EPA's proposed regulations on greenhouse gas emissions could have a dramatic impact

on jobs and the economy. A recent analysis by the American Council for Capital Formation concluded that uncertainty caused by these regulations could, by 2014, result in the loss of between $25 billion to $75 billion in investment in the economy and that this could result in the loss of between 476,000 and 1.4 million jobs.

''At a time when Americans are struggling with high energy costs, the EPA's proposed regulations could make electricity more expensive. The affordability of coal-fueled electricity has helped moderate increases in energy costs, and continued reliance on coal can help the U.S. recover economically and American businesses to compete globally,'' said Miller. ''We thank Chairman Upton and Senator Inhofe for their leadership on this critical issue as well as Members of Congress from both parties who have agreed to be initial co-sponsors of the bill.''

AMERICAN ELECTRIC POWER,
Columbus, OH, March 3, 2011.

Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: I am writing today to express my strong support for the Energy Tax Prevention Act of 2011.

When the Clean Air Act was originally enacted, it was not the expectation of Congress that this Act be applied to greenhouse gases. In fact, the Act was designed to regulate ambient air quality and hazardous air pollutants, among other matters. Moreover, the regulation of greenhouse gases was not mandated by the Supreme Court ruling and therefore is not necessarily required by the Clean Air Act.

It is clear to us at American Electric Power that the issue of climate change policy should be addressed exclusively through the legislative process. The Congress of the United States is better equipped to holistically evaluate not only the environmental impacts of greenhouse gases but also the impacts of greenhouse regulation on the economy, employment, energy and international trade. I firmly believe that this approach is crucial to ensuring a sound national policy.

I again thank you for your leadership on this important matter, and AEP looks forward to working with you to enact this legislation.

Sincerely,

MICHAEL J. MORRIS,
Chairman of the Board,
President and Chief Executive Officer.

AMERICAN
FARM BUREAU FEDERATION,
Washington, DC, March 3, 2011.

Hon. FRED UPTON,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: The American Farm Bureau Federation (AFBF) strongly supports the Energy Tax Prevention Act of 2011 that you plan to introduce in the House of Representatives.

This bill would preempt regulation of greenhouse gases (GHG) by the Environmental Protection Agency (EPA) based on climate change considerations. The bill would not affect previously enacted or proposed rules regarding emissions from mobile sources.

The regulation of GHG does not fit within the current framework of the Clean Air Act. Unlike other regulated pollutants, where Clean Air Act thresholds are sufficient to regulate the largest emitters, GHG regulation at statutorily required, thresholds holds the prospect of costly and burdensome permit requirements on farms, ranches, schools, hospitals and some large residences.

Farmers and ranchers will be particularly disadvantaged under such a regulatory scheme. The costs incurred by utilities, refiners and manufacturers to comply with GHG regulations will be passed along to their customers, including farmers and ranchers, increasing their fuel, fertilizer and energy costs. Unlike other types of businesses, farmers and ranchers have much less ability to pass along such costs. Additionally, under the thresholds set by the Clean Air Act, many farmers and ranchers would eventually be required to obtain costly and burdensome Title V operating permits or New Source Review/Prevention of Significant Deterioration permits. EPA itself estimates that more than 37,000 farms will be subject to Title V permits, at a cost of more than $866 million.

While the costs of compliance may be high, the environmental benefits from EPA regulation are marginal at best. Unless and until an international agreement is reached, unilateral action by EPA will have little or no environmental impact. EPA Administrator Jackson has acknowledged this fact in testimony before Congress.

The president has stated that congressional action is a better way to address the issue than EPA regulation. We agree. The Energy Tax Prevention Act recognizes this as well and places the responsibility for regulating GHGs where it belongs—with Congress. We commend you for introducing this bill and look forward to working with you on it.

Sincerely,

BOB STALLMAN,
President.

I yield 4 minutes to the gentleman from Texas (Mr. BARTON.)

□ 1600

Mr. BARTON of Texas. I thank the distinguished chairman for the time.

Well, let me say something positive about my good friend from Houston, Texas's amendment before I say something negative. If it were to pass, it would at least force the EPA to do a real study, which is more than I can say they did before they issued their endangerment finding.

If you look at the endangerment finding that they actually did to satisfy the requirement of the Supreme Court, they didn't do any scientific analysis. They didn't do any independent analysis. They basically took regurgitated research and press clippings and apparently some student's thesis as the justification for coming up with their endangerment finding.

If we accept the gentlelady from Houston's amendment, you do really gut this bill, which, if you are opposed to it, that's probably a good outcome. But if you are supportive of it, it's not a good outcome.

We don't need to do a study. CO_2 is not a pollutant under the definitions of the Clean Air Act. It's not harmful to health, as I keep pointing out.

As I speak, I create CO_2, and so you need CO_2 for life. Manmade CO_2 does not significantly contribute to climate change. We do have climate change, as we always have and always will.

But to say that CO_2 emissions made by man somehow are causing all these catastrophic changes is simply not true. What the bill before us does is say we protect the Clean Air Act, we want to enforce the Clean Air Act, but we want it to be in force for the criteria pollutants that it was intended for, and we do not believe that CO_2 is one of the pollutants that it was intended to regulate.

So we don't need a study, and I would oppose my good friend from Houston's amendment and encourage all Members to also oppose it.

Mr. UPTON. May I ask how much time remains.

The Acting CHAIR (Mrs. EMERSON). The gentleman from California has 2¾ minutes remaining.

Mr. UPTON. I yield the balance of my time to the gentleman from California (Mr. BILBRAY), a member of the committee.

Mr. BILBRAY. I appreciate that.

Let's talk science, ladies and gentlemen. Everyone wants to talk about the threat of climate change, but no one wants to address the fact that what EPA has proposed, by the admission of the administrator, cannot even indicate what percentage of greenhouse gases those regulations could reduce. And not one scientist, not one expert in our committee, or I have seen anywhere else, has ever said what is being proposed by EPA, that is going to cost at least $200 million, will not avoid the problem of climate change. So the question is this, what are the American people getting for their $200 million.

Now, I'm sorry, some of us have worked on air pollution issues. I know the precursors to ozone. If they are saying that the problem is it's a precursor to ozone, believe me, it is so small and minute that those of us that are working in non-attainment areas never even gave a second glance at CO_2. So don't talk about it being a health risk based on a precursor to ozone. Look at what we are getting for the money.

What we are actually talking about here is not allowing EPA to go out and implement programs that the administrator admits that she cannot tell us what the American people are going to get for their dollars.

If you want to do a study, then let's do a study on what would have to be done to address this issue the way that some of us think it should be addressed. But let's not say that somehow that by holding up a program that is admitted not to be able to deliver any tangible benefits, that holding up that program is somehow going be a threat to public health.

So let's just get back down to the real science, and that is no one in this establishment is talking about addressing the climate change issue. Some people are saying it doesn't exist and others are trying to sell an environmental placebo that makes you look good because you are doing something, but spends huge amounts of money, has a great impact, and does not address the problem and would not avoid the problem.

One thing we have got to make clear. Don't talk to me about incrementalism

when we talk about climate change. You talked to the same scientists that you say are telling us about climate change, and they say if we don't get the job done within the next decade or two, forget about it. It's over with.

The fact is that climate change will happen. And, sadly, what I have seen in the last 2 years about this issue, I have come to the conclusion this body really should be talking about what we need to do to mitigate the impact, because you are not doing anything to avoid it, and we shouldn't tell the American people that we are.

Ms. JACKSON LEE of Texas. May I ask the remaining time.

The Acting CHAIR. The gentlewoman from Texas has 1 minute remaining.

Ms. JACKSON LEE of Texas. I yield 30 seconds to my good friend from California (Mr. WAXMAN).

Mr. WAXMAN. Thank you very much.

I just want to point out, Mr. BARTON, my very good friend who used to be chairman of the committee and was ranking member when I asked him to work with us on a bipartisan energy bill policy, he said, I don't believe there is such a thing as global warming. It doesn't exist, it's not a problem. Why spend any effort or money to find the solution?

And now, while the gentlelady's amendment is saying at least study what will happen if you don't do anything in this area, and he said that's not needed either. I think at least we ought to know what the gentlelady is suggesting, and that is, what would be the long-term impact if we do nothing.

I support the Jackson Lee amendment.

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman for all of his work.

I come as a peacemaker, Madam Chair. Houston, by the American Lung Association, is the seventh most ozone-polluted city in the Nation. The Supreme Court clearly said under the Clean Air Act that it authorized the EPA to regulate greenhouse gases as it makes a judgment that it impacts on climate change. At the same time there are industries that happen to be oil and gas that can sit down and benefit from a real study that will talk about best practices and also have the engagement that we need to have.

It is reckless to talk about what scientists have said. The Members are not scientists, and I believe you cannot rid the EPA of its jurisdiction.

I would ask my colleagues to be thoughtful, along with the industry, and let's have a reasonable study. This impacts national security.

I ask my colleagues to support my amendment.

Madam Chair, I rise today to offer an amendment to H.R. 910, "Energy Tax Prevention Act of 2011." H.R. 910 prematurely eliminates the responsibilities of the Environmental Protection Agency to regulate greenhouse gas emissions. My amendment would require an assessment of the industry by the Environmental Protection Agency (EPA) to ensure accurate consideration of how proposed regulations would affect energy production levels, feasibility of implementation on the industry, as well as the adverse environmental effects of delaying implementation of proposed regulations. My amendment would also ensure the Environmental Protection Agency retains its ability to regulate greenhouse gas emissions under the authority provided by the Clean House Act.

I cannot envision any American living in a polluted area wanting to support a permanent ban on the Environmental Protection Agency's ability to regulate greenhouse gases. The potential negative impact of greenhouse gases is supported by the scientific community. The National Academy of Sciences reported in 2010: "Climate change is occurring, is caused largely by human activities, and poses significant risks for—and in many cases already affecting—a broad range of human and natural systems." It is clear that quality of our air impacts the quality of our health. The Clean Air Scientific Advisor Committee, EPA's independent science advisors, reviewed evidence from roughly 1,700 studies in the scientific research of the health impact of ozone. They unanimously concluded that the EPA needs ozone standards. This would ensure an adequate margin of safety for the public as required by law. This is about protecting our nation's health, industry, and our environment.

As a Houstonian the affects of H.R. 910 are of particular concern to me. A study conducted by the American Lung Association ranked Houston as the 7th most ozone-polluted city in the country. Children, teens, senior citizens, and people with lung diseases like asthma, chronic bronchitis, emphysema and others are particularly vulnerable to poor air quality and are at risk for developing irreversible lung damage. A rise in poor air quality has the potential to increase emergency room visits and hospital admissions for respitory problems which increases the cost of healthcare to tax payers.

In Houston-Baytown-Huntsville, TX, over a million children under the age of 18 will be negatively impacted if air quality continues to decline. Children exposed to air pollution suffer stunted long growth, as well as development of asthma, and increased respitory infections.

According to the American Lung Association, researchers have also concluded that prenatal exposure to air pollution harms children, and increase the risk of babies being born with low birth weight.

We owe it to our children to provide clean, healthy air. We have an agency that is charged with regulating our air quality. My amendment would ensure the EPA can continue to protect our nation's health by regulating green house emissions.

This amendment will ensure that the EPA reports to Congress its findings on the long term negative impacts of greenhouse gases. Findings from a recent EPA study titled "Assessment of the Impacts of Global Change on Regional U.W. Air Quality: A Synthesis of Climate Change Impacts on Ground-Level Ozone" suggest that climate change may lead to higher concentrations of ground-level ozone, a harmful pollutant. Additional impacts of climate change include, but are not limited to: increase drought; more heavy downpours and flooding, and harm to water resources, agriculture, wildfire and ecosystems."

Not only would the deregulation of greenhouse gases impact the health of our citizens, it will also, have a negative impact on our ability to maintain and create new jobs. Poor health and low air quality only discourages industries from coming to an area. New industries will not be willing to move into areas that are polluted which negatively impacts job growth in those communities.

Currently there are programs in Houston such as the Energy Efficiency Incentive Program which aims to significantly reduce Houston's emissions of greenhouse gases and criteria air pollutants. The oil and gas industry is also investing alternative energy sources and improving air quality standards; such initiatives look towards the future, ensures job creation, and protects our nation's health.

I believe the Environmental Protection Agency plays an essential role in providing appropriate and balanced guidance to the industry, which in turn encourages them to have a workable timeframe to determine the appropriate measures to improve our nation's air quality. The EPA ensures that energy industries have a reasonable standard to base their operations.

My amendment requires the EPA to carefully study this issue and to determine the long term impact on health, the industry and the environment. I strongly urge my colleagues to support a reasonable, fair and measured response to addressing regulation of greenhouse gases.

Under current law, The Clean Air Act provides the EPA with the authority to take steps that will reduce greenhouse gas emissions. On April 2, 2007, the Supreme Court ruled in Massachusetts v. EPA that greenhouse gas, constitute "air pollutants" as the phrased is used in the Clean Air Act. Such pollutants may reasonably be anticipated to endanger public health or welfare. As a result, the government has the legal authority to issue standards for greenhouse gas emissions. As the Clean Air Act falls under the authority of the Environmental Protection Agency, it is therefore legitimate for the EPA to regulate greenhouse gases. My amendment ensures compliance with a U.S. Supreme Court ruling. As written, H.R. 910 would overturn Massachusetts v. EPA. As written H.R. 910 would overturns a ruling by the Supreme Court. Such an action is too extreme when there are other more tenable solutions available.

We cannot allow a total eradication/elimination of the responsibilities of the EPA to regulate greenhouse gases. This would impact the health of our nation, negatively impact industries, and overturns a Supreme Court ruling. The present version of H.R. 910, without amendment fails to provide a studied and measured approach when trying to find a balance between the need for our nation to maintain quality air levels and the need for our nation to continue job growth. This bill takes a sledge hammer approach that is too extreme.

The purpose behind my amendment is to reach a compromise. To ensure that fair and reasonable regulations can be implemented without adverse effects to our nation's air and our nations industry.

Madam Chair, I believe it is very important to provide the EPA with the opportunity to carefully study this matter and report back to Congress within 60 days and urge my colleagues to join me in supporting this amendment.

HOUSTON MAYOR'S TASK FORCE ON THE HEALTH EFFECTS OF AIR POLLUTION

Thousands of tons of potentially harmful chemicals are discharged each day into Houston's atmosphere as a result of human activities, substances, and technologies. Consequently, people living in Houston are exposed routinely to a myriad of pollutants in the air they breathe. Estimated and/or measured concentrations of some of these airborne chemicals in ambient air are high enough to cause illness or injury in exposed individuals, especially those in our society who are most vulnerable, such as children and seniors. Although the available data are incomplete and uneven, the Task Force surveyed information on 179 air pollutants and identified 12 substances in Houston's air that are definite risks to human health, 9 that are probable risks, and 24 that are possible risks. Sixteen substances were found to be unlikely risks to Houstonians at current ambient levels, and 118 substances were labeled uncertain risks because there was inadequate or insufficient information to determine whether they presently pose a health threat to Houston residents.

MASSACHUSETTS V. ENVIRONMENTAL PROTECTION AGENCY

THE U.S. SUPREME COURT SYNOPSIS

SUPREME COURT OF THE UNITED STATES

MASSACHUSETTS ET AL., PETITIONERS, V. ENVIRONMENTAL PROTECTION AGENCY ET AL.

Background: States, local governments, and environmental organizations petitioned for review of an order of the Environmental Protection Agency (EPA) denying a petition for rulemaking to regulate greenhouse gas emissions from motor vehicles under the Clean Air Act. The Court of Appeals for the District of Columbia Circuit, 415 F.3d 50, dismissed or denied the petitions. Certiorari was granted.

Holdings: The Supreme Court, Justice Stevens, held that:

(1) state of Massachusetts had standing to petition for review;

(2) Clean Air Act authorizes the EPA to regulate greenhouse gas emissions from new motor vehicles in the event that it forms a ''judgment'' that such emissions contribute to climate change; and

(3), EPA can avoid taking regulatory action with respect to greenhouse gas emissions from new motor vehicles only if it determines that greenhouse gases do not contribute to climate change or if it provides some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do.

Background: On April 2, 2007, in Massachusetts v. EPA, 549 U.S. 497 (2007), the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act. The Court held that the Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the Administrator is required to follow the language of section 202(a) of the Clean Air Act. The Supreme Court decision resulted from a petition for rulemaking under section 202(a) filed by more than a dozen environmental, renewable energy, and other organizations.

On April 17, 2009, the Administrator signed proposed endangerment and cause or contribute findings for greenhouse gases under Section 202(a) of the Clean Air Act. EPA held a 60-day public comment period, which ended June 23, 2009, and received over 380,000 public comments. These included both written comments as well as testimony at two public hearings in Arlington, Virginia and Seattle, Washington. EPA carefully reviewed, considered, and incorporated public comments and has now issued these final Findings.

Ms. JACKSON LEE of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–54.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike sections 2 and 3, redesignate section 4 as section 3, and insert after section 1 the following:

SEC. 2. CONSIDERATIONS AND PROCEDURES IN FINALIZING GREENHOUSE GAS REGULATIONS.

In the interest of properly considering the importance of energy to the national security of the United States, before finalizing any greenhouse gas regulation the Administrator of the Environmental Protection Agency—

(1) shall provide a notice period of no less than 30 days specifically to the affected greenhouse gas producers proposed to be regulated and allow industry-specific comments to be submitted to the Administrator regarding the economic impact of the proposed regulation on the regulated industry; and

(2) provide an opportunity for the regulated industry to request and receive a 60-day extension of such comment period during which the Administrator shall conduct a study to be submitted to Congress regarding—

(A) the effect of the proposed regulation on the level of greenhouse gas reduction;

(B) the effect of the proposed regulation on energy production levels;

(C) the feasibility of implementation of the regulation on the entities being regulated;

(D) the effect of the proposed regulation on the availability of energy to consumers; and

(E) the adverse environmental effects of delaying implementation of the proposed regulation.

The Acting CHAIR. Pursuant to House Resolution 203, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I am going to take a slightly different perspective and ask my colleagues to support this amendment.

Again, I am hoping, I know there are a lot of letters that my good friend from Michigan says that he has, and any time you put forward legislation that trade groups send word out to membership and say, this is going to save you a bucket full of money, and you better jump on the bandwagon, and there is no alternative or there is no basis of understanding the underpinnings of what we are doing, then you get that kind of praise.

I hope that many people who are with the industry, having practiced the law, and I have seen some of the mountains that all industries have to climb, I think we can find a reasonable way of functioning.

I just want to put in the RECORD that the industry, which is part of the drive of my friends on the other side, the oil and gas industry does generate 9.237 million jobs, $1 trillion contributed to the economy, $178 billion paid to the U.S. Treasury or to the government in royalties and bonus payments, and $95.6 billion in taxes, income taxes, $194 billion invested to improve the environmental performance of its products, and $58.4 billion invested in low- and zero-carbon emission technologies from 2000 to 2008.

□ 1610

I encourage them to keep going. But the way that you keep going is not to eliminate the oversight body, but you work with it. And my amendment is very clear. I create a pathway for the industry to be engaged on any rulemaking. It shall provide a notice period of no less than 30 days specifically to the affected greenhouse gas producers—and this is a sort of pipeline for the industry—proposed to be regulated and allow industry-specific comments to be submitted to the administrator separate and apart from the public comment period and to discuss the economic impact of the proposed regulation; provide for an opportunity for the regulated industry to request and receive a 60-day extension. And we should take into consideration the effect of the proposed regulation on greenhouse gas emissions.

These companies have employees living in our community. And it is noted that Houston, the Houston area to Huntsville has some of the largest pollutants in the air. We should also consider the effect of the proposed regulation has on energy production, the feasibility of the implementation of the regulation on the entities being regulated, the effect of the proposed regulation on the availability of energy to consumers, and the adverse environmental effects of delaying implementation of the proposed regulation.

It allows a discussion that may not be at the level that we would like it today. I can't imagine, and I guess my friend on the other side of the aisle will come up and show me all the letters that he's saying that are supporting legislation that completely obliterates the opportunity for any governmental oversight. I disagree. I want to know the question of whether or not we have had the kinds of discussions that warrant a deliberative process and to bring

about a concept of listening to industry and industry listening on the question of air pollutants.

I hold up the mayor's task force on the health effectiveness. It talks about Houston. But I'm not going to narrow this to Houston. Wherever there are companies that are refineries, as they so discussed, we are not trying to undermine that work. But does anyone want to live in China with the air pollutants that they have?

Let me just say that what we are addressing is a question of balance. My amendment provides input by the industry and by the EPA collaborating on how this will impact going forward. I would like you to support my amendment.

I reserve the balance of my time.

Mr. WHITFIELD. Madam Chair, I rise in opposition to the amendment.

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

Mr. WHITFIELD. I would like to yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the chairman of the Environment and the Economy Subcommittee.

The Acting CHAIR. The gentleman from Illinois is recognized for up to 5 minutes.

Mr. SHIMKUS. I would like to thank my colleague from Kentucky for the time, and I appreciate this opportunity to really talk about this.

I rise reluctantly to oppose my friend from Houston. I know she has a lot of her constituents who work in the fossil fuel industry and the refining industry and the refinery section, but parts of the amendment do some disastrous things to the bill.

First of all, it strikes most of the base text. We are here today—and I understand her position of wanting industry to listen, we want EPA to listen. The whole debate, why we're down here, is we want EPA to listen. And so as we address this debate, her amendment would strike most of the base text. And the whole reason why we're here is to get the attention of the EPA and respond to the people who sent us here to not hurt and harm job creation.

My friends, Ranking Member WAXMAN and MARKEY, their bill did not pass the legislative process. It didn't go through both Chambers and did not get signed by the President. Why? Because we understood what would have happened. We successfully argued the debate that energy costs go up. If you price carbon, you raise the cost of electricity. If you price carbon, you raise the cost of manufacturing. If you price carbon, you raise the cost of gasoline. Now in this recessionary economy, do we want to do that? And do we want to give the Environmental Protection Agency the sole authority without our doing the process that I think the legislative process allows us to do, to talk about the winners and the losers, the give and take?

What was decided in the last Congress was the legislative process could not pass this because it was too controversial and it would affect jobs. It would affect jobs. And this is what we are all concerned about.

The last round of the Clean Air Act where you could really talk about toxic emittents cost thousands of jobs in southern Illinois, cost thousands of jobs in Kentucky and cost thousands of jobs in the Ohio Valley. Again, you go back to the basic premise if you price carbon.

So what my colleague's amendment does is it says let's keep the EPA pricing of emittents that are not toxic—carbon dioxide is not a toxic emittent. It's not nitrous oxide, it's not sulfur dioxide, it's not a particulate matter, and it's not a criteria pollutant under the EPA and the Clean Air Act. So we're saying, don't regulate emittents that aren't toxic; don't put a price on carbon that will cost jobs. So that's why we need to reject this.

Now, in debates on the other amendments, this isn't the only attack on the fossil fuel industry. Greenhouse gas is just one rule coming down. Then we've got boiler MCH, we've got mercury MCH, we've got cooling towers, we've got coal ash, we've got the transport rule, all separate rules, and these will affect the refining industry. Most of these regulations are new regulations coming down from the EPA to destroy the fossil fuel sector that raises costs and destroys jobs.

So my colleague's amendment, what it does is it doesn't change the reason why we're here. The reason why we're here is saying, EPA, stop. If it's a good enough policy, it can pass the legislative body. But do you know what? It wasn't a good enough policy to pass a Democrat-controlled Senate. And it wasn't good enough policy to get a bill to the President to sign into law.

So why is it a good policy to let unelected bureaucrats in the Environmental Protection Agency move on a process to destroy jobs? Let's be held accountable. If we want to do that, let's cast our votes. What we're casting our votes today for is to keep the cost of power low and save jobs, create jobs and grow jobs. If you want job creation, we support the underlying bill. We do not support any amendment that puts off telling the EPA to stop and desist and do no more.

Again, the basic premise of the climate debate is putting a price on carbon emission that is not toxic. And by putting a price on there, you raise the cost of energy that everybody uses. You raise the cost of home heating, automobiles, electricity and the like.

Ms. JACKSON LEE of Texas. I yield 15 seconds to the ranking member, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Thank you for yielding to me.

This bill, the EPA does not put a price on carbon. The EPA is not setting up a cap-and-trade program. The EPA is only saying, in new facilities with large amounts of carbon emissions, put in efficiency standards so that you can reduce those emissions. That's all.

Ms. JACKSON LEE of Texas. I thank the gentleman.

My friend from Illinois, have I got an amendment for you. I'm answering your concern.

My amendment says it requires, before finalizing emission regulations on greenhouse gas producers, the EPA must provide the producer with adequate notice of at least 30 days. The provision would also allow for industry input, encouraging collaboration between EPA and energy providers during the regulation process.

Currently, the EPA does not have a minimum time requirement. It also gives another 60-day extension. This is about national security because air pollutants and then no energy, bad on one side and bad on the other. Let's get together. Because we can't dismiss any of these energy sources, but they need to be better. And how can we, since this is supposed to be the Supreme Court Constitution side, how can you dismiss the constitutional right that EPA has to regulate?

I ask my colleagues to support this amendment. This is an amendment for them.

Madam Chair, I rise today in support of my amendment No. 37 to H.R. 910, "Energy Tax Prevention Act of 2011." H.R. 910 prematurely eliminates the responsibilities of the Environmental Protection Agency to regulate greenhouse gas emissions. My amendment would protect our national security by considering industry specific energy providers that are uniquely connected to our national security. This measure would expand the opportunity to garner industry input during the rulemaking process, and would provide the Environmental Protection Agency with a timeframe to engage with the industry during the process.

Madam Chair, this amendment requires that before finalizing emissions regulations on greenhouse gas producers, the Environmental Protection Agency (EPA) must provide the producer with adequate notice of at least 30 days. This provision would also allow for industry input, encouraging collaboration between the EPA and energy providers during the regulation process. Currently, the EPA does not have a minimum time requirement.

By mandating industry engagement during the rule making process We will ensure that the proposed regulations do not negatively impact industry jobs and domestic energy. This amendment would force a discussion between the government and the industry during We rule making process so that jobs can be maintained, U.S. dependence on foreign oil can be decrease, and the Supreme Court's confirmed responsibilities of the Environmental Protection Agency will not be extinguished by short sighted legislation.

As the Representative for Houston, the nation's energy capital, I am committed to finding a balance that will support continued growth in the energy industry while protecting the environment.

My amendment to H.R. 910 provides emissions producers in the energy industry the ability to engage in discussions and studies with the EPA. The provisions in this amendment will encourage communication between

the EPA and energy providers throughout the regulation process.

Americans should not have to risk living with highly polluted air. We must not shy away from the importance of the Clean Air Act and the role of the Environmental Protection Agency. This country needs energy. We utilize on and off shore drilling exploration. We must ensure that the industries impacted are engaged in the process while simultaneously regulating the affects of green house gas. This is crucial to the daily lives of Americans.

The Clean Air Act provides the EPA with the authority to regulate emissions reduction. This authority was upheld by the Supreme Court's decision in Massachusetts v. EPA. Any attempt to strip the EPA of this responsibility would undermine the Clean Air Act and exacerbate global warming.

The EPA must be allowed to regulate the emission of greenhouse gases. The climate change caused by these emissions affects temperature, causes extreme weather and dramatically reduces air quality, resulting in asthma, respiratory disease and lung cancer. The EPA projects that continued improvements in air quality under the Clean Air Act will save more than a trillion dollars by 2020, and prevent 230,000 deaths per year. By allowing the EPA to protect our environment now, we provide security for future generations.

Prohibiting the EPA from regulating greenhouse gas emissions to ensure clean air and slow the rate of climate change will have lasting consequences. We must, however, also consider the consequence to the energy industry.

H.R. 910 simply takes the wrong approach. Instead of focusing on developing standards upon which both the Environmental Protection Agency and the affected industries agree, it attempts to remove the Environmental Protection Agency from the process. Thereby baring the industry from developing standards upon which they can all agree. It is a matter of fairness. The EPA would ensure that industries would have a minimum standard to follow. This measure would ensure the industry would be involved when determining the best practices to ensure that reasonableness of those regulations.

Madam Chair, my amendment is essential to provide greater consideration to this sensitive issue by affording an opportunity for energy providers to state the impact that the proposed rule would have on their industry. This amendment will forge important compromises between the EPA and the energy industry. I urge my colleagues to join me in supporting my amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–54.

Mr. MCNERNEY. Madam 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:

In section 330(b)(2)(C) of the Clean Air Act, as added by section 2 of the bill, after ''demonstration programs'' insert ''and voluntary programs''.

□ 1620

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Madam Chair, I rise to offer an amendment to H.R. 910.

Let's be crystal clear about two things. The bill we are considering today, which I will call the dirty air act, is an attack on science, and it's bad policy that will harm the American people. The world's scientific experts overwhelmingly agree that climate change is happening, it's primarily caused by human activities, and it has harmful consequences.

However, despite our disagreements about the merits of H.R. 910, I am offering an amendment that I think we can all support. My amendment is pro-environment, pro-consumer, and pro-business to make sure that our country can continue to administer voluntary programs to reduce pollution, improve public health, and address climate change.

Mr. UPTON. Madam Chair, will the gentleman yield?

Mr. MCNERNEY. I yield to the gentleman from Michigan.

Mr. UPTON. We are prepared to accept the agreement.

Mr. MCNERNEY. I thank the gentleman.

As currently written, H.R. 910 prohibits the EPA from taking action to control greenhouse gas emissions. However, the bill provides a few narrow exceptions, such as allowing for the continuation of statutorily authorized research, development, and demonstration programs meant to combat climate change. My amendment simply clarifies that voluntary programs to control climate change are also exempted from the bill's prohibitions and can continue to take place.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. CUELLAR

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–54.

Mr. CUELLAR. Madam 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:

In section 330 of the Clean Air Act, as added by section 2 of the bill, amend subsection (a) to read as follows:

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Carbon dioxide.

''(2) Methane.

''(3) Nitrous oxide.

''(4) Hydrofluorocarbons.

''(5) Perfluorocarbons.

''(6) Sulfur hexafluoride.

In section 330(b) of the Clean Air Act, as added by section 2 of the bill—

(1) in paragraph (1)—

(A) in subparagraph (A), strike ''under this Act'' and insert ''under title I or title V of this Act''; and

(B) in subparagraph (B), strike ''The definition'' and insert ''For purposes of title I and title V only, the definition'';

(2) in paragraph (2)(A), strike ''Notwithstanding paragraph (4)(B), implementation'' and insert ''Implementation''; and

(3) strike paragraph (4) and redesignate paragraph (5) accordingly.

Strike section 3 of the bill (and redesignate section 4 of the bill as section 3).

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Madam Chair, I rise today to encourage my colleagues to support my amendment.

The intent of my amendment is quite narrow. This amendment makes the underlying legislation a question of authority, not a question of science. The amendment strikes the finding of the language from the particular bill. This ensures that H.R. 910 is only about Article I of the Constitution, giving the U.S. Congress the right to say whether the EPA can or cannot regulate greenhouse gas.

Also, the amendment preserves the authority of the agency to improve the efficiency of automobiles and light trucks, an issue on which there is widespread agreement. While H.R. 910 intends to exempt auto standards, the legislation would stop the EPA from improving on any future car efficiency standards. This amendment does not remove any enforcement power the EPA has previously exercised since enactment of the Clean Air Act.

At the same time, this amendment does not authorize new regulatory initiatives beyond what the agency has done for decades. For example, the agency is in no way authorized by the amendment to undertake low carbon fuel standards or new emission guidelines for permitting obligations for stationary sources.

Finally, my amendment refines the definition of H.R. 910 by removing water vapor. This is consistent with the legislation we have considered in the past of what is and isn't greenhouse gas. Water vapor is not a long-term harmful warming cause.

In short, this amendment makes the underlying legislation a question of the EPA's authority granted under the Clean Air Act.

Madam Chair, I thank you for the consideration of this amendment. I urge all of my colleagues to vote ''yes'' on this amendment.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Chair, I rise in opposition to the amendment.

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

Mr. BARTON of Texas. I rise in opposition to my good friend from Texas, Mr. CUELLAR's amendment. It may be well intentioned, but it is poorly drafted. He may not have intended it, but if we were to accept it, by allowing the EPA to regulate anything under title 2, he would give the EPA authority not only to regulate tailpipe emissions from cars and trucks, but also authority to regulate trains, planes, and any other mobile source. I don't know that that was his intent, but that is certainly the effect of the amendment.

We oppose the amendment for that reason, for the drafting reason. We also oppose the amendment because it is the majority's opinion that we need, after 2017, to have one regulator for mobile sources, and that regulator is NHTSA, the National Highway Transportation Safety Administration. This amendment would have three regulators: NHTSA, EPA, and the State of California.

We have been very careful in the drafting of the underlying bill to make sure that the existing standards for tailpipe emissions stay in place. This bill does not change that. It would prevent EPA from issuing regulations for CO_2 emissions for tailpipes, but the underlying bill does not prohibit regulating the various emissions under NHTSA and the State of California for tailpipe emissions that actually affect fuel economy.

The only thing even without this bill that the EPA would have the ability to regulate are the emissions out of the coolant of the air conditioning systems. They have absolutely no effect on fuel economy. So we oppose the amendment.

With that, I yield the balance of my time to the gentleman from Texas (Mr. OLSON), and I ask unanimous consent that he be allowed to control that time.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 3 minutes.

There was no objection.

Mr. OLSON. I thank the chairman of the committee.

Madam Chair, I rise in opposition to this amendment. H.R. 910 was carefully written to provide the auto industry with greater certainty by streamlining the regulatory process with only one fuel economy regulator—NHTSA—from 2017 onward.

This amendment would remove that provision by requiring that we continue to have three separate regulators—the EPA, NHTSA, and California—setting fuel economy standards. This is wasteful and duplicative spending at a time when government should be more efficient and providing greater certainty for customers.

This amendment would allow the EPA to set low carbon fuel standards that would equate to nothing more than a carbon tax at the pump. In a weak economy, this administration has disregarded studies which have concluded that greenhouse gas regulations will increase energy costs and destroy jobs.

An AP headline today read: ''Rising Oil Prices Beginning to Hurt U.S. Economy.'' These regulations will only force Americans to pay more. Furthermore, it is Congress, not the EPA, that has constitutional authority to decide if or how greenhouse gases should be regulated.

My home State of Texas has improved its air quality and increased its energy production even as we are having the largest population growth in America.

Our legislation allows America to find commonsense solutions that provide an affordable, reliable energy supply for our Nation, as well as providing much-needed certainty to an unstable job market.

I urge my colleagues to oppose this amendment and support the underlying bill, H.R. 910.

I reserve the balance of my time.

Mr. CUELLAR. Madam Chair, I thank my colleague from Houston and my colleague from Dallas also. Just because we drafted this doesn't mean it was poor drafting. With all due respect, if they have a problem with whether they want to put language there on science, that is one thing. My amendment is on the same page as what they are trying to do. My amendment just strikes the findings. What we want to do is H.R. 910 is only about Article I of the Constitution, giving the U.S. Congress the right to say whether EPA can or cannot regulate greenhouse gas.

This should not be a question of science. I think this should be a question of authority. We are on the same page, but I see that the majority wants to keep the findings, and I can understand that. I just ask, Madam Chairwoman, the support of this particular amendment.

I reserve the balance of my time.

Mr. UPTON. Madam Chair, I think we have the right to close. How much time is remaining on each side?

The Acting CHAIR. The gentleman from Texas (Mr. OLSON) does have the right to close and has 1 minute remaining, and the gentleman from Texas (Mr. CUELLAR) has 2½ minutes remaining.

□ 1630

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

Madam Chair, again, my amendment is just about saying that H.R. 910 should be article I of the Constitution. The question is, does Congress have the right to regulate or do we let the bureaucrats decide? This is what my amendment does. It just says that we, the Members of Congress, should decide whether the EPA can or cannot regulate greenhouse gas. Again, this is a question of authority and should not be a question of science.

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

Mr. OLSON. I yield the balance of my time to my colleague from Michigan (Mr. UPTON).

Mr. UPTON. Madam Chair, I would just urge again my colleagues to vote ''no'' on this amendment.

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

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–54.

Mr. MURPHY of Connecticut. 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 10, line 6, after subparagraph (C), insert the following new subparagraph:

''(D) TECHNICAL ASSISTANCE.—Nothing in this section shall be construed to limit the authority of the Administrator to provide technical assistance to States or groups of States for the implementation of regulations those States have adopted or may adopt concerning the limitation of greenhouse gas emissions, including providing any data developed in accordance with the rules or actions repealed by subsection (b).''.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. I yield myself such time as I may consume.

Madam Chair, this amendment is fairly simple. While the underlying bill, though, I think very wrongly prevents the EPA from going forward on regulating greenhouse gases, my amendment affirms that state-run greenhouse gas programs will not be affected by the underlying legislation.

My amendment simply clarifies that language, by keeping in practice the longstanding tradition whereby the EPA will be able to continue providing technical assistance for States like mine who have taken action on their own to combat climate change. I think this is a good and perfecting amendment. Unfortunately, it doesn't do enough to allow me to support this legislation.

I can't support this legislation, because, as many have said before, it is simply an affront, an attack on science, on 99 percent of peer reviewed articles which have supported the idea that the United States needs to do something as 5 percent of the world's population and 25 percent of the world's pollution. We have 230,000 deaths that have been prevented by the Clean Air Act, and the economic benefits outweigh the costs of it by a 3-to-1 margin.

But even if you set aside the scientific debate, there are dozens of other reasons why we should be supportive of the United States and the

EPA taking a strong role on the issue of regulating greenhouse gases. It is an affront to the millions of unemployed workers in this country who are asking for leadership from this Congress on developing a new economy in the area of clean energy, to allow the EPA the ability to join other nations around the world in putting a downward pressure on carbon emissions so that we can have an upward pressure on the number of new clean energy jobs that this country can create. But even if you set aside that argument, even if you set aside the science, set aside the jobs argument, from a national security perspective, we need to go forward with these EPA regulations, or, in the absence, we need to be passing legislation here in the United States Congress.

We continue to send abroad American dollars to petro-dictators who use it to funnel money to the very people that are seeking to attack this nation. From a national security standpoint, we need to be moving forward with a greenhouse gas strategy.

I am proposing this amendment, though, because for all of the naysayers, for all of the people who talk about doomsday and Armageddon if these EPA regulations are to go into effect, I'd like them to come to Connecticut, I'd like them to come to the 10 States that are part of the RGGI carbon emissions regime in which we have seen what smart regulation of carbon can do. We have set an aggressive standard in our RGGI system whereby we are seeking a 10 percent reduction in carbon, and we're doing it through the dreaded cap-and-trade regime that many on the other side have talked about for years.

What have we seen in Connecticut? The jury is in, the results are in, and we have in the 10 RGGI States saved enough energy to equal the cumulative input of 442,000 homes. We've saved an immense amount of energy. Now by doing that, what's happened to cost? Well, guess what? Cost has plummeted. We have saved $744 million for consumers in Connecticut. Why? We've decreased demand for energy, and so we have decreased cost. We have saved energy and we have decreased cost through a system of carbon control not dissimilar to ones we've talked about in this Congress and not dissimilar to what we are looking at at the EPA today. I propose this amendment as a way of simply allowing States to move forward with what I think have been very beneficial carbon reduction regimes in the absence of Federal control.

I think it's a sad day that we're here talking about this today. It used to be that Republicans and Democrats could at the very least agree on clean air. We could at the very least agree on the fact that pollution was an issue which we should address. And the fact that that is now a subject of disagreement, I think, is a grave statement on how far the Republican Party has come over the last decade.

I reserve the balance of my time.

Mr. SCALISE. Madam Chair, I rise in opposition to the amendment.

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

Mr. SCALISE. I yield 2½ minutes to the gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. Madam Chairman, I rise in opposition to the Murphy amendment.

I heard my colleague speak. He talked about it being a sad day, a day when Republicans and Democrats cannot agree about the importance of environmental safety and clean air. I could not disagree more. Those of us on our side care deeply to make sure we've got clean air and clean water and safe drinking water. We care deeply about that. It is not a sad day.

I've been here in Congress for 90 days. Yesterday marked 3 months on station. The Democrats have been talking about jobs bills. Where are the jobs bills? Well, here's one. Here's the first of many. If we can begin to peel away the burden and the disaster that are the regulations that EPA is beginning to place on our country, then we will once again create an environment where the private sector can create jobs, where we can once again create manufacturing jobs.

Until January 5 of this year, I was in the manufacturing sector. I was making things in the private sector. And I watched as government got in the way and made it expensive, drove up the cost of energy so that our products were not competitive. We are now, beginning with H.R. 910, to peel that back, to take on the task of restoring opportunity for Americans once again to manufacture here in our country, for those folks who are struggling to begin once again to afford energy for themselves, for their families, and for our small businesses.

I oppose the Murphy amendment because it guts what we're trying to do in H.R. 910, which is to once again put America back on a course that says we're going to have safe air, we're going to have clean drinking water, but we're going to do it in a way where the private sector can create jobs, we can grow our economy, and we will not have to have the unemployment rate that we have struggled through for the last 2½ years.

Mr. MURPHY of Connecticut. May I inquire as to how much time is remaining.

The Acting CHAIR. The gentleman from Connecticut has 30 seconds remaining, and the gentleman from Louisiana has 3 minutes remaining.

Mr. MURPHY of Connecticut. I yield myself the balance of my time.

I would inquire of the gentleman as to how he thinks this amendment guts the underlying legislation. All this amendment does is simply allow for the EPA to continue working with States on their own systems. I think the hyperbole has gotten a little out of control from the Republican side. This is simply seeking to assist States in the work that they are continuing to do today. It does absolutely nothing to gut the underlying legislation, and it just adds clarifying language to allow States to move forward with their own systems of controlling greenhouse gases.

I yield back the balance of my time.

□ 1640

Mr. SCALISE. Madam Chair, we are here today because the EPA has continued to push this effort to pass a national energy tax. It was tried through cap-and-trade over the last year and a half. That bill went through the legislative process and was defeated in a bipartisan way. This is not a Republican or a Democrat issue when we're talking about preventing the EPA from running millions of jobs out of our country, and that is literally what's at stake here.

Believe me, as people look through the letters of support and as we comb through the days of testimony that we've had on this over the last 2 years with regard to this concept of the EPA's regulating greenhouse gases, Madam Chair, we are talking about a proposal by the EPA that, according to the National Association of Manufacturers, would run 3 million jobs out of our country.

Now, we should all be here working feverishly to create jobs. In fact, our legislation, the National Energy Tax Prevention Act, will create jobs because it will remove the uncertainty that exists today where so many employers, so many of our job creators, are scared to death of the threat now of regulation coming over; because, again, Congress rejected their proposal for the national energy tax through cap-and-trade in a bipartisan way.

Mr. WAXMAN. Madam Chair, I have a parliamentary inquiry.

The Acting CHAIR. Does the gentleman from Louisiana yield to the gentleman from California for that purpose?

Mr. SCALISE. If the gentleman has a parliamentary inquiry, I don't think that comes out of my time.

Mr. WAXMAN. Parliamentary inquiry.

The Acting CHAIR. If the gentleman from Louisiana yields for the parliamentary inquiry it will come out of his time.

Mr. SCALISE. I yield for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. WAXMAN. Madam Chair, my inquiry is: Must the debate be on the pending amendment or can the debate be on a broader bill?

Mr. SCALISE. I reclaim my time, Madam Chair, because I am talking specifically about the amendment. If I am allowed the opportunity to continue with my comments, I have to finish a thought first before we talk specifically about the amendment.

First of all, if you look at what happened by legislation, they tried legislation, and the legislation failed. A bipartisan vote defeated that legislation. Then they came back with regulation. So this proposed regulation is being addressed by our bill, the underlying bill.

The amendment by the gentleman from Connecticut proposes to create a loophole to continue to allow the EPA to get their nose back under that tent to regulate greenhouse gases. You can just look at the language to see that it allows for that loophole that we're trying to close.

First of all, in a bipartisan fashion, Madam Chair, Congress has said we don't want the EPA imposing the national energy tax that cap-and-trade would propose. We don't want those millions of jobs leaving our country. Then they came back through regulation, and they said, Well, we'll just do it through regulation, a de facto cap-and-trade energy tax, because they couldn't get it passed through Congress.

Of course, anyone who has taken civics knows you're supposed to go through the legislative process if you want to change policy. So, if our underlying bill passes the House, then they won't be able to go through regulation; but the gentleman's amendment would actually say that there would be a loophole even though Congress would say, No, you don't have the authority to do that. You can't run those jobs to places like China where they have absolutely no environmental controls that we have today, which are dramatically better than those they have in China and India and in some of the other countries, countries which would be happy to take the millions of American jobs that would flee this country if they were able to get away with it.

We have to reject this amendment and take that loophole away. Don't give them that loophole to continue to regulate greenhouse gases through a de facto cap-and-trade national energy tax. So I would ask that we reject this amendment and pass the underlying bill.

The Acting CHAIR. The time of the gentleman has expired.

In response to the gentleman from California's parliamentary inquiry, remarks are to be confined to the question under debate.

Mr. WAXMAN. Madam Chair, I ask unanimous consent that we expand the debate by 2 minutes on each side on this particular amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

Mr. UPTON. One and one. Why don't we do 1 minute each.

Mr. WAXMAN. Two and two. Let's do 2 minutes each.

Mr. UPTON. We can accept one and one.

Madam Chair, I ask unanimous consent that the majority and the minority each have an additional 1 minute on this amendment.

Mr. WAXMAN. Reserving the right to object, I would plead with my chairman to agree to an additional minute to each side because I think that there is an important issue that is being ignored in this particular amendment. Each side may not need to take up the 2 minutes.

Mr. UPTON. We're working against the clock a little bit; so I would prefer that we just do one and one and end it there on this amendment.

Madam Chair, I ask unanimous consent that each side have 1 additional minute on this amendment.

Mr. WAXMAN. I ask unanimous consent that each side have 1½ minutes.

The Acting CHAIR. Is there objection to the request of the gentleman from Michigan for 1 minute for each side?

There was no objection.

The Acting CHAIR. The gentleman from Louisiana (Mr. SCALISE) and the gentleman from Connecticut (Mr. MURPHY) each will control 1 extra minute.

Mr. MURPHY of Connecticut. I yield the balance of my time to the gentleman from California (Mr. WAXMAN).

The Acting CHAIR. The gentleman from California is recognized for 1 minute.

Mr. WAXMAN. I thank the majority for their graciousness in allowing for a clarification.

This amendment simply says all that you suggest in your bill would become law, if it were passed, with the exception that we would continue to allow the EPA to give technical information to the States. It does not replace the other restrictions on EPA. It only allows them to give technical information to the States, which they do already without regulating greenhouse gases, under the United Nations Framework Convention on Climate Change, which was ratified by the Senate in 1992 after submittal by President Bush. Because of this international agreement, we try to keep track of what's going on, and the States should be able to talk to the EPA and to get expert advice from the EPA unless you think the States should not be allowed to do anything on their own, which would be something beyond the scope of this amendment.

So I would urge my colleagues who support their bill not to be against this amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SCALISE. I appreciate the offer of the gentleman from California, but I cannot adhere to a United Nations framework. I cannot adhere to the ability for the EPA to continue to keep their nose under the tent to provide whether it's called ''technical assistance'' or whether they try to continue to push things, because the EPA does interact with States on other issues, and I surely would not want to see some kind of situation where the EPA is going to try to hold something else over a State's head and use this threat, because they really do want the chance to regulate greenhouse gases and impose an energy tax.

So I think we've debated it very thoroughly. I understand your position, and I respect the gentleman from Connecticut's position. I just don't agree. I think we need to preserve American jobs and let the States do what they already do such a good job of doing; but we need to tell the EPA that ''no'' means ''no.'' They've got their own role to play, and it's not regulating greenhouse gases.

AMERICAN IRON AND STEEL INSTITUTE,
Washington, DC, March 9, 2011.

Hon. FRED UPTON,
Chairman, House Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: On behalf of the American Iron and Steel Institute (AISI), I am pleased to offer our support for H.R. 910, the Energy Tax Prevention Act (EPTA). This legislation is necessary to prevent EPA from regulating greenhouse gases (GHGs) from stationary sources under the Clean Air Act, thereby removing a regulatory uncertainty that is impeding domestic economic growth and job creation.

AISI is comprised of 25 member companies, including integrated and electric furnace steelmakers, and 140 associate and affiliate members who are suppliers to or customers of the steel industry. AISI's member companies represent approximately 80 percent of both U.S. and North American steel capacity. The steel industry in the U.S. has substantially reduced its GHG emissions over the past two decades. The industry has reduced its energy-intensity by 30% since 1990, and reduced while GHG emissions by 35% over the same time period. The industry has well exceeded the Kyoto Protocol targets, is committed to continued improvement, and hasn't waited for Congress or EPA to act.

The domestic steel industry is both energy-intensive and subject to substantial international competition. In particular, this competition comes from nations such as China, where no similar CO_2-reduction legislation or regulatory policies exist. In the absence of an international agreement on GHG emissions reductions, EPA regulation of stationary sources will only transfer emissions—and high-value manufacturing jobs—overseas. This will have a negative impact on domestic industry and will not result in a net emissions reduction worldwide.

As you know, the Clean Air Act was not written to regulate greenhouse gas emissions, and is therefore the wrong mechanism for EPA to use in this case. No policies have been proposed to accompany the EPA regulations to address competitiveness concerns of energy-intensive, trade-exposed industries, such as steel. The result will be the ''leakage'' of emissions and manufacturing jobs to competitor nations without comparable regulations, which is problematic from both the economic and environmental perspectives.

If the EPA is allowed to proceed with its GHG regulations from stationary sources, plants in the steel industry will be forced to adhere to yet another level of new strict regulations and be required to obtain costly permits. This would be a devastating blow to investment and growth in the industry, not to mention the implications of coupling these regulations with the recession that has hit the country and the manufacturing economy.

Sincerely,

THOMAS J. GIBSON,
President and Chief Executive Officer.

[From Americans for Prosperity, March 3, 2011]

AMERICANS FOR PROSPERITY APPLAUDS REPRESENTATIVES COLLIN PETERSON, DAN BOREN AND NICK RAHALL FOR SUPPORTING EPA PREEMPTION

AFP today commended three senior Democratic representatives—Collin Peterson of Minnesota, Dan Boren of Oklahoma and Nick Rahall of West Virginia—for cosponsoring the Inhofe-Upton bill to clarify that the Environmental Protection Agency (EPA) has no authority to regulate greenhouse gasses under the Clean Air Act (CAA).

''It's great to see three leading Democratic congressmen speak with such a clear voice that EPA should not be allowed to go around Congress to adopt job-killing global warming regulations,'' said AFP vice President for Policy Phil Kerpen. ''These regulations amount to a backdoor effort to adopt restrictions similar to the cap-and-trade bill Congress and the American people already rejected.''

''AFP commends free market heroes like Senator Inhofe and Congressman Upton for challenging unelected bureaucracies like the EPA when they try to bypass the American people,'' said president of AFP, Tim Phillips.

The Clean Air Act is so ill-suited to being twisted as a global warming bill that EPA resorted to disregarded statutory thresholds and demanding that states amend their laws to conform. This so-called Tailoring Rule is being contested in court and experts predict it is unlikely to survive the legal challenge.

''Kudos to Boren, Peterson, and Rahall for standing up to the EPA and doing what's right,'' Kerpen concluded. ''I hope more Democrats will put jobs, the economy, and legitimate legislative process ahead of environmental extremism and join them.''

AMERICANS FOR TAX REFORM,
Washington, DC, March 7, 2011.

DEAR REPRESENTATIVE: On behalf of Americans for Tax Reform (ATR) and millions of taxpayers nationwide, I urge you to support Rep. Fred Upton's (R-Mich.) Energy Tax Prevention Act of 2011. If passed, this legislation will return the obligation of setting America's climate policy to Congress from the Environmental Protection Agency (EPA).

Since losing the Cap-and-Trade debate, Democrats have turned to the EPA to impose their radical environmental agenda on this country. The impetus behind Cap-and-Trade was to force Americans to move towards less efficient, more expensive sources of energy. Similarly, the EPA is attempting to achieve this end through the regulation of greenhouse gases.

Standing on legally precarious ground, the EPA is citing the Clean Air Act as justification for its dubious agenda. Employing the Clean Air Act for objectives it was never intended to realize, the EPA has infringed on the legislative responsibilities of Congress.

The Energy Tax Prevention Act has been introduced to put a stop to such regulatory overreach and abuse. Addressing one of the most pressing problems facing this country, the Energy Tax Prevention Act bars federal regulators from co-opting the Clean Air Act to regulate greenhouse gases.

If the EPA continues on its current course, unelected federal bureaucrats will continue to unilaterally dictate ruinous economic policies. We should hold President Obama to his stated commitment to reassess America's regulatory system in the name of economic growth and fiscal responsibility. The President should be reminded that the EPA's initiatives to regulate greenhouse gasses would raise energy prices, destroy businesses, and ship jobs overseas. These policies are motivated not by science, and not out of concern for American industry, but by ideology alone.

Rep. Upton seeks to restore the role of the U.S. congress in the development and implementation the nation's climate and energy policy. Their bill is not a referendum on climate change or greenhouse gases but rather who will set our country's energy policy—elected Representatives or unaccountable political appointees.

In the interest of preserving our economic freedom, and the proper authority of congress, please join me in supporting the Energy Tax Prevention Act of 2011.

Onward,

GROVER G. NORQUIST.

MARCH 9, 2011.

Re Upton-Inhofe Bill a Key Step Toward Stopping EPA's GHG Regulations.

DEAR CHAIRMAN UPTON AND CHAIRMAN WHITFIELD: On January 2, 2011, the U.S. Environmental Protection Agency (EPA) began regulating greenhouse gas (GHG) emissions from stationary sources. EPA's rules require industrial sites, power plants and other businesses that emit GHGs above certain thresholds to apply for a permit whenever they want to build or modernize their facilities. In today's fragile economy, when we need American businesses to be expanding at full speed, these rules create uncertainty and delay.

We welcome the efforts of lawmakers from both parties to stop the EPA's harmful regulations so that business growth and hiring can continue. We applaud the leadership that you and Senator Inhofe are providing on this issue through the introduction of The Energy Tax Prevention Act of 2011 (H.R. 910). This bipartisan legislation is helping to keep attention squarely focused on the issue and building momentum toward a solution.

Congress, not EPA, should be guiding America's energy policy. Without action by lawmakers, EPA's regulations will make it difficult to attract new manufacturing capacity and jobs to the United States, let alone double U.S. exports in five years, as President Obama has pledged. Moving your legislation forward is a critical first step.

We look forward to working with you to stop harmful regulations and in doing so, strengthen the economic recovery, support American manufacturing and create jobs.

Sincerely,

American Chemistry Council, American Coalition for Clean Coal Electricity, American Forest & Paper Association, American Iron and Steel Institute, American Petroleum Institute, Brick Industry Association, CropLife America, Industrial Minerals Association, National Association of Manufacturers.

National Association of Wholesaler-Distributors, National Lime Association, National Mining Association, National Oilseed Processors Association, National Petrochemical and Refiners Association, The Aluminum Association, The Fertilizer Institute, U.S. Chamber of Commerce.

AMERICAN PUBLIC POWER ASSOCIATION,
Washington, DC March 9, 2011.

Hon. FRED UPTON,
Chairman, House Energy & Commerce Committee, Rayburn House Office Building, Washington, DC.

Hon. ED WHITFIELD,
Chairman, House Energy & Power Subcommittee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON AND CHAIRMAN WHITFIELD: On behalf of the American Public Power Association, I am writing to express our support for the Energy Tax Prevention Act. APPA is the national service organization representing the interests of over 2,000 community-owned, non-for-profit electric utilities. These utilities include state public power agencies, municipal electric utilities, and special utility districts that provide electricity and other services to over 46 million Americans.

APPA believes that the Clean Air Act (CAA) is not appropriately designed to address greenhouse gas (GHG) emissions and that the Environmental Protection Agency's (EPA) efforts to regulate such gases under the statute are causing undue uncertainty for the electric utility sector and are likely to result in unnecessarily high costs. In particular, APPA members are concerned with the application of Best Available Control Technologies (BACT) for GHG emissions under New Source Review (NSR) and the planned establishment of Section 111 New Source Performance Standards for GHGs for new, modified, and existing electric power plants. No commercially available technologies currently exist to reduce GHG emissions. APPA also believes that many states will find that they need additional time in order to implement any final EPA regulatory action given state budget cuts, staff reductions, and other administrative issues. For these reasons, APPA supports congressional action to preempt EPA's authority to regulate GHG emissions under the CAA.

Instead, APPA believes Congress should address the issue of climate change through new legislation and supports efforts to do so on an economy-wide basis that properly balances environmental goals with impacts on consumers and the economy. Such legislation should create a new regime for reducing GHG emissions that is separate and apart from the CAA, which was created to address criteria pollutants for human health protection.

Thank you for your leadership on this important issue affecting electric utilities. I hope you will feel free to contact me or the APPA government relations staff with any questions.

Sincerely,

MARK CRISSON,
President & CEO.

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

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

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

Mr. MURPHY of Connecticut. Madam Chair, 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 Connecticut will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–54.

Mr. WAXMAN. Madam 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:

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

SEC. 5. CONGRESSIONAL ACCEPTANCE OF SCIENTIFIC FINDINGS.

Congress accepts the scientific findings of the Environmental Protection Agency that climate change is occurring, is caused largely by human activities, and poses significant risks for public health and welfare.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Madam Chair, I rise to offer an amendment, with my colleagues Representatives DEGETTE and INSLEE, that recognizes the scientific reality of climate change.

Our amendment states that Congress accepts EPA's scientific finding that climate change is occurring, is caused largely by human activities, and poses significant risks for public health and welfare. This simple recognition is far from enough, but it is crucially important. As long as Congress pretends that climate change isn't occurring, we can justify not addressing it.

Last month, the eminent scientific journal Nature wrote an editorial entitled, ''Into Ignorance.''

□ 1650

And I want to read from this editorial: ''Republicans on the Energy and Commerce Committee have made clear their disdain for climate science. At a subcommittee hearing, misinformation was presented as fact, truth was twisted, and nobody showed any inclination to listen to scientists. There has been an embarrassing display, not just for the Republican Party, but also for Congress and the U.S. citizens it represents.''

The U.S. Congress has entered the intellectual wilderness. This amendment is a step out of that wilderness. It says we accept the scientific findings of EPA—and the best scientists in our country and around the world—that climate change is a serious threat to our health and welfare. And it recognizes that while we have the power to change the laws of our Nation, we cannot rewrite the laws of nature.

It may be difficult for us to agree on a solution to climate change, but at least we should be able to agree that it is a real problem and one we need to address.

I hope my colleagues will support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Chairman, I rise in opposition to the amendment.

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

Mr. SENSENBRENNER. Madam Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Madam Chair, I believe in science. I also know that the Earth has been warming for some time. In fact, the underlying bill, H.R. 910, concludes by acknowledging there is scientific concern over the warming of the climate system and that addressing the climate change is an international issue.

I believe that human activity is also playing a role. The question is how big a role. This amendment would have Congress adopt intentionally vague language on human involvement and the risks associated with climate change without defining the size and scope of human behavior and the risk to the environment.

Madam Chair, I believe that we must reduce our dependence on foreign oil and expand research and development of clean energy sources and ensure that future generations of Americans have a clean and healthy environment. But I do not believe in the notion that the Waxman amendment puts forward that states that Congress shall only accept the scientific findings of the EPA. We should encourage open, transparent scientific studies, not limit our scientific findings to one government agency.

We must work together in a bipartisan manner to promote clean energy and encourage greater energy efficiencies to guarantee that our children and grandchildren have a cleaner environment than we have today.

I urge a ''no'' vote on this amendment.

Mr. WAXMAN. Madam Chair, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. I appreciate my Republican colleague's statement, but the clear fact of this bill is, if it passes, what does it do? It basically says that Sir Isaac Newton, Albert Einstein, and Thomas Edison didn't know what they were talking about because this bill, in rather clear form, caters to a narrow sector of a narrow political interest to ignore clear science. And there is no way you can get around this or sweet-talk your way around this clear rejection of science.

Now, this isn't just us. Who has cleared and said this statement that we seek to put in this bill is correct? Only the National Academy of Sciences, NOAA, the Department of Defense, the Centers for Disease Control, the American Meteorological Society, the American Geophysical Union, the Geological Society of America, the American Association for the Advancement of Science, the American Institute of Physics, and the American Chemical Society. But one side of the aisle thinks that the tea party has greater scientific credibility, and that's who you are catering to when you refuse to adopt this amendment.

Let's have a bipartisan statement of the problem so that we can have a bipartisan statement of the solution.

Mr. SENSENBRENNER. Madam Chair, I am the only speaker left, and I believe that I have the right to close. So if the gentleman from California could use the remainder of his time.

The Acting CHAIR. The gentleman from California has the right to close.

The gentleman from Wisconsin has 3½ minutes remaining; the gentleman from California has 2 minutes remaining.

Mr. SENSENBRENNER. Madam Chair, I yield myself the balance of my time.

Madam Chair, this is an amendment that attempts to reverse the entire thrust of this legislation. In effect, it gives the proxy to the EPA to make determinations that will have vast impact on our economy without going through the usual legislative process. This is our job to make a determination on whether the Clean Air Act is the proper vehicle to deal with issues related to greenhouse gases.

This is not a debate on the underlying science of climate change, and I think that has to be made clear. But if we do want to talk about the EPA's ability to mitigate climate change, let's focus on their own projections.

EPA's analysis of the current rule states that it will only result in 1/100 of a degree of lowering of the Earth's average temperature by the year 2100. Administrator Jackson herself stated before the Energy and Commerce Committee that EPA regulation will not ultimately be able to change the amount of CO_2 that is accumulating in the atmosphere if other nations do not agree also to limit emissions. And they aren't, and they won't.

So, regardless of whether or not Congress issues a scientific finding based upon a 10-minute amendment debate, we are faced with the indisputable fact that EPA greenhouse gas regulations will lead to billions upon billions of dollars leaving our economy with absolutely zero environmental benefit. This amendment flunks the cost-benefit analysis. It ought to be rejected.

We are here today about protecting the economy, job creation, and stopping energy prices from skyrocketing. That's what will happen if this amendment is adopted. It should be rejected in the name of jobs and a healthy economy.

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

Mr. WAXMAN. Madam Chair, to close, I yield the balance of my time to my colleague, who is a cosponsor of this legislation along with myself and Mr. INSLEE, the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. I thank the ranking member for allowing me to close.

This amendment gives Members of the House what should be a very simple choice: recognize the overwhelming science or vote to deny the overwhelming science.

We in Congress can certainly change the laws of this country, but last I heard we cannot change the laws of nature. There is no serious disagreement on the science of climate change. In fact, the findings have been confirmed by all leading scientific academies around the world. The National Academy of Sciences last year issued a series of comprehensive reports that are unambiguous. It says, for example, ''Climate change is occurring. It is caused largely by human activities, and in many cases it is already affecting a broad range of human and natural systems.'' And even a team of scientists from UC Berkeley, who were

told to try to disprove global climate change, just reported last week to a congressional committee that in fact global climate change is occurring.

This is simple. This is clear. H.R. 910 represents an effort to deny and run away from science and reality. It ignores one of the chief drivers behind our need for a clean and modernized energy policy: massive and growing human consumption of carbon-based fuels.

Last Congress, and again today, I chose to be on the side of those who acted to address a climate disaster and put into place the framework for an energy policy which this country so painfully goes without and so little can afford. I urge my colleagues to do the same.

Vote ''yes'' on this amendment. Vote ''no'' on the underlying bill and stand with science.

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

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

Mr. WAXMAN. Madam Chair, 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.

□ 1700

AMENDMENT NO. 7 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–54.

Mr. QUIGLEY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 5. GAO REPORT.

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of a study of health care costs in the United States as affected by the elimination of Environmental Protection Agency regulation under this Act, as compared to health care costs in the United States as would be affected by the Environmental Protection Agency proceeding with regulation in its role as determined in *Massachusetts* v. *EPA* (549 U.S. 497 (2007)).

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Madam Chair, my amendment would require that the GAO report to Congress the results of a study of health care costs in the U.S. as affected by the elimination of EPA regulation under this act. Further, the report would also detail health care costs in the U.S. proceeding under the EPA's current regulatory authority as determined in 2007 in Massachusetts v. EPA.

It is science, hard facts, and figures that have led hundreds of scientists to confirm that global warming is real. Despite the other numbers you may have heard, the most convincing one is that there are over 200 peer reviewed scientific studies that have determined that global warming is real and that man contributes to that, and exactly zero that have proved or shown evidence to the contrary.

It was science that led the Congress to pass the Clean Air Act, the act which designated the EPA as the body charged with overseeing, adapting, and implementing these regulations. It was science that led the Supreme Court to rule in 2007 that the Environmental Protection Agency does in fact have the authority to regulate greenhouse gases.

My amendment is simple. It directs the GAO to report the cost of health care under the Clean Air Act, and then to report the costs of health care with this bill passing as it modifies the amendment.

In 2010 alone, the EPA reported the reduction in fine particulate and ozone pollution from the Clean Air Act prevented more than 160,000 premature deaths, 130,000 heart attacks, 13 million lost workdays, and 1.7 million asthma attacks. These are serious health issues that burden the government with serious bills.

We face serious budgetary times. We may be out of a recession, but we are far from recovered. If we are committed to making the government more efficient and effective to cutting waste, fraud, and abuse, we must acknowledge that spending a smart dollar up front saves many dollars on the back end.

I encourage my colleagues to support this amendment that will allow the experts at the GAO to show us a world with the Clean Air Act and a world without. My estimation is that a world with less mercury in our water and less ozone in our air will cost far less in dollars and deaths than the opposite, but I will defer to the experts and look forward to their report on this subject.

I reserve the balance of my time.

Mr. HARPER. I rise in opposition to the amendment.

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

Mr. HARPER. This amendment filed by the gentleman from Illinois would require a GAO study to be completed, 1 year, analyzing how health care costs are affected if EPA does not proceed with regulation in its role as determined in Massachusetts v. EPA.

You know, this case did not determine whether or how EPA should regulate greenhouse gases. To the contrary, it did not mandate that EPA move forward with global warming regulations, and it certainly did not direct the EPA to begin regulating tens of thousands or millions of stationary sources across the United States economy.

In any event, no GAO study is needed because the EPA, itself, has already concluded that greenhouse gases pose no direct adverse health effects.

Here's what the EPA has stated: ''Current and projected ambient greenhouse gas concentrations remain well below published thresholds for any direct adverse health effects, such as respiratory or toxic effects.''

So even if the EPA had concluded that there were direct health impacts, EPA's own administrators concluded that the agency's greenhouse gas rules are not going to be effective in appreciably reducing temperatures or global emissions.

Administrator Jackson has said: ''We will not ultimately be able to change the amount of CO_2 that is accumulating in the atmosphere alone.'' If anything, EPA's global warming rules will cause global emissions to increase as U.S. manufacturing and industry goes to countries with much less stringent environmental laws.

I urge my colleagues to vote ''no'' on this amendment.

I reserve the balance of my time.

Mr. QUIGLEY. Madam Chair, I guess my response is, with all due respect, prove me wrong. If there is no health care risk, let the GAO independent analysis prove us wrong.

But there's a lot at stake here, and I would defy anyone to say that greenhouse gases are not in and of themselves—putting aside the issue of global warming—dangerous because many of them are precursors to ozone. I live in Chicago, which is the morbidity and mortality capital of the United States for people who are afflicted with asthma, and there is a dramatic and direct impact of what ozone does to those people suffering from asthma.

So prove me wrong. Show me how we're wrong on this. Let there be a study which goes to this, because if I'm wrong, no damage done. But if there is some danger here and we have decided that it is not worth our study, then we have done a grave disservice to the American public and put their lives at risk.

I yield back the balance of my time.

Mr. HARPER. I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Chair, I want to thank the chairman of the Energy and Commerce Committee, Mr. UPTON, and the gentleman from Mississippi (Mr. HARPER) for yielding time for me to speak on this amendment.

I rise in strong opposition to the Quigley amendment because it represents an unnecessary use of case law in Massachusetts v. EPA. Some of what I say is repetitive. Mr. HARPER has just said it, but it bears repeating, Madam Chair.

This amendment requires the GAO to conduct a study analyzing how health care costs will be affected if the EPA does not proceed with regulation in its role as determined in Massachusetts v. EPA.

Madam Chair, I would like to remind the author of the amendment, Mr.

QUIGLEY, that Massachusetts v. EPA did not determine whether or how the EPA should regulate greenhouse gases. Furthermore, a GAO study on this matter is not necessary because the EPA has already concluded that greenhouse gases have no adverse health effect.

Specifically, the EPA has stated: ''Current and projected ambient greenhouse gas concentrations remain well below published thresholds for any direct adverse health effects, such as respiratory or toxic effects.''

Opponents of this legislation have tried unsuccessfully to assert that the underlying bill will block the EPA from safeguarding public health from the effects of air pollution and will result in increased asthma attacks or other respiratory illnesses. Nothing could be further from the truth.

Madam Chair, H.R. 910 does not affect the EPA's ability and responsibility to protect the public from hazardous air pollution. Regardless of whether or not EPA imposes these cap-and-trade regulations, the agency will continue to have the authority to regulate all of the high-priority pollutants that raise public health concerns.

As an original cosponsor of H.R. 910, I strongly support the underlying bill to prohibit the Environmental Protection Agency from using the Clean Air Act to regulate greenhouse gases.

By avoiding these harmful regulations, H.R. 910 will save countless numbers of jobs and prevent the implementation of an energy tax that would cost our economy literally tens of billions of dollars when we can least afford it.

Madam Chair, I urge my colleagues to reject this amendment and support the underlying bill.

Mr. BILBRAY. Will the gentleman yield?

Mr. GINGREY of Georgia. I yield to the gentleman from California.

Mr. BILBRAY. Madam Chair, I want to point out the comment was made about the precursor to ozone. Thirty years of air pollution regulations. Ask the South Coast Air Basin in Los Angeles. It never regulated CO_2 as a precursor to ozone because it was so miniscule that there are so many other issues that are absolutely essential to address that you didn't even look at that.

And if you didn't think those of us in California, that we're working on air pollution, air quality, our county in San Diego went from ''severe'' down to ''serious'' because we were successful. And it wasn't chasing ozone. I mean, not chasing CO_2. It was tracing true toxic emissions.

So when you talk about implementing these plans, understand you're talking about sacrificing efforts that are at true risk.

The Acting CHAIR. The time of the gentleman from Georgia has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The amendment was rejected.

□ 1710

AMENDMENT NO. 8 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–54.

Mr. POLIS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 330 of the Clean Air Act, as proposed to be added by section 2 of the bill, insert after subsection (a) the following (and redesignate the subsequent subsections accordingly):

''(b) TEMPORARY SUSPENSION FOR PUBLIC HEALTH EMERGENCIES.—The Administrator may by rule, after public notice and comment, temporarily suspend the provisions of this section if—

''(1) a detailed analysis and review by the Administrator of the latest credible and peer-reviewed science shows ground level ozone will pose significant dangers to public health;

''(2) extreme weather events pose significant danger to public health;

''(3) an increase in food and waterborne pathogens pose significant danger to public health; or

''(4) there are other significant threats to public health.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, this amendment is simple, and I appreciate the rule making it in order. It allows the Environmental Protection Agency to continue protecting the American people from the greatest public health and environmental challenge in global history, global climate change.

The overwhelming scientific evidence suggests that greenhouse gases and carbon pollution, if left unchecked, pose a significant threat to public health. This is not a scientific conclusion that anybody in the investigative community desires or wants. It is an unfortunate reality. I simply want the administrator to have the ability to temporarily unlock the handcuffs on the bill if there is a significant threat to the public health.

Let's walk ourselves through what this bill does. The bill tells the EPA, EPA, you have done your homework just like the Supreme Court told you to do, and every inch of credible science is telling you there is a danger to America's health. Yet, we here in Congress know better. We will pretend like there is not a danger to the American health. We won't allow you, the EPA, that we set up and charged with this, to pay attention to the warnings or protect Americans from the dangers.

To me, that's a very dangerous directive, telling the EPA they can't act even though they know we are in danger. If there was a meteor hurtling towards us, I would hope that this body wouldn't pass a bill that tells NASA to ignore it, to step away from the telescope, specifically forbids them from telling people to get out of the way. Yet that's exactly what this bill does with the very real and present danger.

I, for one, want the EPA to be able to protect me, and my family and my constituents and all American families when the overwhelming warning signs say they should do just that. But if this body sends a message to the contrary, at the very least we should be smart enough to include a temporary escape hatch, a safety valve that my amendment provides.

Madam Chair, I am going to vote today to put America's health before big polluters. The other side of the aisle likes to skew the facts. And instead of paying attention to the warning signs, they protect their big polluter friends by confusing the facts. It's critical that we provide a safety valve that when there is a clear and present danger to the health of the American people we don't hamstring the very agency that we have set up to protect the health of the American people, and enable them to move forward to protect us.

This endangerment finding, the title of the EPA's research on dangers to our health, was based on sound science and found that as climate change increases, so does ground ozone level, air- and water-borne pathogens, and mold and pollen allergens that affect and make health problems worse like asthma, respiratory irritation, and heart disease. We cannot oversimplify a very serious problem with no easy answers.

[From the Federal Register, Tuesday, Dec. 15, 2009]

PART V—ENVIRONMENTAL PROTECTION AGENCY

40 CFR CHAPTER I—ENDANGERMENT AND CAUSE OR CONTRIBUTE FINDINGS FOR GREENHOUSE GASES UNDER SECTION 202(a) OF THE CLEAN AIR ACT; FINAL RULE

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Chapter I
[EPA–HQ–OAR–2009–0171; FRL–9091–8]
RIN 2060–ZA14

Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Administrator finds that six greenhouse gases taken in combination endanger both the public health and the public welfare of current and future generations. The Administrator also finds that the combined emissions of these greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas air pollution that endangers public health and welfare under CAA section 202(a). These Findings are based on careful consideration of the full weight of scientific evidence and a thorough review of numerous public comments received on the Proposed Findings published April 24, 2009.

DATES: These Findings are effective on January 14, 2010.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2009–0171. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, e.g.,

confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at EPA's Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Jeremy Martinich, Climate Change Division, Office of Atmospheric Programs (MC–6207J), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343–9927; fax number: (202) 343–2202; e-mail address: ghgendangerment@epa.gov. For additional information regarding these Findings, please go to the Web site http://www.epa.gov/climatechange/endangerment.html.

SUPPLEMENTARY INFORMATION:

Judicial Review

Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by February 16, 2010. Under CAA section 307(d)(7)(B), only an objection to this final action that was raised with reasonable specificity during the period for public comment can be raised during judicial review. This section also provides a mechanism for us to convene a proceeding for reconsideration, ''[i]f the person raising an objection can demonstrate to EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of this rule.''' Any person seeking to make such a demonstration to us should submit a Petition for Reconsideration to the Office of the Administrator, Environmental Protection Agency, Room 3000, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Washington, DC 20004, with a copy to the person listed in the preceding FOR FURTHER INFORMATION CONTACT section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20004.

Acronyms and Abbreviations. The following acronyms and abbreviations are used in this document.

ACUS Administrative Conference of the United States
ANPR Advance Notice of Proposed Rulemaking
APA Administrative Procedure Act
CAA Clean Air Act
CAFE Corporate Average Fuel Economy
CAIT Climate Analysis Indicators Tool
CASAC Clean Air Scientific Advisory Committee
CBI Confidential Business Information
CCSP Climate Change Science Program
CFCs chlorofluorocarbons
CFR Code of Federal Regulations
CH_4 methane
CO_2 carbon dioxide
CO_2e CO_2-equivalent
CRU Climate Research Unit
DOT U.S. Department of Transportation
EO Executive Order
EPA U.S. Environmental Protection Agency
FR Federal Register
GHG greenhouse gas
GWP global warming potential
HadCRUT Hadley Centre/Climate Research Unit (CRU) temperature record
HCFCs hydrochlorofluorocarbons
HFCs hydrofluorocarbons
IA Interim Assessment report
IPCC Intergovernmental Panel on Climate Change
MPG miles per gallon
MWP Medieval Warm Period
N_2O nitrous oxide
NAAQS National Ambient Air Quality Standards
NAICS North American Industry Classification System
NASA National Aeronautics and Space Administration
NF_3 nitrogen trifluoride
NHTSA National Highway Traffic Safety Administration
NOAA National Oceanic and Atmospheric Administration
NOI Notice of Intent
NO_X nitrogen oxides
NRC National Research Council
NSPS new source performance standards
NTTAA National Technology Transfer and Advancement Act of 1995
OMB Office of Management and Budget
PFCs perfluorocarbons
PM particulate matter
PSD Prevention of Significant Deterioration
RFA Regulatory Flexibility Act
SF_6 sulfur hexafluoride
SIP State Implementation Plan
TSD technical support document
U.S. United States
UMRA Unfunded Mandates Reform Act of 1995
UNFCCC United Nations Framework Convention on Climate Change
USGCRP U.S. Global Climate Research Program
VOC volatile organic compound(s)
WCI Western Climate Initiative
WRI World Resources Institute

TABLE OF CONTENTS

I. Introduction
A. Overview
B. Background Information Helpful To Understand These Findings
1. Greenhouse Gases and Transportation Sources Under CAA Section 202(a)
2. Joint EPA and Department of Transportation Proposed Greenhouse Gas Rule
C. Public Involvement
1. EPA's Initial Work on Endangerment
2. Public Involvement Since the April 2009 Proposed Endangerment Finding
3. Issues Raised Regarding the Rulemaking Process
II. Legal Framework for This Action
A. Section 202(a) of the CAA—Endangerment and Cause or Contribute
1. The Statutory Framework
2. Summary of Response to Key Legal Comments on the Interpretation of the CAA Section 202(a) Endangerment and Cause or Contribute Test
B. Air Pollutant, Public Health and Welfare
III. EPA's Approach for Evaluating the Evidence Before It
A. The Science on Which the Decisions Are Based
B. The Law on Which the Decisions Are Based
C. Adaptation and Mitigation
D. Geographic Scope of Impacts
E. Temporal Scope of Impacts
F. Impacts of Potential Future Regulations and Processes that Generate Greenhouse Gas Emissions
IV. The Administrator's Finding That Emissions of Greenhouse Gases Endanger Public Health and Welfare
A. The Air Pollution Consists of Six Key Greenhouse Gases
1. Common Physical Properties of the Six Greenhouse Gases
2. Evidence That the Six Greenhouse Gases Are the Primary Driver of Current and Projected Climate Change
3. The Six Greenhouse Gases Are Currently the Common Focus of the Climate Change Science and Policy Communities
4. Defining Air Pollution as the Aggregate Group of Six Greenhouse Gases Is Consistent With Evaluation of Risks and Impacts Due to Human-Induced Climate Change
5. Defining the Air Pollution as the Aggregate Group of Six Greenhouse Gases Is Consistent With Past EPA Practice
6. Other Climate Forcers Not Being Included in the Definition of Air Pollution for This Finding
7. Summary of Key Comments on Definition of Air Pollution
B. The Air Pollution Is Reasonably Anticipated To Endanger Both Public Health and Welfare
1. The Air Pollution Is Reasonably Anticipated To Endanger Public Health
2. The Air Pollution Is Reasonably Anticipated To Endanger Public Welfare
V. The Administrator's Finding That Greenhouse Gases From CAA Section 202(a) Sources Cause or Contribute to the Endangerment of Public Health and Welfare
A. The Administrator's Definition of the ''Air Pollutant''
B. The Administrator's Finding Whether Emissions of the Air Pollutant From Section 202(a) Source Categories Cause or Contribute to the Air Pollution That May Be Reasonably Anticipated To Endanger Public Health and Welfare
C. Response to Key Comments on the Administrator's Cause or Contribute Finding
1. The Administrator Reasonably Defined the ''Air Pollutant'' for the Cause or Contribute Analysis
2. The Administrator's Cause or Contribute Analysis Was Reasonable
VI. Statutory and Executive Reviews
A. Executive Order 12866: Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act

I. Introduction

A. Overview

Pursuant to CAA section 202(a), the Administrator finds that greenhouse gases in the atmosphere may reasonably be anticipated both to endanger public health and to endanger public welfare.

Specifically, the Administrator is defining the ''air pollution'' referred to in CAA section 202(a) to be the mix of six long-lived and directly-emitted greenhouse gases: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs),

perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). In this document, these six greenhouse gases are referred to as ''well-mixed greenhouse gases'' in this document (with more precise meanings of ''long lived'' and ''well mixed'' provided in Section IV.A).

The Administrator has determined that the body of scientific evidence compellingly supports this finding. The major assessments by the U.S. Global Climate Research Program (USGCRP), the Intergovernmental Panel on Climate Change (IPCC), and the National Research Council (NRC) serve as the primary scientific basis supporting the Administrator's endangerment finding. The Administrator reached her determination by considering both observed and projected effects of greenhouse gases in the atmosphere, their effect on climate, and the public health and welfare risks and impacts associated with such climate change. The Administrator's assessment focused on public health and public welfare impacts within the United States. She also examined the evidence with respect to impacts in other world regions, and she concluded that these impacts strengthen the case for endangerment to public health and welfare because impacts in other world regions can in turn adversely affect the United States.

The Administrator recognizes that human-induced climate change has the potential to be far-reaching and multidimensional, and in light of existing knowledge, that not all risks and potential impacts can be quantified or characterized with uniform metrics. There is variety not only in the nature and potential magnitude of risks and impacts, but also in our ability to characterize, quantify and project such impacts into the future. The Administrator is using her judgment, based on existing science, to weigh the threat for each of the identifiable risks, to weigh the potential benefits where relevant, and ultimately to assess whether these risks and effects, when viewed in total, endanger public health or welfare.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public health by evaluating the risks associated with changes in air quality, increases in temperatures, changes in extreme weather events, increases in food- and water-borne pathogens, and changes in aeroallergens. The evidence concerning adverse air quality impacts provides strong and clear support for an endangerment finding. Increases in ambient ozone are expected to occur over broad areas of the country, and they are expected to increase serious adverse health effects in large population areas that are and may continue to be in nonattainment. The evaluation of the potential risks associated with increases in ozone in attainment areas also supports such a finding.

The impact on mortality and morbidity associated with increases in average temperatures, which increase the likelihood of heat waves, also provides support for a public health endangerment finding. There are uncertainties over the net health impacts of a temperature increase due to decreases in cold-related mortality, but some recent evidence suggests that the net impact on mortality is more likely to be adverse, in a context where heat is already the leading cause of weather-related deaths in the United States.

The evidence concerning how human-induced climate change may alter extreme weather events also clearly supports a finding of endangerment, given the serious adverse impacts that can result from such events and the increase in risk, even if small, of the occurrence and intensity of events such as hurricanes and floods. Additionally, public health is expected to be adversely affected by an increase in the severity of coastal storm events due to rising sea levels.

There is some evidence that elevated carbon dioxide concentrations and climate changes can lead to changes in aeroallergens that could increase the potential for allergenic illnesses. The evidence on pathogen borne disease vectors provides directional support for an endangerment finding. The Administrator acknowledges the many uncertainties in these areas. Although these adverse effects provide some support for an endangerment finding, the Administrator is not placing primary weight on these factors.

Finally, the Administrator places weight on the fact that certain groups, including children, the elderly, and the poor, are most vulnerable to these climate-related health effects.

The Administrator has considered how elevated concentrations of the well-mixed greenhouse gases and associated climate change affect public welfare by evaluating numerous and far-ranging risks to food production and agriculture, forestry, water resources, sea level rise and coastal areas, energy, infrastructure, and settlements, and ecosystems and wildlife. For each of these sectors, the evidence provides support for a finding of endangerment to public welfare. The evidence concerning adverse impacts in the areas of water resources and sea level rise and coastal areas provides the clearest and strongest support for an endangerment finding, both for current and future generations. Strong support is also found in the evidence concerning infrastructure and settlements, as well ecosystems and wildlife. Across the sectors, the potential serious adverse impacts of extreme events, such as wildfires, flooding, drought, and extreme weather conditions, provide strong support for such a finding.

Water resources across large areas of the country are at serious risk from climate change, with effects on water supplies, water quality, and adverse effects from extreme events such as floods and droughts. Even areas of the country where an increase in water flow is projected could face water resource problems from the supply and water quality problems associated with temperature increases and precipitation variability, as well as the increased risk of serious adverse effects from extreme events, such as floods and drought. The severity of risks and impacts is likely to increase over time with accumulating greenhouse gas concentrations and associated temperature increases and precipitation changes.

Overall, the evidence on risk of adverse impacts for coastal areas provides clear support for a finding that greenhouse gas air pollution endangers the welfare of current and future generations. The most serious potential adverse effects are the increased risk of storm surge and flooding in coastal areas from sea level rise and more intense storms. Observed sea level rise is already increasing the risk of storm surge and flooding in some coastal areas. The conclusion in the assessment literature that there is the potential for hurricanes to become more intense (and even some evidence that Atlantic hurricanes have already become more intense) reinforces the judgment that coastal communities are now endangered by human-induced climate change, and may face substantially greater risk in the future. Even if there is a low probability of raising the destructive power of hurricanes, this threat is enough to support a finding that coastal communities are endangered by greenhouse gas air pollution. In addition, coastal areas face other adverse impacts from sea level rise such as land loss due to inundation, erosion, wetland submergence, and habitat loss. The increased risk associated with these adverse impacts also endangers public welfare, with an increasing risk of greater adverse impacts in the future.

Strong support for an endangerment finding is also found in the evidence concerning energy, infrastructure, and settlements, as well ecosystems and wildlife. While the impacts on net energy demand may be viewed as generally neutral for purposes of making an endangerment determination, climate change is expected to result in an increase in electricity production, especially supply for peak demand. This may be exacerbated by the potential for adverse impacts from climate change on hydropower resources as well as the potential risk of serious adverse effects on energy infrastructure from extreme events. Changes in extreme weather events threaten energy, transportation, and water resource infrastructure. Vulnerabilities of industry, infrastructure, and settlements to climate change are generally greater in high-risk locations, particularly coastal and riverine areas, and areas whose economies are closely linked with climate-sensitive resources. Climate change will likely interact with and possibly exacerbate ongoing environmental change and environmental pressures in settlements, particularly in Alaska where indigenous communities are facing major environmental and cultural impacts on their historic lifestyles. Over the 21st century, changes in climate will cause some species to shift north and to higher elevations and fundamentally rearrange U.S. ecosystems. Differential capacities for range shifts and constraints from development, habitat fragmentation, invasive species, and broken ecological connections will likely alter ecosystem structure, function, and services, leading to predominantly negative consequences for biodiversity and the provision of ecosystem goods and services.

There is a potential for a net benefit in the near term for certain crops, but there is significant uncertainty about whether this benefit will be achieved given the various potential adverse impacts of climate change on crop yield, such as the increasing risk of extreme weather events. Other aspects of this sector may be adversely affected by climate change, including livestock management and irrigation requirements, and there is a risk of adverse effect on a large segment of the total crop market. For the near term, the concern over the potential for adverse effects in certain parts of the agriculture sector appears generally comparable to the potential for benefits for certain crops. However, The body of evidence points towards increasing risk of net adverse impacts on U.S. food production and agriculture over time, with the potential for significant disruptions and crop failure in the future.

For the near term, the Administrator finds the beneficial impact on forest growth and productivity in certain parts of the country from elevated carbon dioxide concentrations and temperature increases to date is offset by the clear risk from the observed increases in wildfires, combined with risks from the spread of destructive pests and disease. For the longer term, the risk from adverse effects increases over time, such that overall climate change presents serious adverse risks for forest productivity. There is compelling reason to find that the support for a positive endangerment finding increases as one considers expected future conditions where temperatures continue to rise.

Looking across all of the sectors discussed above, the evidence provides compelling support for finding that greenhouse gas air pollution endangers the public welfare of both current and * * *

I reserve the balance of my time.

Mr. BURGESS. I rise in opposition to the amendment.

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

Mr. BURGESS. At this point, I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY), and I ask unanimous consent that he be allowed to control that time.

The Acting CHAIR. Without objection, the gentleman from Georgia will control the time.

There was no objection.

Mr. GINGREY of Georgia. I want to thank my friend from Texas (Mr. BURGESS) for yielding and again thank the chairman of the Energy and Commerce Committee and the chairman of the Energy and Power Subcommittee, Messrs. Upton and Whitfield, for again allowing me to speak on this amendment.

Much like the previous amendment, I rise again in strong opposition, opposition at this time to the Polis amendment because it seeks to give a duplicative authority to the EPA. This amendment would temporarily suspend H.R. 910 if the EPA administrator has ruled that ground-level ozone, extreme weather events, or an increase in food- and water-borne pathogens presents a significant danger to the public health, or that there are other significant threats to public health.

Madam Chair, under section 303 of the Clean Air Act, the EPA already has the authority to respond to any imminent and substantial endangerment to public health or welfare, or the environment. Therefore, this amendment is wholly unnecessary. Furthermore, the Polis amendment would give the EPA administrator the authority to move forward with a cap-and-trade agenda if the administrator believed that there were threats to public health from ozone, extreme weather, pathogens, or there are other significant threats to public health, which could be completely unrelated to greenhouse gases.

I wholeheartedly believe that this amendment is literally a hammer in search of a nail. The EPA already has the authority to address the concerns raised by this amendment and my friend from Colorado. I would urge my friend from Colorado to consider withdrawing this amendment; but if he doesn't, I would urge all of my colleagues to oppose it and continue to support the underlying legislation.

I reserve the balance of my time, Madam Chair.

Mr. POLIS. I thank the gentleman from Georgia. My concern is that the underlying bill removes some of the authority under these conditions that this amendment would reinstate. If this amendment merely restates this, I would hope that we can clarify the bill by specifically allowing the EPA the authority to suspend the prohibitions in the bill if a detailed analysis demonstrates that ground-level ozone, or extreme weather events, or food- and water-borne pathogens are a significant threat to public health. And, of course, we would hope that under their charge the EPA would then proceed if given this authority with regard to protecting the public health.

To the extent that this clarifies something that was consistent with the intent of the original bill, I would hope that the gentleman would accept it. If it is contrary to a small element of the bill, we would hope to reestablish that authority in the case of a significant threat to public health, again, with the additional burden and requirement of a detailed analysis under the law.

I reserve the balance of my time.

Mr. GINGREY of Georgia. Madam Chair, I want to point out to my colleague that the EPA, as I think I previously said, but just let me repeat it, the EPA has already concluded that greenhouse gases pose no public health emergency. And they stated: ''Current and projected ambient greenhouse gas concentrations remain well below published thresholds for any direct adverse health effect such as respiratory or toxic effects.''

I yield such time as he may consume, Madam Chair, to the gentleman from California (Mr. BILBRAY).

The Acting CHAIR. The gentleman from California is recognized for up to 2½ minutes.

Mr. BILBRAY. Let's be clear: We are not talking about greenhouse gases here because the regulations that have been proposed by the EPA do not address climate change. They don't address climate change. We are not talking climate change here. We are talking about EPA proposing regulations that admitted by the administrator does not have any projections of what reductions you will have here. Remember, the minimum that we need to do to address the threat of climate change is 17 percent within 9 years. So let's be up front. This is not about climate change.

This is about proposed regulations by a bureaucracy in a field of law that was never meant to address this issue at all. And I say that as somebody who worked for over a decade at implementation of the Clean Air Act. All I have to say to the colleague, with the problems that you are pointing out, they are legitimate issues. But what is being proposed as an answer to a problem has not only nothing to do with and will not affect climate change, but it also will not affect the issues that you have raised.

So in reality, your amendment is not germane because the issues that you are concerned about don't exist. Because when you do nothing, you can't change anything.

□ 1720

And the fact that it is keeping somebody from selling a placebo does not solve the problem, or it does not aggravate the problem. The fact is what has been proposed by EPA is a placebo under a law that was never meant to administer this.

So let's not be concerned about if the placebo is not available to the public somehow there may be a concern with these items. They are legitimate items. But the EPA and the underlying bill does not affect those issues.

PARLIAMENTARY INQUIRY

Mr. POLIS. Madam Chair, I have a point of parliamentary inquiry.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. POLIS. Is the amendment germane to the bill?

The Acting CHAIR. Under the circumstances that calls for an advisory opinion, which the Chair will not render.

The gentleman from Colorado has 1 minute remaining.

Mr. POLIS. Well, again, the Rules Committee found, and I believe the Parliamentarian advised, that the amendment was germane, and I have not been informed otherwise other than by the gentleman from California.

Does the gentleman want to appeal the ruling of the Parliamentarian? I believe that it is germane.

The Acting CHAIR. The amendment is pending. There is no occasion for a ruling on whether it is germane.

Mr. POLIS. The amendment is pending; that's correct. Well, again, if the rule does waive this, we discussed in Rules Committee yesterday, and I believe that all the non-germane amendments were not included under this rule.

Mr. BILBRAY. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman from California.

Mr. BILBRAY. As I said, it's not germane to the issue.

Mr. POLIS. Reclaiming my time, there might be a different use of the word ''germane'' by the gentleman. I would encourage all of us to try to be on the same page with regard to the word ''germane.''

It is germane to the bill, the topic.

Again, all my amendment does is say that if the EPA sees the danger they should act. It's a safety valve. The amendment respects the finding of the Supreme Court in the Massachusetts vs. EPA case that ensures that the Clean Air Act still has the ability to protect the public and that it is not removed under the underlying bill.

The Acting CHAIR. The time of the gentleman has expired.

Mr. POLIS. The underlying bill tells the EPA in this case to perhaps ignore some science. My amendment says that the science shouldn't be ignored if it means you are risking people's lives.

The Acting CHAIR. The time of the gentleman has expired.

Mr. POLIS. It's an important clarification and I urge support of the amendment.

The Acting CHAIR. The gentleman from Georgia has 45 seconds remaining.

Mr. GINGREY of Georgia. Madam Chair, this amendment would, in short, be an avenue for the EPA to move forward with back-door global warming

regulations regardless of any relevant facts and circumventing the will of Congress and the public.

EPA should not be authorized to move forward with back-door global warming regulations. I urge my colleagues to vote against this amendment.

I yield the balance of my time to my colleague from Texas (Mr. BURGESS).

Mr. BURGESS. Just finally, I do want to underscore that greenhouse gases do not have a health impact. But in the odd event that someone were sprayed in the face with a greenhouse gas such as methane, the emergency powers exist under section 303 of the Clean Air Act to respond to the imminent and substantial endangerment of public health.

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

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

Mr. POLIS. Madam Chair, 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 Colorado will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112–54.

Mr. MARKEY. Madam Chair, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 5. REDUCING DEMAND FOR OIL.

Notwithstanding any limitation on agency action contained in the amendment made by section 2 of this Act, the Administrator of the Environmental Protection Agency may use any authority under the Clean Air Act, as in effect prior to the date of enactment of this Act, to promulgate any regulation concerning, take any action relating to, or take into consideration the emission of a greenhouse gas to address climate change, if the Administrator determines that such promulgation, action or consideration will reduce demand for oil.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Madam Chair, I rise in support of my amendment.

My amendment is quite simple. It just says that nothing, nothing that the Republicans are proposing today should put a limitation on the ability of the EPA to reduce the demand for importing oil from OPEC, which should be the number one objective in our country.

You know, we only have 2 percent of the world's oil reserves, and we consume 25 percent on a daily basis. That is our Achilles' heel, and there is nothing we can do about it.

So the only way in which we can solve the problem is if we reduce consumption by increasing the efficiency of the vehicles which we drive, of the boats which we use, of the planes that we ride in, of the other sources that consume the oil that we use in our country.

And what they are going to do, the Republicans, is tie the hands of the EPA to back out the 5 million barrels of oil that we import from OPEC on a daily basis.

OPEC is not afraid of the Foreign Affairs Committee. OPEC is not afraid of the Armed Services Committee. It is the Energy Committee that they are afraid of.

They are afraid that one day we will actually have a policy that backs out their imported oil, that denies them the $150 billion or $200 billion a year that we send over to them that allows them to continue their dictatorships. That's what they are afraid of.

And what the Republicans are doing today is tying the hands of our country to be able to tell OPEC we don't need their oil anymore than we need their sands. That's the message that they are sending here today. That's the message the Republicans are sending to OPEC.

Have a good night's sleep. Don't worry. We are going to tie the hands of the EPA to back out that imported oil. That's why this amendment goes right to the heart of the national security of our country, right to the heart of our economic independence, as well as reducing greenhouse gases. The national security of our country is at stake in this amendment.

I reserve the balance of my time.

Mr. SHIMKUS. Madam Chair, I rise in opposition to the amendment.

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

Mr. SHIMKUS. Madam Chair, my colleague just said the only way is to reduce demand. Well, that is not the only way.

Republicans continue to move on all-of-the-above energy strategies that increase supply. You know what happens when you increase supply? You increase jobs.

I brought this down numerous times over the past couple of years. Look what we could do. We could open up the OCS. Thousands and thousands of jobs could be created by oil and gas exploration. Look what we could do. We could take hundreds of years of supply of coal and turn it into liquid fuel.

Look what we could do. We could open up the pipelines and bring oil sands from Canada down.

We can be independent on transportation fuels. We cannot be, based upon allowing the EPA to price carbon.

The only way my colleagues want to get us to driving less is to make gasoline so high that no one can drive.

Now, that's okay when you live in major metropolitan areas, but when you live in rural southern Illinois, where you have got to drive long distances to get to school, to get to hospitals, to get to church, every time you raise the price of gasoline, it hurts the poor and the middle class of rural America. So my colleague is just wrong.

I reserve the balance of my time.

Mr. MARKEY. I yield 1 minute to the ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. The important thing about this amendment is that we reduce the demand for oil, which is the primary area where we are dependent upon OPEC countries. And to do that, we have tighter fuel efficiency standards.

Without the Markey amendment, the EPA would not be able to continue with those tight fuel efficiency standards for motor vehicles, planes, et cetera.

According to Lisa Jackson from the EPA, who testified before our committee, this bill ''would forfeit many hundreds of millions of barrels of oil savings at a time when gas prices are rising yet again.'' I cannot for the life of me understand why anyone would vote to massively increase America's oil independence.

I urge all Members to support the Markey amendment so we don't massively increase our oil dependence.

Mr. SHIMKUS. Madam Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Illinois has 3½ minutes remaining, and the gentleman from Massachusetts has 2 minutes remaining.

Mr. SHIMKUS. I yield 1½ minutes to the chairman of the Energy and Air Quality Committee, the gentleman from Kentucky (Mr. WHITFIELD).

□ 1730

Mr. WHITFIELD. I'm actually surprised the gentleman has offered an amendment related to oil because our bill that we have on the floor today completely preserves in every way the car rule under which EPA sets greenhouse gas emission standards for passenger cars and trucks for model year 2012 through 2016. That was agreed to by the Obama administration, the automobile industry, environmentalists, EPA and everyone; and that is preserved in this bill.

But let's talk about the electricity side. If we allow EPA to regulate greenhouse gases, we're going to skyrocket the cost of electricity which is going to make us less competitive in the global marketplace; we're going to lose more jobs to China and more jobs to India because those two countries are burning more coal because coal produces the lowest-cost electricity. And that's why we are opposed to this amendment of the gentleman because we've already preserved the car rule that the gentleman is concerned about.

Mr. MARKEY. I yield myself 1 minute.

And let me say this to you, the Republicans: I had an amendment out here to increase fuel economy standards from 25 to 35 miles per gallon in 2001, 2003, 2005. You voted against it every time. You said that it will ruin the auto industry if we improve the fuel economy standards. Do you know who ruined the auto industry? You did. In 2009, General Motors had to declare bankruptcy.

Now we have fuel economy standards at 35 miles per gallon. Do you want to know what they are reporting? Record profits. Do you know what Ford is reporting? Record profits and record hiring. Do you know who is opposed to your bill here today? The United Auto Workers oppose you. They believe it's going to undermine the efficiency and the job creation which is now possible. The United Auto Workers oppose you.

So, ladies and gentlemen, if you're looking for jobs or national security in this bill, make sure you vote for the Markey amendment because they are so historically so far off base with this bill that it cannot begin to be measured.

I reserve the balance of my time.

Mr. SHIMKUS. Madam Chairman, I now yield 1½ minutes to the former chairman, the gentleman from Texas, JOE BARTON.

Mr. BARTON of Texas. I rise in opposition to my good friend, Mr. MARKEY's, amendment. He must think EPA stands for ''Energy Punishment Agency'' as opposed to ''Environmental Protection Agency.'' EPA's role is not to regulate the oil and gas industry. It's not to set an oil import fee. It's not to set quotas. It's to protect the environment. And the bill before us today does that. It restricts the Clean Air Act to its original intention, which is to regulate the criteria pollutants for which it was intended when it was passed in the early 1990s.

We are trying to segregate greenhouse gases from regulation under the Clean Air Act. That's all this bill does. It's not affecting fuel efficiency standards that NHTSA regulates and will continue to regulate. It doesn't have anything to do with that. We are simply saying that greenhouse gases should not be regulated under the existing Clean Air Act. We disagree with the Supreme Court decision that gave the EPA the authority to make a decision, and we definitely disagree with the endangerment finding, which I think was fatally flawed.

We can do a lot on decreasing oil imports both by supply increases in the United States and letting the market operate in an efficient fashion. We don't need the EPA to have some sort of a stranglehold on oil production in the United States of America.

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

What the Republicans are doing in their bill is stripping the EPA of their authority to regulate the fuel efficiency of vehicles that we drive in our country, of the planes, the trains and the boats where we put the petroleum. That's what their bill does. That's what the Supreme Court gave them as authority.

The gentleman says, EPA is misnamed. Well, let me just tell you under the Republicans, EPA stands for ''Every Polluter's Ally.'' Under the Democrats, it stands for ''End Petroleum Addiction.'' That's what the Markey amendment does. It gives the EPA the authority to back out this imported oil and to tell them that we're going to use the Oklahoma oil, the Texas oil and the Louisiana oil; but we don't need that oil coming out of the Persian Gulf any more than we need to send 100,000 young men and women over there.

Let's set a new policy path here today, ladies and gentlemen. Let's give those OPEC ministers a few sleepless nights. Let's not allow them to look at the Congress, once again ignoring the strength of our country, which is our technological genius, to be able to invent the new technologies that make us less dependent. And what did the Republicans do one month ago? They zeroed out all of the loan guarantees for solar and wind. They zeroed them out of the legislation. That's their all-of-the-above legislation.

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

Madam Chairman, just to put things back on the table, H.R. 910 completely preserves the car rule under the EPA, emissions standards for passenger cars and trucks for model years 2012 to 2016. We had this debate in the committee, the subcommittee and the full committee. It's still there. And, unfortunately, you are acting as if it doesn't.

This is a really simple debate. This is a debate about whether we want more supply or less supply, whether we want more jobs or less jobs, whether we want higher energy prices or less energy prices. When you allow the EPA to regulate greenhouse gases, which is not a toxic emission, they do it by setting a price; and that price will drive our country into slowing economic growth, more job loss and higher costs.

So that's why we're here today. We're very excited about this debate today. It's about time we got to the floor and had a chance to vote on whether we want the EPA without legislative language to raise the cost of energy in this country. We say, no, reject the Markey amendment.

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

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

Mr. MARKEY. Madam Chair, 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 Massachusetts will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. RUSH

The Acting CHAIR. It's now in order to consider amendment No. 10 printed in House Report 112–54.

Mr. RUSH. Madam 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:

At the end of the bill, add the following:

SEC. 5. LIMITATION ON APPLICABILITY.

The provisions of this Act, and the amendments made by this Act, shall not apply until the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Defense, certifies that the consequences of climate change, including its potential to create sustained natural and humanitarian disasters and its ability to foster political instability where societal demands exceed the capacity of governments to cope, do not jeopardize security interests of the United States at home or abroad.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Madam Chair, my amendment revokes the provisions of this act from going into effect until the EPA administrator, in consultation with the Secretary of Defense, certifies that the consequences of not regulating greenhouse gas emissions, and its subsequent impact on climate change, including the potential to create sustained natural and humanitarian disasters and the ability to likely foster political instability where societal demands exceed the capacity of governments to cope, do not jeopardize American security interests at home or abroad.

Madam Chair, the overwhelming majority of respected scientists and scientific organizations worldwide all agree that manmade greenhouse gases do contribute to climate change, and these impacts can be mitigated through policy to curb these emissions.

Just recently, a study by the National Academy of Science, conducted at the request of the U.S. Navy, concluded that climate change will pose a major challenge for the United States Navy in the emerging Arctic frontier.

One of the most serious threat analyses was done by a dozen of the country's most respected retired generals and admirals, in the 2007 CNA report, the ''National Security and the Threat of Climate Change Report.'' In this study, Madam Chair, these retired generals and admirals concluded that climate change poses a serious threat to America's national security and that the national security consequences of climate change should be fully integrated into national security and national defense strategies. The report goes on to say that climate change, national security, and energy independence all pose a related set of challenges for our military; and these threats should not be ignored or pushed down the road for future action.

□ 1740

Unfortunately, this Upton-Inhofe bill does exactly that. It pushes the challenges of regulating greenhouse gases, which contribute to climate change, further down the road for action at some later date far into the future.

I do not believe it is in America's best interest to delay acting on these threats that we know are currently endangering our health and way of life.

Madam Chair, I encourage all of my colleagues to support this amendment so we are not ignoring the warnings from our most esteemed military men, and we are proactive in fighting the threat of climate change before we are past the tipping point.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Chair, I rise in opposition to the amendment.

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

Mr. ROGERS of Michigan. Madam Chair, I can't think of anything more disconnected from national security than this amendment.

To speak on that, I yield such time as he may consume to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chair, I regretfully rise in opposition, not because the intention of this amendment isn't appropriately placed, but the science doesn't reflect the concern that the gentleman has pointed out. I say that with the understanding that the science, not talking about the concern about climate change, but the lack of science behind the proposed regulations that EPA has even discussed. There is no one who has been before our committee, as the gentleman knows, that has said that the proposed changes that EPA is bringing forth today or in the future is going to address or solve the problem.

The fact is that the problems that the gentleman is concerned about may be out there somewhere, but no one is saying that what the EPA is doing is going to avoid those problems. So by not having the EPA implement a program that nobody in the scientific community says will address the problem doesn't mean that somehow this will de facto cause the problem to be implemented or not avoided.

Basically I guess it says, again, what is being proposed by the EPA is an agency that was not designed to address climate change, with plans that not only were not designed, and using a vehicle that was not designed regarding this problem, but by the own admission of the administrator does not even know, and can't give us even a slight percentage of what reduction we would have.

So I just have to say to my dear colleague from Illinois that I appreciate his concern, but his concern should not be us telling EPA not to implement rules that they admit will not address the problem and will not solve the problem. Our issue ought to be talking about how do we address those problems down the pike, because let's be very frank about it. The problems you are talking about are going to happen, and it is not because anyone on this side is denying the science; it is because people are trying to take advantage and exploit a crisis rather than address it.

I ask the gentleman again to be concerned but make sure that when you propose an action, let's make sure that those actions have a possibility of addressing the issues that you so sincerely are concerned about.

Mr. RUSH. Madam Chair, I yield myself 30 seconds.

Madam Chair, I am really astounded by the remarks of my friend from California. It seems that first of all they deny the scientists that have come before the committee, the many scientific organizations throughout the world who say that climate change is a reality. They deny this science and these scientists saying we are reaching a tipping point. Now, Madam Chair, they are denying the opinion and the warnings from the command shelter of our American military. I just don't know who will convince them.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Chair, I yield myself 2 minutes.

I appreciate the gentleman's passion for the issue, but I think when amendments like this hit the floor, it does a huge disservice to even the basis of their argument. You know, getting ready for World War II, we had a truck company in Ypsilanti, Michigan, that went from building pickup trucks with several thousand parts—in about 8 weeks, they converted it to building bomber airplanes with over a million parts. Only in America could that have happened to win the war. The great industrial arsenal of democracy happened in the great State of Michigan.

If you want to talk about national security issues, when you try to do this on cap and trade, what you are doing is wholesale departing manufacturing jobs and our ability to produce things in this country to places like China and India, who have laughed at cap and trade and said, we welcome those jobs.

We lost a million manufacturing jobs in our State alone. A million. Cap and trade. What you seek to do will lose 1.4 million more jobs.

Admiral Mullen said the greatest threat to our national security is our debt. When people aren't working, when America can't produce things, I am telling you, we will do more to harm our national security than anything I can think of.

We are going to lose just in Michigan over 100,000 jobs in the next 25 years. So guess what? You want to talk about national security, someone who is unemployed and not paying taxes to help solve the debt problem is a national security threat, when you want to make unreasonable expectations.

I want clean water, and I want clean air. I don't want the EPA shutting down factories that produce and actually produced the largest middle class in the history of the world. Why we would attack that and label that as a national security interest defies even the greatest of imaginations, Madam Chair.

I reserve the balance of my time.

Mr. RUSH. Madam Chair, I yield the balance of my time to the gentleman from California (Mr. WAXMAN) to close.

Mr. WAXMAN. I rise in support of the Rush amendment.

The problem of national security is threatened in two ways by the Inhofe-Upton bill. It increases our oil dependence because we take away the tools for addressing this oil dependence by not allowing EPA to set tighter efficiency standards which reduce our demand for oil.

Secondly, it takes away our tools to deal with the problem of climate change itself.

Former senior military officers wrote to us and asked that we not undermine the Clean Air Act. They are concerned this will increase our dependence on oil, and that such dependence is truly dangerous. In 2009, 10 retired general and admirals described how our oil dependence funds terrorism. It puts large sums of money in the hands of unfriendly regimes like Iran and Venezuela. Iran provides weapons to Hezbollah and supports insurgents in Iraq.

And climate change itself, according to the State Department, is going to bring about more migrant and refugee flows, more conflicts over resources, drought and famine, and catastrophic natural disasters. That is a threat to our national security, and the Rush amendment will allow EPA to address it.

Mr. ROGERS of Michigan. Madam Chair, I thank the gentleman for making our point for us. When you shut down production of oil and natural gas into the United States, we have to import more because we are still driving more. We have absolutely put ourselves at the mercy of a whole region of the world that is inflamed in trying to figure out who they are. And it has raised our prices. It went from $1.83 2 years ago to $4 a gallon.

If you want to be serious about getting this right, let the EPA do what it does best—clean air, clean water—and let the national security folks keep us safe and increase production so that for goodness sake, somebody can afford to drive to work.

I yield back the balance of my time.

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

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

Mr. RUSH. Madam Chair, 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 Illinois will be postponed.

□ 1750

AMENDMENT NO. 11 OFFERED BY MR. DOYLE

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112–54.

Mr. DOYLE. Madam 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:

At the end of the bill add the following:

SEC. 5. STUDY ON EFFECT OF EPA CLIMATE CHANGE REGULATIONS ON INTERNATIONAL COMPETITIVENESS OF UNITED STATES PRODUCERS OF ENERGY-INTENSIVE PRODUCTS.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(1) conduct a study to determine, with respect to the period beginning on such date of enactment and ending on December 31, 2016, the extent to which the regulations of the Environmental Protection Agency under the Clean Air Act to address climate change, if not repealed or otherwise made unauthorized by section 2 of this Act, would—

(A) cause greenhouse gas leakage; and

(B) reduce the international competitiveness of United States producers of energy-intensive products; and

(2) submit a report on the results of the study to the Congress, including recommendations for legislative, administrative, or other actions to mitigate—

(A) any greenhouse gas leakage identified pursuant to paragraph (1)(A); and

(B) any reduction in international competitiveness identified pursuant to paragraph (1)(B).

(b) DEFINITIONS.—In this section:

(1) The term ''energy-intensive product'' means—

(A) iron, steel, aluminum, cement, bulk glass, paper and pulp, chemicals, or industrial ceramics; or

(B) any other manufactured product which the Administrator of the Environmental Protection Agency determines—

(I) is sold in bulk for purposes of further manufacture; and

(ii) generates, in the course of the manufacture of the product, direct and indirect greenhouse gas emissions that are comparable (on an emissions-per-dollar basis) to emissions generated in the manufacture or production of products identified in subparagraph (A).

(2) The term ''greenhouse gas leakage'' means an increase in greenhouse gas emissions abroad because of the movement of the production of economic goods from the United States to other countries.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Pennsylvania (Mr. DOYLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DOYLE. I yield myself 2 minutes.

Madam Chair, I sit on the Energy and Commerce Committee and on the Energy and Power Subcommittee, which has primary jurisdiction of H.R. 910. As such, I have been at several hearings on this bill where my colleagues on the Republican side of the aisle have claimed that the pending EPA regulations on greenhouse gases will cause our industries to pack up and move overseas, taking with them our jobs and our carbon emissions.

At a committee hearing on this bill held in March of this year, our chairman told us, ''We live in a global economy with global competition, and nations like China absolutely have no intention of similarly burdening their industries. Manufacturing will leave this country unless the EPA is stopped.''

Madam Chair, unfortunately, my colleagues on the Republican side of the aisle have forgotten to check with the Chinese. Just 2 days ago, a report came out saying China to Tax Energy Usage of Energy-Intensive Industries. The report says that China will impose a tax on energy usage of eight industrial sectors, including iron and steel, aluminum and cement. Xie Zhenhua, vice chairman of National Development and Reform, said that China has launched pilot carbon emission trading schemes in some of their provinces. So much for this idea that all these jobs are going to China because there's no taxing there or that they're not looking at a trading scheme.

While I dispute the claims of my colleagues that China has no intention of addressing climate change, what I am more concerned about is the varying claims that these regulations will ship jobs overseas. What we have as an amendment here is to address that very question: Are these industries here in America that utilize energy-intensive processes and have special trade pressures, what will the effect of these regulations be on those types of industries?

In the last Congress, I worked with Congressman INSLEE to develop and address job and carbon leakage issues when we did the American Clean Energy Security Act. We were able to develop a fair system of distributing these allowances. This amendment proposes to do the same thing.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DOYLE. Thank you.

I will reserve the balance of my time.

Mr. KINZINGER of Illinois. I rise in opposition to the amendment.

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

Mr. KINZINGER of Illinois. Madam Chairman, this is an interesting amendment. This is an amendment to a bill to study the cost of regulations that if this bill goes through, regulations won't exist. I don't get it, but okay.

We don't need another study. We need jobs. I come from the 11th Congressional District in Illinois. We have high unemployment. Where I come from is an industry base, a manufacturing base. Americans are hurting. We have high unemployment. Statistics show that jobs are leaving at a record pace.

There is no longer any question about whether the EPA's climate change regulations would actually hurt international competitiveness and affect American companies. We already know they would. We already know that. I talked to a factory in my district that said when cap-and-trade was going to be passed, or this de facto cap-and-trade that's being looked at, if that passes, that will definitely result in them leaving. There's no benefit. It's a higher cost of doing business. It makes us uncompetitive in the free world, especially in areas affected where we have an ability to trade with other countries.

Now here's the very interesting part about that, though. We're concerned about the environment, and we're very concerned about the environment. When you add cost to doing business in a country that already well regulates what is put out of an industry's smokestack and you add cost to that, you drive those businesses overseas into areas where they have far less environmental regulation. So not only are we losing jobs here in the United States, not only is the middle class continuing to be squeezed again by not having their manufacturing jobs, but now we've hurt the environment.

This is backwards. This isn't what we want to do. This isn't the kind of America that we strive to come back to, to get a middle class that's vibrant and producing things and exporting them overseas and people are getting a good paycheck. This amendment studies something that will not exist if we pass this bill.

We heard from a wide cross-section of energy producers and manufacturers on the Energy and Commerce Committee who testified as to the harm these regulations will do in steel and chemical and refineries. The fact that China, India and other industrial competitors have no intention of imposing similar regulations is further evidence that such regulations are costly and economically damaging.

I reserve the balance of my time.

Mr. DOYLE. Madam Chair, I yield myself 15 seconds to say to the gentleman that maybe he wasn't here when I just read the fact that China is imposing a tax on their industries, is looking at cap-and-trade.

I would also say to the gentleman who says why we want a study for a bill that is going to abolish these regulations, your bill is never going to become law. This bill has a veto threat. We need to do a study to see what the implications are on our industries.

I would now like to yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman from Pittsburgh.

I would just like to lend my voice to taking this and studying this, because there are issues here. There will be a transition. We want our businesses to be aware of what the actual statistics are, to study these regs, what they're going to be and what the effects are going to be. But in no way, shape or form does this diminish mine or I don't think anyone else's support for a green energy future that we need in the United States.

I have been sitting here listening and you have several Members over there saying, ''China isn't going to do cap-and-trade.'' The fact is they're starting to do it. ''China is never going to tax carbon.'' The fact is they're starting to do it. And now we have dropped from first place in leading the green revolution to second, now to third, behind China, Germany, and now the United States.

These are manufacturing jobs. Tons and tons of steel go into a windmill; 8,000 component parts. They manufacture them in Illinois, in Ohio, in Pennsylvania. These are jobs for our people. Why else would the United Steelworkers of America be against this and be for the green revolution? We're making this happen, and we have to get out of our own way while we do it.

Mr. KINZINGER of Illinois. I yield myself 15 seconds to say that China is not the only other country. There are hundreds of countries, hundreds of opportunities for American companies to go overseas if they are forced and squeezed out of this. I think green energy future is a code word for a no manufacturing jobs future.

With that, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chair, I always enjoy my colleague MIKE DOYLE because I have a good friend, Mike Doyle, who was actually the first world champion surfer; so I always remind him of that connection.

But let me just say to my colleagues, I hope you're not under some illusion that China is even considering reducing their greenhouse gas emissions by 17 percent within this decade. I hope you don't have that illusion.

But let's point out what we really need to address with this issue. You do not need a study, Congressman, about the impacts. Your State is sitting at 8 percent. My State is sitting at 12 percent unemployment. If you really want to see what happens if you're not careful about the impacts and the costs of going green, which we have, we've had a great breakthrough. Our air has been cleaned up a lot more. But there are challenges of going beyond that and going into things that are not cost effective.

Let me remind you, the great successes we've had with cleaning up our air in California is we always gave priority to those emissions that had the greatest health risk. We didn't go after one that wasn't even on the scale. CO_2 is not even on the health risk scale.

Let me just give you a good example. I'm a big supporter of algae. Our scientists in California developed algae fuel. Our State institutions and our educational institutions had the scientists that developed the technology to be able to make fuel out of algae. But when it came time to produce it, when it came time to create the jobs, I hope the gentleman understands that our scientists had to leave the State and go to New Mexico, because our environmental regulations were such that it didn't allow us to implement our green revolution.

So, I hope all of those that are talking about a green revolution today are willing to take on the environmental, regulatory, and oversight problems that exist in implementation, because without casting those aside, you'll never see that revolution.

□ 1800

Mr. DOYLE. Madam Chair, may I inquire as to how much time remains on both sides?

The Acting CHAIR. The gentleman from Pennsylvania has 1¾ minutes remaining, and the gentleman from Illinois has 15 seconds remaining.

Mr. DOYLE. I yield 1 minute to my good friend, the gentleman from Washington, JAY INSLEE.

Mr. INSLEE. It is deeply disappointing that our Republican colleagues are so willing, able—and apparently eager—to shut down the government. This bill fundamentally shuts down the government. It shuts down the ability of the Environmental Protection Agency to help lead us into a clean energy future.

Why shut down an agency that can help develop these biofuels that we were just talking about? Why do they want to shut down the engine of innovation? Why do they want to shut down our effort to find a solution for energy-intensive industries? The steel industry, the aluminum industry, the cement industry, the paper pulp industry need solutions to this. We offered one. Yet the Republicans have no solutions.

Shutting down the government is not a solution. Shutting down the EPA is not a solution. Shutting down American innovation is not a solution. This is an amendment that makes a statement that we ought to study science and economics and come up with a solution in a bipartisan way.

Mr. KINZINGER of Illinois. I yield myself the balance of my time.

I only have 15 seconds.

I heard two crazy things. Number one, this doesn't change the Clean Air Act at all. This prevents them from going outside of the legislative will of the American people and implementing a legislative idea. By the way, if we're looking at a government shutdown, it's not because we haven't tried on this side; it's because no budget was passed last year.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DOYLE. I would like to yield 15 seconds to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I just want to make two points because we hear a lot from the other side about Ronald Reagan, and I know they burn incense and light candles for Ronald Reagan. In the 1980s, it was President Reagan who used cap-and-trade for leaded gasoline, and it was George Herbert Walker Bush who used cap-and-trade for sulfur.

This is something that can be done if we put a price on this stuff. Lead the world, not be led.

Mr. DOYLE. Madam Chair, let me just close by saying to my colleagues that all we're asking for is to put some good data behind this. Let's study it. Let's have the EPA take a look at this. Let's see what the effects are on our energy-intensive industries, because this is an issue we're going to have to deal with eventually, and we want to have good data behind it. Let's not have all the stories be anecdotal. Let's have the agency study this, and let's work together to find solutions to protect our industries while we clean up our environment for our kids and our grandkids.

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

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

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

Mr. DOYLE. Madam Chair, 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 Pennsylvania will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. KIND

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112–54.

Mr. KIND. Madam 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:

Strike all after the enacting clause and insert the following:

SECTION 1. PROHIBITIONS AGAINST REGULATION OF GREENHOUSE GASES.

The Clean Air Act (42 U.S.C. 7401 and following) is amended by adding the following new section after section 329:

''SEC. 330. PROHIBITIONS AGAINST REGULATION OF GREENHOUSE GASES.

''(a) NEW SOURCE REVIEW.—

''(1) GENERAL RULE.—

''(A) EXCLUDING GREENHOUSE GAS EMISSIONS FROM PERMITTING APPLICABILITY DETERMINATIONS.—

''(i) For purposes of determining whether a stationary source is a 'major emitting facility' pursuant to section 169(1), such determination shall not be based on emissions of any air pollutant subject to regulation solely on the basis of such pollutant's contribution to global climate change.

''(ii) For purposes of determining whether a stationary source has undertaken 'construction' pursuant to section 165(a), such determination shall not be based on an increase in the amount of any air pollutant subject to regulation solely on the basis of such pollutant's contribution to global climate change, nor be based on resulting emissions of such an air pollutant not previously emitted.

''(B) EXCLUDING SMALL GREENHOUSE GAS SOURCES FROM PERMITTING REQUIREMENTS.—No requirement of sections 160 through 169 shall apply with respect to any greenhouse gas unless such gas is subject to regulation under this Act for reasons independent of its effects on global climate change or the gas is emitted by a source that is—

''(i) a new major emitting facility that will emit, or have the potential to emit, greenhouse gases in an amount of at least 75,000 tons carbon dioxide equivalent per year; or

''(ii) an existing major emitting facility that undertakes construction which increases the amount of greenhouse gases, or which results in emission of greenhouse gases not previously emitted, on a mass basis and by at least 75,000 tons carbon dioxide equivalent per year.

''(2) SPECIAL RULE.—Notwithstanding paragraph (1), as of July 1, 2011, for purposes of section 160 through 169, the term 'major emitting facility' shall include a stationary source—

''(A) that is—

''(i) a new stationary source that will emit, or have the potential to emit, greenhouse gases of at least 100,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013); or

''(ii) an existing stationary source that emits greenhouse gases of at least 100,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013) and that undertakes a physical change or change in the method of operation that will result in an emissions increase of greenhouse gases of at least 75,000 tons carbon dioxide equivalent per year (or such other quantity between 50,000 and 75,000 set by the Administrator by regulation effective no earlier than July 1, 2013); and

''(B) that has greenhouse gas emissions equal to or exceeding 250 tons per year mass emissions or, in the case of any of the types of stationary sources identified in section 169(1), 100 tons per year mass emissions.

''(3) NONPROFIT INSTITUTIONS.—For purposes of section 169(1), no provision in this subsection shall include within the term 'major emitting facility' any new or modified facility which is a nonprofit health or educational institution which has been exempted by the state in which it is located.

''(b) TITLE V OPERATING PERMITS.—

''(1) GENERAL RULE.—Notwithstanding any provision of this title or title V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely due to its status as a major source of greenhouse gases that are subject to regulation under this Act solely on the basis of their effect on global climate change.

''(2) SPECIAL RULE.—As of July 1, 2011, the provisions of paragraph (1) of this subsection shall not apply to any stationary source that emits or has the potential to emit at least 100,000 tons per year carbon dioxide equivalent (or such other quantity between 50,000 and 100,000 set by the Administrator by regulation effective no earlier than July 1, 2013).

''(c) DEFINITION OF GREENHOUSE GAS.—For purposes of this section, the term 'greenhouse gas' means the following:

''(1) Carbon dioxide.

''(2) Methane

''(3) Nitrous oxide.

''(4) Sulfur hexafluoride.

''(5) Hydrofluorocarbons.

''(6) Perfluorocarbons.

''(7) Nitrogen trifluoride.

''(8) Any other anthropogenic gas if the Administrator determines that one ton of such gas has the same or greater effect on global climate change as does one ton of carbon dioxide.''.

The Acting CHAIR. Pursuant to House Resolution 203, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Madam Chair, the bill that we are debating today just goes too far. It repeals a scientific finding and represents an aggressive assault on the Clean Air Act, a bipartisan law originally implemented by President Nixon that has successfully protected the public health for over 40 years.

I represent a rural district in western Wisconsin that has approximately 180,000 rural electric co-op members that are concerned about possible new EPA regulations and their impact on them. I share their concerns, and I agree that we have to approach this issue reasonably. Still, the approach under H.R. 910 isn't the right one. There is a middle ground that can be found, which is why I, along with my friend and colleague from New York (Mr. OWENS), am offering, really, an amendment in the nature of a substitute today. This amendment would permanently protect farms, small businesses and small- and medium-sized stationary sources from greenhouse gas regulation by codifying the Environmental Protection Agency's Tailoring Rule.

The Tailoring Rule, itself, represents a compromise. Despite being court-ordered to regulate greenhouse gases, the EPA took into account our fragile economy, and proposed a narrow rule that would exempt the vast majority of stationary sources from any regulation. Through the rule, the EPA takes the appropriate approach to regulating greenhouse gases by only requiring very large, new and expanded emitters to seek permits. My friends on the other side of the aisle, however, believe that the EPA intends to go even further than the Tailoring Rule, and will ultimately implement a tax on energy just as China is beginning to today; but voting for this amendment will prevent the EPA from doing this.

Some fear that farms or businesses will be regulated under this rule. Our amendment prevents this from ever occurring. Under the Tailoring Rule, the EPA has not identified even one farm that would meet the regulation threshold. That's because you'd have to have over 116,000 beef cattle or 152 million broiler chickens on a single farm to trigger the regulation. There isn't a farm in the United States, let alone western Wisconsin, that fits that definition. Further, this amendment will provide the utility industry with the certainty that they have requested. Industry will know precisely what will trigger permit requirements, and will be able to plan accordingly.

H.R. 910 takes an extreme approach to the EPA regulation of these carbon emissions by repealing a scientific finding so compelling that even the Bush administration determined that they were unable to ignore it. The science is clear: Climate change is real, and greenhouse gases pose a serious threat to human health.

I think we can all agree that we'd rather have Congress act to curb greenhouse gas emissions, and I would certainly prefer that approach, but we haven't been able to get our act together in this body. What we can do is protect public health and local economies by codifying the Tailoring Rule.

I urge my colleagues to support this amendment because it is a commonsense solution that accepts the scientific evidence that greenhouse gases are dangerous to human health, and it enacts a workable solution that will protect human health and that will ensure clean air while shielding the vast majority of sources from any regulatory requirements.

I reserve the balance of my time.

Mr. WHITFIELD. I rise in opposition to the amendment.

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

Mr. WHITFIELD. Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. I would like to thank the gentleman for bringing this amendment.

Madam Chair, the EPA has passed this so-called ''Tailoring Rule'' without there being any authority in the Clean Air Act to do so. The proper place for this type of debate, as the underlying bill makes clear, is in the Halls of Congress, not in the halls of the EPA.

There is a button that was very popular in my district—and still is—which reads, ''Who elected the EPA?'' The answer is no one; but we know who elects us. The people of the United States elect us, and they elect us to make the laws. This amendment makes it clear that this is where it belongs; thus, we should pass the bill. The amendment should be defeated. The bill should be passed.

It also makes clear that the EPA is overreaching and that they had to come up with a Tailoring Rule because, as they say, without it, it creates an absurd result, but those absurd results flow from the EPA's determination to reach these greenhouse gases as if they were harmful pollutants.

Now, ladies and gentlemen, this amendment, contrary to its patron's assertions, does not shield small businesses or farms, because it does not block the avalanche of additional greenhouse gas rules that come under various clean air programs. The EPA's greenhouse gas regulations will drive up the prices of gasoline, electricity, food, goods and services; and the cost of these regulations will be passed on to everyone, including to small businesses.

That's why the National Federation of Independent Business supports H.R. 910. A vote in favor of H.R. 910 will be scored as a major vote for the NFIB. The NFIB has said that using the Clean Air Act as a framework will trigger an avalanche of regulatory requirements that will burden hundreds of thousands of previously unregulated sources, including many small entities.

I ask that you reject the amendment.

Mr. KIND. Madam Chair, I would like to yield 1½ minutes to the coauthor of this amendment, my friend from New York (Mr. OWENS).

□ 1810

Mr. OWENS. I thank the gentleman.

I would like to point out that my predecessor, a respected Member of the other side of the aisle, Mr. McHugh, was very supportive of regulation of mercury and acid rain because it negatively impacted the New York 23rd. I think we need to act responsibly in each of these situations, and we need to make sure that we are working off, not the science of proponents, but the science of understanding of the issues.

When we look at my district, it has taken great strides in terms of moving forward with green and renewable energy. We have wood—which we have plenty of in the Adirondacks—we have wind energy, and we have hydro, all of which are contributing to jobs and making our economy a green and sustainable economy.

I think it is very important to understand that what this legislation does is, in fact, eliminate regulation for the small businesses and farms in my district. I urge my colleagues to support this amendment and to reject the underlying legislation.

The Acting CHAIR. The gentleman from Kentucky has 3 minutes remaining; the gentleman from Wisconsin has 30 seconds remaining.

Mr. WHITFIELD. Madam Chair, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. I apologize, but I have to say to the gentleman, you know, wood burning, under oxygen-deprived environment, is a terrible particulate pollutant. So I don't think anybody involved in air pollution issues would ever point out that wood burning is something we want to point to. It may be renewable—and I appreciate you saying that, and I think it's very good that you said that because I think we mix renewable with clean all the time. But there are those renewable sources that are very, very bad for the air pollution issue. I just wanted to make sure we went by and didn't point at that.

In California, we have actually tried to outlaw wood-burning stoves because of the problems with the air pollution and the toxin emissions that are caused by the particulate problem with it.

Mr. KIND. Madam Chair, I yield the balance of my time to the ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

The Acting CHAIR. The gentleman is recognized for 30 seconds.

Mr. WAXMAN. The advocates of the underlying bill have said that EPA is going to regulate a lot of other sources. What this Kind-Owens amendment does is says that EPA will not be allowed to regulate farms, small businesses, and other small and medium-size sources of pollution. This makes sense, and it deals with the problem that has been raised about EPA. It is a commonsense solution. We ought to support it and make sure that the tailoring rule is all that would be applicable for EPA to do.

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

Well, I would say to you that EPA adopted this tailoring act because they bit off more than they could chew, initially. That's why a lawsuit has been filed against them, because they violated the clear language of the Clean Air Act that says if anything emits more than 150 tons per year, or 250 tons per year, it must be regulated if they've had an endangerment finding, as they did in this case.

And so this amendment would simply gut the entire bill and place the tailoring law there in its place. Under this tailoring rule, they would be able to go down to 50-tons-per-year emissions. But the question becomes, what happens after the year 2013? You have two conflicting parts of this Clean Air Act as a result if we adopt this amendment.

One thing we know for certain, EPA is already involved in too many lawsuits. In fact, we're trying to find out now exactly how many lawsuits. We feel like this bill that we are trying to pass in the Congress today, H.R. 910, is simply Congress reasserting itself into the Clean Air Act because for too long decisions have been made by unelected bureaucrats at EPA; lawsuits are being filed. Almost every time anyone applies for a permit EPA runs and enters into a consent decree, and then the Federal judge will award legal fees to the plaintiffs. We think it's time to reassert ourselves into this process.

This is a good bill, H.R. 910. It says that it was never the intent of Congress for EPA to regulate greenhouse gases. We do not in any way interfere with their ability to regulate ambient air quality standards, particulate matter, the hazardous air pollutants—we have about 200 or so of those listed—acid rain, any of those things.

This is a great bill. Let's defeat this amendment. I urge passage of H.R. 910.

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

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

Mr. KIND. Madam Chair, 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 Wisconsin will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–54 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. JACKSON LEE of Texas.

Amendment No. 2 by Ms. JACKSON LEE of Texas.

Amendment No. 5 by Mr. MURPHY of Connecticut.

Amendment No. 6 by Mr. WAXMAN of California.

Amendment No. 8 by Mr. POLIS of Colorado.

Amendment No. 9 by Mr. MARKEY of Massachusetts.

Amendment No. 10 by Mr. RUSH of Illinois.

Amendment No. 11 by Mr. DOYLE of Pennsylvania.

Amendment No. 12 by Mr. KIND of Wisconsin.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 259, not voting 12, as follows:

[Roll No. 233]

AYES—161

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Polis
Price (NC)
Quigley
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz

Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—259

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
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
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—12

Cantor
Costa
Critz
Frelinghuysen
Giffords
Honda
Meeks
Moore
Olver
Pingree (ME)
Rangel
Sanchez, Loretta

□ 1843

Mr. MEEHAN changed his vote from ''aye'' to ''no.''

Ms. BALDWIN, Messrs. CARNEY, BERMAN, Ms. SCHAKOWSKY and Mr. CLEAVER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR (Mr. WESTMORELAND). The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 266, not voting 9, as follows:

[Roll No. 234]

AYES—157

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—266

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Farr
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
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Hirono
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Costa
Frelinghuysen
Giffords
Gutierrez
Meeks
Olver
Pingree (ME)
Rangel
Sanchez, Loretta

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in the vote.

□ 1847

Ms. CHU and Mr. YARMUTH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. MURPHY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 240, not voting 10, as follows:

[Roll No. 235]

AYES—182

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chabot
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Reichert
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—240

Adams
Aderholt
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
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
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
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
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
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
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Akin
Costa
Frelinghuysen
Giffords
Meeks
Olver
Pingree (ME)
Rangel
Sanchez, Loretta
Waters

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1850

Mr. MCINTYRE changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. POE of Texas. Mr. Chair, on rollcall No. 235, I voted ''aye'' and I intended to vote ''no.''

(By unanimous consent, Mr. DINGELL was allowed to speak out of order.)

RAHALL CASTS 20,000TH VOTE

Mr. DINGELL. Mr. Chairman, I rise to pay tribute to our good friend from West Virginia, Representative NICKY JOE RAHALL, who will cast in this next vote his 20,000th vote in this House of Representatives.

Mr. Chairman, this is a milestone event. It gives us an opportunity to recognize the great work done by our distinguished friend and colleague from Beckley, West Virginia. He is always serving his constituents and doing so well. He also strives to work across the aisle, and he is the kind of Member I believe we all feel we should be.

Mr. Chairman, I ask my colleague, Mr. RAHALL, to rise so that we may all join together in paying tribute to our friend and colleague on the occasion of his 20,000th vote.

AMENDMENT NO. 6 OFFERED BY MR. WAXMAN

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 240, not voting 8, as follows:

[Roll No. 236]

AYES—184

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn

Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Quigley
Reichert
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—240

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
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
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
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
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Frelinghuysen
Giffords
Latham
Meeks
Olver
Pingree (ME)
Rangel
Sanchez, Loretta

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1857

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 257, not voting 7, as follows:

[Roll No. 237]

AYES—168

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Quigley
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—257

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
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)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan

Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Frelinghuysen
Giffords
Meeks
Olver
Pingree (ME)
Rangel
Sanchez, Loretta

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in the vote.

□ 1902

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. COFFMAN of Colorado. Mr. Chair, on rollcall No. 237 I inadvertently voted "yea" when I intended to vote "nay."

AMENDMENT NO. 9 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 266, not voting 10, as follows:

[Roll No. 238]

AYES—156

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Polis
Price (NC)
Quigley
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOES—266

Adams
Aderholt
Alexander
Altmire
Amash
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
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
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Levin
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Akin
Frelinghuysen
Giffords
Gutierrez
Meeks
Olver
Pingree (ME)
Rangel
Sanchez, Loretta
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in the vote.

□ 1905

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. RUSH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 260, not voting 7, as follows:

[Roll No. 239]

AYES—165

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)

Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Quigley
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—260

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
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
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
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)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Frelinghuysen
Giffords
Meeks
Olver
Pingree (ME)
Rangel
Sanchez, Loretta

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1909

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. DOYLE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. DOYLE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 250, not voting 9, as follows:

[Roll No. 240]

AYES—173

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harris
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Quigley
Reyes
Richardson
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—250

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Doggett
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)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson

Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schakowsky
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
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Brady (TX)
Frelinghuysen
Giffords
Gohmert
Meeks
Olver
Pingree (ME)
Rangel
Sanchez, Loretta

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1912

Mr. CONYERS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. KIND

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. KIND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 264, not voting 8, as follows:

[Roll No. 241]

AYES—160

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dingell
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Petri
Polis
Price (NC)
Quigley
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—264

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Doggett
Dold
Donnelly (IN)
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)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Holden
Holt
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schakowsky
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Dicks
Frelinghuysen
Giffords
Meeks
Olver
Pingree (ME)
Rangel
Sanchez, Loretta

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1917

Ms. WASSERMAN SCHULTZ changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RIVERA) having assumed the chair, Mr. WESTMORELAND, 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. 910) to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes, and, pursuant to House Resolution 203, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further proceedings on this bill will be postponed.

HOUR OF MEETING ON TOMORROW

Mr. CRENSHAW. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

□ 1920

H. RES. 187, NATIONAL PUBLIC HEALTH WEEK RESOLUTION

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

Ms. ROYBAL-ALLARD. Mr. Speaker, the first week of April is National Public Health Week.

This year's theme, ''Safety is No Accident: Live Injury-Free,'' highlights the fact that, each year, nearly 30 million people in our country are injured severely enough to require emergency room treatment. Of those injured, 150,000 die from these unintentional and often preventable injuries, which are ranked among the top 10 causes of death of those between the ages of 1 and 44. In addition to the devastating impact on families and communities, these injuries account for 12 percent of annual medical spending in the United States, totaling as much as $65 billion each year.

These statistics highlight a critical public health challenge for the 21st century. For that reason, I introduced H. Res. 187, which recognizes the first week of April as National Public Health Week, and it calls on all Americans to take a proactive approach to addressing injuries in our country. I urge my colleagues to cosponsor H. Res. 187.

A REVERSE ROBIN HOOD

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

Ms. BROWN of Florida. Mr. Speaker, just yesterday, the Veterans Affairs' Committee held a hearing where the Deputy Secretary of the Department of Veterans Affairs stated, because of the budget cuts that the Republicans are advocating and a likely government shutdown, veterans' pension checks may not go out on time.

Believe it or not, this is not April Fool's.

At the same time that the veterans' checks may arrive late, my Republican colleagues want to extend tax breaks for millionaires and billionaires. Just last December, we were forced to vote on extending the Bush tax cuts for millionaires and billionaires, adding $700 billion to the deficit. The Republican plan for the FY11 budget, as well as the new budget plan they just released, are nothing more than a reverse Robin Hood—taking from the poor and middle class people to give huge tax breaks to the rich.

You know, Mr. Speaker, you can fool some of the people some of the time, but you can't fool all of the people all of the time. The American people will wake up.

THE GOLDSTONE REPORT IS A LIE

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

Mr. ENGEL. Mr. Speaker, about a year ago, the United Nations passed the infamous Goldstone Report. Thankfully, this Congress on the floor of the House had a debate, and we rejected the Goldstone Report.

Well, guess what happened last week? Judge Goldstone said that his report was erroneous. What did the Goldstone Report say? The Goldstone Report said that Israel deliberately targeted civilians in Gaza.

That has now been proven not to be true. Of course, the people in the U.N. who bash Israel all the time will continue to pretend that Judge Goldstone didn't repudiate his own report, but the fact of the matter is he did.

The truth is that it is Hamas, the terrorist group, that took over the Gaza Strip. They target Israeli civilians all the time. Israel tries to protect its own citizens in going and destroying the terrorist nests, but the terrorists of Hamas build their nests and their rockets and their munitions in heavily populated areas. So, if civilians die, it is their fault.

The Goldstone Report is a lie. The United Nations should kill it once and for all, and we should be leading the way.

NO APPROPRIATED FUNDS

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

Mr. CARTER. Thank you, Mr. Speaker.

These are interesting times we live in, and as we sit here this evening, we have a lot of things that are kind of up in the air about what's going to happen to our country and about what's going to happen to our ability to fund the government for the rest of our time. Unfortunately, we don't have answers to that question. I wish we did, but we don't. Yet there are some things that are happening that we ought to talk about because the American people are concerned about what's going on. In some ways, they're confused.

As we sit here today, we are looking at the possibility on Friday night, at midnight, of there being no more appropriated funds for the operation of the government. Some people call that shutting down the government, but that's the real term. We have no appropriated funds that are available for the operation of the government.

There's already the blame game going on up here. This blame game is confusing to most Americans, so I think it's kind of important that we start off by trying to explain what's going on up here. I'm going to give you a quick synopsis of what I think has gone on recently.

Let's start off with the fact that the Republicans fully funded the troops and the rest of the Federal Government through FY 2011, which would be the 1st of October of this year, with H.R. 1 in March. The Democrats refused that submission. The Republicans are ready again this week with a submission, that we will do today, to fully fund our troops through FY 2011, and we're ready to come back next week to debate the rest of the budget. It seems we're hearing a message that the Democrats will refuse. The House and Senate Republicans have a bill, H.R. 1297, that simply guarantees that our troops get their pay without any budget agreement. So far, the Democrats have refused. That's a bill that was put together by Congressman LOUIE GOHMERT and Congressman JACK KINGSTON.

So I guess we can say that—or I would at least offer this as a submission—it seems that the Democrats want to hold our fighting men and women's pay hostage so that they can continue their runaway Federal spending, because, really, the debate here in this House today and in the Senate, which is down the way from us, is:

Are we going to continue to spend like drunken sailors, as usual, or are we going to take a hard look at what this government is doing, and are we going to turn this ship of state to a ship of state that is moving in the direction of saving the American people from this runaway spending?

The President has submitted to us a budget proposal which carries in it almost $1.5 trillion of deficit spending. What this House is trying to do is to change the mood and the attitude of where this Congress sits on the issue of spending, and it's time for us to take a long, hard look. I would argue, if people could have taken the time and watched the debate when we sent our first submission over to the Senate, which was H.R. 1, they would have seen an extensive debate that went on for hours and hours and hours on the floor of this House, with both sides participating, as to what we would and would not submit in the way of cutting certain amounts of spending, and there were multiple, multiple votes.

□ 1930

This was after this same idea had been vetted in other forms, like our committee system. And yet when it was sent to the Senate it was dead on arrival, and the only thing they could offer as an alternative to the submission we gave them was $6 billion worth of cuts, which they even voted down.

They didn't even pass that. They weren't even willing to take their meager little $6 billion versus our $60-plus billion that we proposed to them.

And everybody says, Where is the give-and-take? Why don't you work together, Congress? What's wrong with you people? Well, when one side does a whole bunch of work, sends it over to the other side, they say they don't like it, they reject it, and we wait and we wait and we wait and we wait for them to submit something back so we can discuss it, well, we've been waiting a long time now and we still haven't gotten it back. And we've gone through two short-term CRs to give them the opportunity to go vote on some things in the Senate. I know they're slow. I mean, we all know they're slow, but we don't even see the Democrat majority in the Senate even trying to bring things to the floor for a vote on giving us an idea where they would stand on cutting spending.

Now, they love to do press releases out of smoke-filled rooms and come back from White House meetings with the President and tell us, Oh, we've got this deal—which our side certainly didn't agree to. And actually doing this so-called ''democracy'' inside of the press instead of doing it by sitting down across the table or passing a bill that we can look at and examine and see if we can't work out that bill and maybe get the comfort to do something under normal course of business here has not been available. Senator REID just says, Dead on arrival. Dead on arrival. Keep trying. Dead on arrival.

And what that requires is for the House Members to—first off, what they're really looking for us to do is to give up our principles because of threats of this government closing down. I want to make it very clear, I have heard this ever since this debate started. The leadership of the Republicans in the House of Representatives has stated consistently, every time JOHN BOEHNER steps up to the microphone, we do not want to shut down the government. And I will tell you, if people are listening with a tight ear, they will find out that any conversation about shutting down the government has always originated from the other side of the aisle where the Democrats tell us, Watch out, they're going to shut down the government. Watch out, they're going to shut down the government. And we're saying, No, we're not. We're trying to get you to respond to us and let us know what you think is the right thing for us to do to try to do something about this overwhelming debt, this overwhelming deficit, this gigantic leap in the debt that we're going to face in the future.

Just look at this chart. And you've seen it before. It's been here. I've had it here twice. Here's 2010. So 2011 is about right there. Look at 2051. Look, 300 percent plus. And right now we are bouncing around 100 percent here. That was during the Second World War, and this is where we've been ever since the Second World War. But all of a sudden, with the projections that President Obama has given us as to what he perceives is the right path for America, bam, that red line goes up and that red block comes there, and that's what our children and grandchildren are going to have to deal with. And we honestly believe that that takes this country and changes the very nature of what makes America great because it wipes out any opportunity that possibly our children and our grandchildren can look forward to when they are overwhelmed with debt.

Have you ever heard the debate that goes on among college parents and among college students when they graduate from college these days and they're faced with $100,000 or $200,000 worth of debt to pay for these expensive college educations we've got out there; and they've borrowed all the money and how they are overwhelmed with debt to the point where they look at the salaries that are being offered them and they say, Holy cow. If this is what my revenues are going to be, my income is going to be, I will never pay off this student loan. I know that I heard it from hundreds of kids because I used to teach Sunday school at that age. And they came back from college saying, I can't believe I've got this much debt to pay off before I even start making a living. Well, that's meager compared to what this Congress, if we don't change the way we do business, is going to do to our children and our grandchildren. College debt is going to look like a walk in the park compared to that kind of accelerated debt that's going to be placed on every human being that calls themselves an American.

This is frightening. It's more frightening when you think what this Congress really needs to be about—and is about over here on our side, and I would hope on the other side, too—is finding jobs for the American people.

Now, what do the job creators think when they see this? People who run businesses, small businesses or large, they look at the projected future of the economy and they make decisions as to why they hire people for very simple reasons. You hire someone to advance your business. You don't hire them because you're a nice guy. You don't hire them because somebody gives you an incentive to hire them. You hire them because ultimately they are going to improve your productivity or your bottom line. That's why labor is infused into anything that people do. Most people who start out with their small business, it's all them and maybe their family. And then when they hire that first employee, they don't hire them just because they like that kid across the street. They hire them because that first employee is going to make their business do better.

Now, if they're looking at the accumulated debt being put upon them by this government and they look at what projected debt they have to deal with, what they have to handle, where they think their revenues are going to be, what solutions there are going to be for this debt in the way of tax increases, they have to say, Whoa. Until somebody gets a handle on this stuff, we're looking at a world that I'm not sure I want to hire anybody else in.

This is not rocket science, this is very simple. You hire to prosper. If you're afraid prosperity is not going to be a result of the hiring, you don't hire.

I would argue—and I think it's an argument that's made by many, many economists and many, many editorial writers—that the fear of the unknown and the known that you think you see by the way the government is proceeding keeps a lot of people from hiring other folks. I think that's common sense. I think anybody that knows anything about business can realize that. So this looms over everybody.

I saw a cartoon up here in Washington. Many of you may have seen it. It was a gigantic elephant's behind sitting on a scale, and it had written across the back of it, ''National Debt.'' And then on the very top of the backside of that elephant was a Band-Aid about the size that would wrap around my little finger stuck on there, and it had an arrow right there that said, ''Spending Cuts.''

The reality is what the Republicans have proposed in terms of spending cuts as they relate to the gigantic mess that we're in is just that teeny, weensy little Band-Aid. And yet, this very meager proposal of changing the way we spend money has been rejected out of hand by the Harry Reid Democrats over in the Senate and by our colleagues in the House. And it is on every submission that we've made, on every attempt we've made to negotiate, on every time we have said, so and so, how about you all getting together and come up with an alternative? And it's just, no, you're dead on arrival. We'll talk at the White House behind closed doors or we'll talk in smoke-filled rooms or whatever—smoke-filled rooms probably dates me a little bit, but there are still some smokers around here.

□ 1940

Okay. Now, where are we tonight? I think where we are tonight, I am optimistic about where we are tonight. And the world may be sitting out there pessimistic, but I'm optimistic because, first and foremost, I honestly believe that we're going to do everything at least in our power to try to get us to come up with a solution for this small spending cut bill of $60-plus billion that we put forward, which, compared to that elephant's behind, is nothing. And we're going to get it done before we run out of time and we run out of appropriations and the government starts to wind down.

But I'm more optimistic than that, because I am very optimistic that the fact that PAUL RYAN and the Budget

Committee of this House have put forward a proposal that is like you ought to have the Hallelujah Chorus in the background when they introduced it, singing ''Hallelujah.'' Because it was finally a budget that wasn't the same old budget—how can we jack every spending level up, and how can we figure out a way to raise some taxes to make that work? No. It's a budget that says this budget is going to be about prosperity and preserving the America we love for our generations to come.

If that's not something as we come up on this deadline—which should make us nervous, and it makes me nervous. But the big picture is our Budget Committee has put a revolutionary budget out for discussion. And that budget is worth joy on behalf of the American people, because what it does is it says to the people around us that there are some good ideas we ought to try.

I'm joined with many of my colleagues here today, and I want to give them all an opportunity to talk. So let me finish up at least this short part of talking here and let some other folks talk.

Today where we are is a very simple place. Are we going to fund our Department of Defense and make sure our troops get paid or are we going to be so—with miniscule cuts and then continue this debate so we could probably try to get a resolution next week, or are we going to reject out of hand—as now HARRY REID is making public statements to say and the President, in Atlanta, supposedly said he would veto this proposal—reject out of hand to say we want our troops to suffer and we don't care whether they're getting shot at. We don't care. We're ready to let them get shot at and do without pay, men and women who have been risking their lives for over 10 years so that we can stand in this Chamber and talk. We ought to be ashamed of ourselves to even consider not doing something.

All of us ought to be wanting to do something to make sure that those folks get their paychecks so their spouses and children back home don't suffer while they suffer the possibility of being killed or maimed on our behalf. And that's what this vote, this day and tomorrow, is all about.

The deadline is Friday night at midnight. We're asking our Senators to reconsider rejecting out of hand what we are sending over and consider it in light of that momma back home with a child on her hip, telling the creditors, We have no money to pay you. And I'm sorry my husband can't talk to you. He's over in Afghanistan, in the mountains, trying to stay alive. Or he's flying missions into Libya, trying to stay alive. So I think we really need to know that's where we are in time, and the other is stuff we're going to be talking about.

Whoever would like to step up, grab the microphone, and let's talk.

My friend from Virginia, step up. Tell us what you've got to say.

Mr. WITTMAN. Well, thank you, Representative CARTER. I thank you and Representative GOHMERT for your leadership in putting forth a bill to make sure we address this issue of military pay for our men and women in uniform.

And, you know, Mr. Speaker, we shouldn't even be here tonight. We should be having before us a spending decision that doesn't call into question whether or not we can pay our men and women in uniform. Now, that's absolutely reprehensible. You know, it's clear that this spending discussion needs to be focused, and it needs to be focused on making sure that we're getting our troops paid, bottom line, period.

I had the opportunity a couple weeks ago to travel to Afghanistan, and I had the privilege there to visit with a young man who's a lieutenant colonel in the Air Force. And I had met his family earlier in the little town of Pocosin. And I was there for a pancake breakfast one morning there at a middle school, and I had a chance to see his family there, and I talked to his wife, and I met his children. And they told me that their father was deployed downrange. And I asked where he was, and they gave me the information. And I said, Well, listen. I'm going to be going there soon. I want to make sure that I have a chance to visit him.

So I was able to go downrange and visit this fine lieutenant colonel. He's doing a great job for this Nation. They are under very trying conditions there in Afghanistan. I had a chance to thank him for his service and had a chance to also, when I got back, to call his wife and to thank her and her family for their sacrifice and for them staying back home here in anxiety as their father and husband served downrange.

And folks, I cannot imagine being in a situation to look that lieutenant colonel in the eye and say, You know something? Thank you for your service. Thank you for your sacrifice. But we don't think enough about what you're doing to even have the backbone to stand and make sure that you get paid.

You know, how do you look at their family, that mother who's at home, those children whose father and husband are downrange being deployed, and look them in the eye and say, Hey, listen, thanks for your sacrifice, but, by the way, we're not going to be able to make a decision up here to make sure that you get the paycheck that supports your family in the weeks to come? I mean, I cannot imagine how we are letting ourselves get to that point.

Mr. Speaker, there is a lack of fortitude to make sure that we get this done and get it done now. Just as Representative CARTER said, the time is now. This needs to get done. We have a deadline of Friday. This Congress needs to act, get this done.

And also, as you pointed out, we have a spending problem here. It is clear that spending is absolutely out of control. As Mr. CARTER said, clearly there is a spending issue we need to address. We're on an unsustainable path. This has to be done. This decision has to be done on time.

The American people expect leadership out of this Congress. They expect leadership out of both sides. As the Speaker said, we can't continue to negotiate with ourselves. We have to have folks on the other side of the aisle that are willing and able to say yes, we're going to get these things done; there's at least a counterproposal, instead of saying no, no, no. There has to be more to this than ''no.''

Our goal is to cut spending and reduce the size of government. It's not to shut it down. I know you hear out there people say, oh, you know, they want to shut it down. They want to shut it down. That's the last thing we want to do. We don't want to shut it down. We want to make sure that our military gets paid. That's the bottom line. And we have to get this thing done as soon as possible.

My question is: Is Congress in Washington, D.C., so out of touch that we don't get it, that we don't get what the American people have sent us here to do, what they want us to accomplish? Do they expect from us that we're going to forgo a budget and not ensure that our military families get paid? I think that's not the case.

They want to make sure we act, and I want to make sure that we act and make sure that we get things done. And I think we ought to bypass the 72-hour review rule and get this done out of respect for our men and women in uniform.

Again, I want to thank my colleagues, Mr. CARTER and Mr. GOHMERT, for their leadership in bringing this bill forward to ensure that our military get their pay.

□ 1950

I am a proud cosponsor of that act because I think it is the responsible way to go about getting things done. I was also eager to join 80 of my colleagues in signing a letter to Senator Majority Leader HARRY REID to let him know that this needs to get done: We need to pay our men and women in uniform.

You know, in my district, in what we call America's first district, we have a proud tradition of military there, with seven military installations and a number of people there that serve this country and are now retired or in active duty. We have a great military presence there.

I got a call the other day from a mother in Stafford County. And she said, ''My husband is an active duty military officer. And if I understand the news correctly, if this budget isn't passed by April 8, 2011, the military will be expected to work and will not be paid until the budget has been passed. My family will struggle. And I am concerned about how I am going to

pay my mortgage and feed my family. If the military is asked to work without pay, you will be causing severe stress on our families. As a spouse who has endured my husband's deployment in Iraq four times, I know the thought of not getting paid would be making me sick. I also know that I would not be able to talk to my husband about this concern because I wouldn't want him to worry. Please work hard and pass the budget. I am counting on you.''

Folks, there are so many people out there that are counting on us, counting on Congress to stand up and do what is needed to be done to make sure that our military families get paid, to make sure that we adopt a budget, to make sure that we get this country on the right track to reduce spending. The time has come for us to get that done.

You know, our military members out there do a fantastic job for this country. It is unconscionable to even think about them worrying about not getting paid, or for folks downrange to be thinking about what's happening here in Washington rather than being able to focus on their mission downrange. Folks, we need to get this done. Our military families serve this Nation with honor, with distinction, and without question. And they are there performing flawlessly. They don't have to, I think, be expected to have that uncertainty about what's going to happen here in the future.

So I want to make sure that this bill gets done and that we take away any worry from our military families or folks serving downrange. Our military families need to be worrying about the everyday necessities of life, and not have to worry about getting paid and to make sure they can meet those necessities. And our men and women downrange need to be focusing on the mission that they have at hand.

Just as Mr. CARTER said, our military and their families have been to war now for almost 10 years, some of them on their fifth, sixth, and seventh deployments. You know, we need to keep in mind the sacrifices that those families make and know the great job that they are doing, the hard work that they put forward. It's time for us to show the same resolve here and get this budget done and make sure that we without question assure that our military families are paid, that our men and women that serve downrange get the respect that they deserve from this body here in Congress.

So Mr. CARTER, I thank you for your leadership. Mr. GOHMERT, I thank him for his leadership in making sure that this is first and foremost in our minds about ensuring that our military gets paid.

With that, Mr. CARTER, I yield back.

Mr. CARTER. And I thank you very much for those comments. I want to point out that I have here the Ensuring Pay for Our Military Act of 2011. Mr. GOHMERT is the cosponsor of this, along with JACK KINGSTON. I was worried about LOUIE. He was here a minute ago. He left. I am going to recognize KRISTI NOEM to discuss with me, and I will yield whatever time she needs, and then we will get Mr. GOHMERT for a minute and hear what he has to say.

Mrs. NOEM. I appreciate that, and thank the gentleman for yielding to me.

I am one of the new Members of Congress that has first come here tonight, this is the first opportunity I have had to give a Special Order. And I cannot think of a better reason to be here tonight than to make sure that our military men and women have the opportunity to receive pay for their hard work and for their service to our country.

I think it's extremely important that we focus on all of the important things that this Congress is doing and the important things that this Republican Conference in the House is doing, because we recognized that from the very beginning we took every action possible to ensure that our military could get paid. We started with our first bill that addressed the spending problems that this country has, H.R. 1. We brought it to the House floor. We changed the way that this House does business by having an open process on the House floor. Hundreds of amendments were offered. And that bill ensured that paying our military was a priority from us. It got the job done. It did the work that the previous Congress did not do.

The previous Congress did not choose to make that a priority. They did not choose to wrap up the business of fiscal year 2011. They left that for us to do. Then they left us in a big hole as far as the debt that this country is accumulating. We came in as the adults at the table.

When our President talks about having adult conversations addressing the spending in this country and addressing the budget resolution that we need to come to, the only ones who have been doing that from the very beginning have been the Republicans in the House. We came with H.R. 1, with real spending cuts that would put us on a much better path, that funded our military. Because we wanted to take care of them. We recognized that their families were at home while their spouses and family members were at war, and they were trying to make ends meet while that was going on.

I will tell you that I feel that the Democrats are holding our troops hostage, that they truly are. Because they choose to do that so they can spend more money. They choose to hold them hostage and their pay hostage because they want to help this country accumulate more debt. And it's unacceptable. You know, we voted to fully fund their pay, to fund our troops through fiscal year 2011 through H.R. 1, and we are still dedicated to that, and still pursuing that because it's a very high priority for us.

I will tell you that the Department of Defense is allowed to continue operations without appropriations because of its authority to protect the national security. But I will also tell you the military personnel are scheduled to receive their paychecks on April 15. Now, if this government truly does shut down, if it truly does shut down tomorrow night, they will only receive 1 week's pay instead of the 2 that they are owed. And that is not right.

When you look at people who are at war overseas, standing on that wall so we can sleep safely in our beds at night and we are telling them we are not going to pay them for doing that, then that is truly a travesty, and a travesty that we should not allow to happen. And if this shutdown were to continue and to continue on and on and they would not be paid, we cannot do that to their families.

People talk about the debt that this country accumulates. And they recognize the fact that it is a big deficit, that it continues to accumulate. The way that I talk about it back home in South Dakota is that months ago, when I was making the analogy and talking about the fact that our country borrows 40 cents out of every dollar that it spends, well just in the few short months since I was talking about that back in October and November, now it's we borrow 42 cents out of every dollar. I used to tell my son you owe $42,000. You are responsible for that. That's the amount of our Federal debt that you are responsible for. Well, just in a few short months now he is responsible for almost $46,000. You know, that boy is 8 years old. That boy is 8 years old, and he owes that kind of money because of the irresponsibility of this government and because of the irresponsibility of the previous Congress and the Congresses before that that did not get this spending under control.

That's what we are trying to address today. And that's why we are making sure we are addressing the spending cuts, we are being much more responsible in what we are proposing, and we are also making it a priority to make sure that our military gets funded. You know, I think that it is absolutely discouraging to see that we are even having to pursue the priority of funding our military during these times, and that it is being held hostage literally through these discussions that have gone on. It doesn't seem reasonable or fair to ask our military men and women to have to worry about the types of situations that they would be put in.

Many of them live paycheck to paycheck just like a lot of families are during this recession in America right now. They are having a tough time. How do they make their car payment? How do they make their housing payment? When they are out there standing and serving our country, we are telling their families that we are putting their ability to even pay their bills in jeopardy.

Then you look at the situation that we are accumulating more and more

debt in this country. That is only going to lead to higher inflation. It's only going to devalue the dollar. I was talking to someone last week about what that really means. When you talk to people on the street about what does it mean when the dollar is devalued? Well, what that means is that maybe that loaf of bread that that military wife needs to go buy next week when she only has half of a paycheck, well, someday instead of costing her $2 it will cost her $4. Maybe it will cost her $6.

So we are telling her not only are we putting you in the situation where you are going to be faced with high inflation, that you are going to be faced with a dollar that's not worth as much as it used to be because people in Washington, D.C. couldn't have some discipline in their spending habits, couldn't make the tough decisions; well, on top of all of that, then we are going to keep your spouse's pay. On top of that we're not going to pay him even though he is risking his life for our country. It absolutely is wrong. And it absolutely needs to stop.

Mortgages don't stop. Bills don't stop. Car payments don't stop. How do we expect these men and women to continue paying for their everyday living expenses when they have no paycheck? In South Dakota we have an Air Force base, Ellsworth Air Force Base.

□ 2000

We have 1,000 civilians that work there and over 3,000 military personnel. Those people are extremely special to me. Not all of them grew up in South Dakota, but they are all living there in South Dakota, and they are all serving this country. And I think that a government shutdown not only affects these individuals, but it also is going to impact that local economy where they are trying to raise their children and raise their families.

Two Ellsworth Air Force Base B–1 bombers were recently involved in the Libyan military strikes. Missions like Odyssey Dawn are likely to continue whether the government shuts down or not. These missions are risky, they are costly, they are vital for our national security.

Doesn't it seem unreasonable that the Democrats here in Washington, D.C., would put those servicemen and -women in harm's way to protect our freedoms and then not compensate them for the work that they have done simply because they want to spend more money and they want to put this country further into debt?

These are all the reasons why I have fought on every CR to make sure our military men and women get paid, why we are continuing to do that, and I thank you for bringing this bill. It is critical if for no other reason I have had family members that have served, I have had friends that have served, friends that have been overseas and have stood on that line so that we could continue to live the kind of freedom and have the kind of liberty that we have in this country today.

But even if I didn't, I am an American; and I recognize the importance of having them there to protect us and to protect our future, and I am grateful every single day for the sacrifice and service that they offer to us. It is completely inappropriate for us to play politics with military pay.

We owe these men and women at least some financial stability in return for all of their service that they provide to us, to our children and to our country.

Mr. CARTER. Thank you, Congresswoman.

I want to say that I agree with everything you have to say. As you were speaking, I was thinking our soldiers are not asking for somebody to excuse their mortgage, not asking for somebody to come bail them out. They are just asking to be paid for the dangerous blood, sweat and tears work that they are doing right as we speak today.

Right now, somebody is being fired on somewhere in the world in an American uniform. It's a frightening thing to think about, but it's true, and they just want to have the paycheck they earned. And their families back home want to be able to stay current on their bills, and they are not asking for these grandiose bailouts that this body has become famous for. They are just saying, give me my paycheck.

Now, this is not hard stuff. I want to recognize my good friend from Texas, Congressman GOHMERT. He was the author of this bill. I think we got it done well.

Soldiers, might even be some of mine, Fort Hood.

You started the ball rolling. We have been talking about this for a long time. If we are getting close to this deadline, we have got to get the soldiers paid.

I want to recognize LOUIE GOHMERT, who introduced this, along with JACK KINGSTON. I joined with them on this.

Now our leadership is offering an alternative submission, which would fund the entire DOD, which is an even better idea because of all the contract authority and all the things that go on that get hurt by not having an appropriations finished up with. And we are hopeful, although we are hearing signals, that it's going to be dead on arrival, and they are not going to tell us what they want us to do.

I will submit this to you, and then I will let you comment, LOUIE, and that is, I would submit, if anybody is shutting down the government, it's the Democrats in the Senate, not the Republicans in the House.

I yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Thank you.

Your comments also point to another aspect, not only your caring about America, caring about those that are fighting for us and your desire to fight for those here in Washington who are fighting for us, but it also shows a great deal about your humility, because you and I both know you have been working on this issue just every bit as long and as hard as I have, and yet you are giving JACK and me great credit and I appreciate that.

But the truth is you have done every bit as much work, perhaps more, as JACK and I have and the cosponsors we have here.

But, you know, things here in Washington obviously don't get done in a vacuum, and it means so much when we have people like KRISTI, ROB, NAN, folks that are out here. We got over 100, I am not sure how many over 100 now, cosponsors on the bill. These are people that want to make sure that the military is not used as pawns in this game.

A lot of us haven't been thrilled about the short-term CRs, but it does point out one thing, that the leadership of the Republicans in the House are committed and have paid the price of being criticized by people like me for doing short-term CRs. They are so committed to trying to do everything they can, especially Speaker BOEHNER. He has really gone as far as humanly possible to do all that he could to avoid a shutdown, making it clear he doesn't want that.

Some folks have been critical that he needed to stand up and be ready to do so. He has made it clear he doesn't want one; he doesn't believe it's good for America.

And so I know my friend from Round Rock, Texas, sitting in Georgetown as a judge for so many years, often looked at things like I do, as another former district judge. You look at evidence to bear things out.

Who is at fault? The American people are going to be looking around. Who is at fault?

Well, you look at what's happened, and the evidence is quite clear. You have a group here, a majority in the House that has done absolutely everything possible to try to placate the Senate.

We passed lots of bills, trying to get the funding done. And why was that? Well, the evidence is clear. The Democratic majority last year refused to do what was required and pass a budget. No budget passed, no appropriation to fund things.

Why? You can only speculate about that. It was an election year. Perhaps there was concern that if people really saw the total amount that they were going to be appropriating in all these areas that it might have even been worse in the election in November.

The people saw through, and the majority switched here in the House. So here we are with these bills that have been filed, pushing another bill this week here in the House. In response, there has been nothing passed in the Senate.

People that know the rules know that the Senators, any one of them—and of course it would have to be a Democrat that would have any chance

of getting something passed, because the Democrats under HARRY REID are in the majority, so a Democrat, any Democrat down there, could take the bill, the bills that we have done, the CRs that we have done. They could take those and do as they did in ObamaCare.

You know, that was, boy, here again, it's the military.

The ObamaCare bill was a bill to assist with a tax credit for first-time homebuyers who were veterans. And what did the Senate do with that bill? Since it had to originate in the House under the Constitution, they took it, and in their bill they said they are taking the first-time homebuyer bill for veterans, stripping out every word and substituting, therefore, about 2,700 or 2,800 pages of their ObamaCare bill.

Well now, if they don't agree with what we have done, they could have taken any one of these CRs that we passed and said we don't like it; it's dead on arrival. They could have taken those, stripped out every word just like they did for the veterans, to count every word that helped the veterans and substituted, therefor, their disastrous bill in ObamaCare.

They could have done that with their own CR, what they were going to fund, what they wanted to see happen. Not one person down there in the majority of the Senate has taken the leadership to do that.

Some have said, well, why isn't the White House involved in what's going on in the Senate? Why aren't they showing some leadership down there?

I heard someone say, well, that's the White House. It's a separate branch.

The Vice President of the country is and has been the President of the Senate. He has not only a vested interest; he is the presiding officer of the Senate.

We have heard over and over from this President that JOE BIDEN is going to make sure things are done right. And yet what did he do when the going got tough? Maybe he is tough because he got going to Russia, and he disappeared.

□ 2010

When the going got tough for the President, he went to Brazil and played golf and then issued an order from down in South America sending troops into battle. And we had a former President Bush who quit playing golf. He said it just didn't feel right to know our troops were in harm's way and I would be out on some golf course.

This President not only doesn't have a problem playing golf with people in harm's way, he takes time out of his golf round to send more people into Libya into harm's way. And to be assured today that, hey, we really are going to get around to turning everything over to NATO, and it won't be us—my friends, 65 percent of NATO is American military. It's not a lot of comfort to me. But the least we could do is to make sure that our military, and that includes Reserves, and so that the military knows it includes all pay, all allowances, you're not going to miss anything if the Senate will just do right by them. We have a standalone bill that could be passed in the next day or two. It is House bill 1297. It could be done.

But as my friend from Round Rock has pointed out, our leadership, Speaker BOEHNER, has brought a CR for 1 week. He didn't want to do that. We know he didn't. But he was concerned about the military. And it funds all aspects of the military through the end of the year. Then we have this fallback bill that if the Senate is doing as they're indicating—oh, it's dead on arrival. We're not even going to pick it up and put our ideas and pass it through the Senate—then obviously the evidence is clear, Judge. It seems to me the evidence is all in, and it's very clear: They want a shutdown. They think they win politically by forcing a shutdown and then blaming the Republicans in the House. It's not only not the Republicans in the House's fault. It's also clearly them playing games with our military, with the vital function in this country, and it isn't right.

I thank you for yielding. I do thank you so much. I know we've got several of our critical key sponsors here on the House floor. And I am so grateful for the leadership. We're talking freshmen. We're talking people that haven't been here all that long, and yet they have grabbed this issue and have shown such leadership. I appreciate you so much. Thank you, Judge.

Mr. CARTER. Reclaiming my time. Let me point out, as Mr. GOHMERT said, those of us who sat in a courtroom for years, in my case almost 21 years, you want to look at the evidence to see what the evidence shows. And just very quickly, the evidence shows first: How do we get to a shutdown for failing to fund the government? Well, you start with last year when the Democrats were in charge of the House, the Senate, and the Presidency. They passed no budget and not one single appropriations bill, although I'm on the Appropriations Committee. They certainly could have. They just chose not to. They chose not to.

They chose the date that they would have a CR go into the next term of Congress when it had already lost and knew how many of these wonderful people were going to be here replacing them the next time they showed up in the House, so they put this thing all the way to March, which they knew was going to put us under a tremendous amount of pressure to get something to do to fund the government. And we made diligent attempts to fund the government. And it didn't even last long enough for HARRY REID to say ''dead on arrival'' when it got to the Senate.

So let's see. They didn't do their job. They didn't do their budget. They set up the CR deadline. We met the CR deadline with a way to fund the government for the rest of the year for all departments. They rejected it out of hand without even coming back with any alternative of any substance. They offered a $6 billion cut and spending as usual under the Obama budget. And then now we've given two extensions to try to talk, and each time dead silence. No comment. If there's a comment, it's to the press. But to us, they're treating us like a stepchild. And then they're wanting to shut down the government when we say, at least let's protect our soldiers. Let's take care of our troops.

Before we've even got it over there tomorrow, HARRY REID and the President have both made a statement tonight. ''Dead on arrival,'' HARRY REID says. The President says, ''I will veto it.'' He would veto funds—that's what he supposedly said in Georgia. Now I may be out of school, I didn't hear it, but I was told he did, that he said, I won't accept what Mr. BOEHNER is going to send to us. I will reject it.

That's the bill that funds our troops. I think we've got other great people.

Mr. GOHMERT. Judge, would you yield for a question?

Mr. CARTER. Yes.

Mr. GOHMERT. Since we know it would do no good for a Republican in the Senate to take a CR and bring it to the floor of the Senate, or file it, but we also know that any Democrat in the majority down there could do that and at least try to get over some Democrats, Judge CARTER, what does it tell you that not a single person in the majority has bothered to usher forth and file a CR of any kind to respond or to take ours? modify it? What does it tell you?

Mr. CARTER. It tells me that they are marching in route step to the commands of the majority leader, HARRY REID. And unfortunately, we didn't get elected to march route step in that fashion. We got elected, Senators included, to make decisions that are good for the American people.

SCOTT, my friend from Virginia, I will recognize you for the amount of time you need. We have 9 minutes.

Mr. RIGELL. Thank you so much. I appreciate the gentleman yielding, Judge CARTER, for your leadership on this topic and also Representatives GOHMERT and KINGSTON for their leadership on this.

I will say this: As the son of an Iwo Jima veteran and as the proud father of a third-generation marine, it is deeply troubling to me that we are even having to discuss how and if our men and women in uniform are going to be compensated.

A failure of leadership, Mr. Speaker, has left us in this precarious position, and it is deeply troubling to me that we are having to address it tonight, the confusion that's out there. Just today, the White House said that military personnel would not be paid.

Now, Mr. Speaker, this is failed leadership. How could it possibly be that the message from our Commander in

Chief is that it's very likely if this shutdown occurs that our men and women in uniform would not be compensated?

This week, a senior Department of Defense official said that our troops would be paid for a week but not for 2 weeks. Just yesterday, the Pentagon spokesman said that the Department had not issued any direction to the services about implementing a shutdown. And he really skirted the question of how a shutdown would affect the pay of our servicemembers.

Mr. Speaker, this lack of clarity is not only unnecessary, it's unconscionable. Brave men and women—Americans—are around the globe, and they are putting their lives at risk fighting for our freedom and our way of life. I just got back from a trip to Afghanistan, and it's just unbelievable to think that a young corporal in Helmand province would have to speak or somehow communicate to his wife about whether he is going to get paid or not.

Our men and women in uniform deserve our unwavering support from this Congress. If our military is not paid, Mr. Speaker, I believe that Members of Congress and the Commander in Chief should not be paid, not one nickel. My office gets calls every day from spouses of our military. They are concerned and understandably so.

Let's be clear on this, Mr. Speaker. The genesis of this crisis that we're in is because the Democratic leadership last year had the Presidency, had the Senate and had the House, and failed to pass a budget. Not only was this a failure in leadership; I truly believe it's nothing less than an abdication of the responsibility that was entrusted to them by the American people.

So here we are debating last year's budget. And as a result, we have this climate of uncertainty. And as an entrepreneur, I know that it's holding back job creation. As a result, we are operating under a continuing resolution which each and every service chief has said is hurting the readiness of our military.

□ 2020

I truly believe we are a nation at serious and increasing risk because of our failure to manage our finances properly. Indeed, that is why I ran for this office. I am proud to be a Republican tonight because we have proposed a path toward fiscal stability that would keep the government open.

It has been pointed out, rightfully so, the Senate has failed to move on that proposal, preferring apparently to allow the government to close and not pay our men and women in uniform. That is not acceptable. We must achieve stability and funding. I stand ready to work with any Member on the opposite side of the aisle here, and I know my colleagues do as well.

This is so important. We must do what is right. The Senate must act. I truly believe that the House has met its responsibilities, starting with H.R. 1. We have worked every day to resolve this. We must pass a defense appropriations bill for the sake of our troops and our national security.

I encourage every American to let their Senators and our President know that they want our troops paid on time. I thank the gentleman for this time. I appreciate it.

Mr. CARTER. Reclaiming my time, I now yield to the gentlewoman from New York (Ms. HAYWORTH).

Ms. HAYWORTH. I thank you for your commitment and dedication. I have the privilege of serving the 19th Congressional District in New York, and the U.S. Military Academy at West Point is in my district. We have sent, as we all know, thousands of young men and women to join and to sustain the long gray line. Their talents and their commitment are made to our Nation in order to defend us from threats from without. We owe them that same dedication and commitment and sacrifice and discipline here in the Congress, in the House, and in the Senate. And our President owes it to them and to the children of America whose future is at risk from within.

We were elected in that great wave in November 2010 because the American people told us we could no longer afford to continue on a path of enormous deficits and mounting debt. It is difficult to do what we are called on to do, and that presumably is why the Senate has so resisted the lead that we have offered them with the passage of a continuing resolution to compensate for a budget that was never passed for this fiscal year by the 111th Congress. It is difficult to say no to certain types of spending that have become the usual mode of behavior by the Federal Government, but that is what we are called on to do.

And what we do pales in comparison with what the men and women who put themselves in harm's way around the world must do every day. What they sacrifice must be emulated by us in this small way. We must join together in the House, and we must be joined by the Senate to pass this bill that will fund our troops through the end of fiscal year 2011 and will allow us the time that we need to bring everyone together, to bring the Senate and the President on board so that they too will have that discipline that they need so that we can do what is right for America's future and so that we can get on to thinking, as we must, about the budget for 2012 and beyond.

I thank you, Judge CARTER, for your leadership in ensuring that our troops are properly cared for and for your leadership in this enormous and crucial fight for our Nation's future.

Mr. CARTER. I don't know how much time is left, but I yield to my good friend, the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. Mr. Speaker, I stand here tonight as a daughter, a wife, and a mother of veterans; and I am an ardent supporter of our Nation's military. These brave men and women can never be thanked enough for their service to our country, and this Congress must do everything that we can to stand up for those who defend America. That is why I urge my colleagues to protect the military paychecks and to ensure that if the government shutdown were to occur, that the members of our Armed Forces and their families will receive their salaries on time.

This is not an issue that we can play politics with, and my colleagues on the other side of the aisle who seek to use these paychecks of our military as part of their plan to force a government shutdown should absolutely be ashamed of themselves. Military families have already sacrificed so much for this country. Back in Tennessee, there are families who are worried right now about whether their loved ones are safe overseas in Iraq and Afghanistan and other places even around the country, and they are praying for their safe return home. Those military families should not, under any circumstances, have to worry about when and where the next paycheck is coming from.

Mr. CARTER. I apologize for the short time. Thank you, Mr. Speaker.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1363, DEPARTMENT OF DEFENSE AND FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2011; AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. FOXX (during the Special Order of Mr. CARTER), from the Committee on Rules, submitted a privileged report (Rept. No. 112–56) on the resolution (H. Res. 206) providing for consideration of the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

THE DEFICIT AND JOBS

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

Mr. GARAMENDI. Mr. Speaker, we intend tonight to talk about the deficit, solutions to the deficit, where it came from and what can be done about it in the context of creating jobs here in America. But before we get into that, we just heard a whole hour of talk that really is based upon a fallacious foundation, that is, it is just not correct.

Last year in 2010, it was the Republican Senators that blocked every attempt to pass legislation by threatening a veto and denying the 60 votes that were necessary. So when it came time to do a budget, it was impossible to put a budget through the Senate because of the Republican blockade in the use of the filibuster.

Similarly, when it came time to fund the government, to appropriate the money, the same thing happened. It was impossible to get the 60 votes out of the Senate because of the Republican blockade. So everything that we have heard over the last hour about the process that is now under way, the continuing resolutions, began with the blockade in the Senate by the Republicans as they continually threatened a filibuster. That's why we are where we are today.

Now, with regard to the funding of the military, let's understand that the Democrats have always consistently voted to fund the military when it was a straight up-or-down vote. However, in the CR, the first CR that did have funding for the military, it also had extraordinary cuts that would destroy 700,000 jobs in the last 6 months of this fiscal year—March, April, May, June, July, August, September, and October—700,000 jobs lost.

The Democrats said no way, no way are we going to throw 700,000 employed Americans out of work, and we rejected that. Put a clean CR for the funding of the military on, and you'll have a 100 percent vote. But when you cobble together the kinds of foolish cuts, unwarranted cuts, 700,000 lost jobs, and then attach to it the military and expect support, you won't get it.

The Democrats want this government funded, and we fought for more than a year and a half to get the government funded. We were blocked along the way. And now, as the Republicans put out these pieces of legislation, the continuing resolution, and attach to it totally unacceptable language and unacceptable cuts, to the American people, not to the Democrats, but to the American people, then we find this gridlock. What we want to do really is talk about jobs.

Joining me tonight are two wonderful legislators. One is imported from Detroit, and another one from the manufacturing capital of the world.

□ 2030

I want to start with an understanding of why we are where we are. I know my colleagues will help me on this.

First of all, the Democrats have been about creating jobs, from the stimulus to today. The GOP majority has been in power for 14 weeks. Zero, no, nada, nothing to create jobs. Not one jobs bill. In fact, the only bill that they have put on that has anything to do with jobs is one that destroys 700,000 jobs. So keep this in mind, American public. Fourteen weeks of GOP leadership in the House and not one piece of legislation that would create a job putting Americans to work this year and next year. That's the fact.

Now, another fact: Where did the deficit come from? In order to understand where we are, we need to know where we've been. Here is what the deficit is all about. Beginning with Ronald Reagan, the budget was not balanced. Ronald Reagan at the end of his term left for the American public a $1.4 trillion deficit in the years ahead. At the end of each year and, therefore, at the end of a President's term, the Congressional Budget Office makes an estimate of what is going to happen over the next 5 to 10 years. At the end of Ronald Reagan's term, they said there would be a $1.4 trillion deficit going forward.

George Walker Bush followed Reagan; and at the end of his administration, the estimate by the nonpartisan Congressional Budget Office was that there would be a $3.3 trillion deficit going forward. That's the numbers provided by the Congressional Budget Office, nonpartisan group.

Bill Clinton came to office, established the pay-for program, established the balanced budget program; and at the end of his administration, it was projected going forward that there would be a $5.6 trillion surplus, wiping out the American debt. That's what happened during the Clinton administration. So that in the years beyond the Clinton administration, had the same policies gone forward, the American debt would have been wiped out.

However, another gentleman was elected, George W. Bush. In his first year in office, the Bush tax cuts went into effect, the Afghanistan war started, and the deficit began to grow once again. So that in his second year, the second Bush tax cuts were added and the Iraq war was started. Never before in America's history has a war been under way that was not paid for with tax increases. Instead, the Republicans and George W. Bush decided that they would start not one war, but two wars, and pay for it with borrowed money. The fourth piece was the unpaid-for Medicare drug benefit which didn't even require that the Federal Government force the insurance companies to compete for drugs.

The result was at the end—oh, did I forget the Great Recession? I did. You add the Great Recession to it, so at the end of the George W. Bush administration, the projection from the Congressional Budget Office was that the deficit would grow by an additional $11.5 trillion.

The George W. Bush Republican period created the Great Recession, two wars unpaid for, a major increase in the Medicare program, and the result, the Great Recession and the great deficit. This is what Obama faced the day he came into office, the greatest recession since the Great Depression and an $11.5 trillion deficit going forward. Those are the facts. That's where we started this.

Now, what are we going to do about this problem? The President has put forth a budget that would, in 8 years, significantly reduce the deficit so that it wouldn't grow and allow us to pay the interest, not removing it, not paying it all off—neither do the Republican proposals—but it would put us in a position where it would not grow. It takes time to solve the huge deficit problem that George W. Bush, Ronald Reagan, and Bush, Sr. put us into. We can do it. But we cannot do it unless we grow this economy. It's about growing the economy and creating jobs that we would now like to talk about.

I am going to turn now to my colleague from Ohio, BETTY SUTTON, who has been working on the issue of putting Americans to work for a long, long time. Please share with us where you are now with this proposal that you are putting forward.

Ms. SUTTON. I thank the gentleman. I thank you for your leadership. You gave us a little bit of background that I think is really, really important when we talk about where this deficit came from and how it came to be. I would just add a couple of other points that I think are significant.

At the end of last year, we will remember that the same people who are now cutting indiscriminately, cuts aimed at seniors, cuts aimed at middle class Americans, cuts aimed at Head Start, low-income housing, heating assistance, Community Development Block Grants that add to economic activities in our communities, those same folks, some of them, were over there fighting to make sure that we had super tax cuts for billionaires that were also going to add exponentially to the deficit.

Then they turn around and say, hey, we've got this horrible deficit, and so now everyone has to sacrifice. But whenever the American people hear the words, ''Everyone needs to sacrifice,'' chances are if you're in the 95 percent of the population that controls very little of the wealth in this country, they mean you. They don't mean that top 5 percent that controls most of the wealth in this country. They are all about protecting what they have and grabbing more power.

It's very interesting when we talk about where the policies coming out of the Republican House majority are these days, because all of the cuts seem to be targeted at the people back in the district where I live, hardworking, salt-of-the-Earth constituents whom I am so honored to serve.

Your point is well taken and very sad, that the one bill that they put out there—I mean, hey, you don't have to take our word for it—the bill that they put out there puts 700,000 jobs, more than at risk, it's been determined by their own Republican analysts that it would cost us 700,000 jobs. Frankly, our economic recovery, which is so fragile, is under threat.

A group of 300 economists, including two Nobel laureates, wrote a letter

warning that the shortsighted budget cuts to, quote, human capital, our infrastructure and the next generation of scientific and technological advances would threaten future economic competitiveness as well as the current recovery.

So the path that the Republicans are on, and it's funny because we just saw the new budget proposal unveiled and they called it a path to prosperity. I think that the better name is a path to poverty. At any rate, the path that they are on is not a good one.

We know that the answer to what ails our economy is we need to put the American people back to work. We need to have jobs that will create opportunities for the people that we are so honored to represent, that will keep our communities running, will have the revenue that we need to pay for those services, those firefighters, those teachers, those police officers, those nurses, those public servants that make our world turn.

□ 2040

So everyone at all levels of government, regardless of party, should be focused on priority one—getting Americans back to work. That's where we come in with what we need to be focused on, which is: How do we make it in America? Manufacturing matters.

So we are working in this House, as you know, Congressman GARAMENDI, to make sure we put forth an agenda on the Democratic side of the aisle, and we hope that our Republican colleagues will stop being deflected and will start focusing on what will help the people we serve, which would be focusing on these jobs, giving people opportunity, and creating real value by making things in this country. Not only will we make the products; we will then give a chance to the American people to make it in America, and America will make it again.

Mr. GARAMENDI. Thank you very much for laying out the thematics as well as the past history.

Our theme in the Democratic Caucus here in the House is one of making it in America—once again, going into Target, going down to the local automobile dealership, and finding products that are made in America. The great strength of America, historically for the last 150 years, has been its manufacturing strength, but we need to understand that, in the last decade, we have seen the hollowing out of the American manufacturing industry.

In 1999, there were 17,383,000 Americans working in manufacturing. In the decade that followed, more than 6 million of those jobs were lost, and we saw the hollowing out of American manufacturing. That's the strength. It also happens to be the middle class. So our theme is ''make it in America.'' As you say, if America is going to make it, we must, once again, make it in America. Manufacturing matters.

Let me put up here on the board why it matters to the American public.

What has happened in the last decade has been a skewing of the economy, the great unshared prosperity of America. If we look at the bottom fifth of the population, these are the poor. They've seen a $200 annual increase in their well-being. For the next fifth, 20 to 40 percent, they've seen just under $10,000. As you go up, if you look at the top 10 percent, $300,000. If you look at the top 1 percent of Americans, what has happened with them? Their wealth has grown by over $5,978,870.

So what has happened as a result of the policies of the Bush administration is a push to the wealthy and the clampdown of the working class in America. The middle class in America is losing the race to wealth. It is losing it to the top 1 percent.

Let me put this another way.

There are, perhaps, some people you might recognize at the bottom, the poorest fifth, the folks who work for Wal-Mart. Eleven percent of the wealth went to them. For the second poorest—these are the teachers—it's the same thing. There was very little growth in their income. As you get to the millionaires and billionaires, the Donald Trumps of the world, they have seen a 256 percent—a 256 percent—increase in their wealth. At the bottom, an 11 percent. For the teachers, an 18, 20 percent. For manufacturing, maybe a 32 percent. Here is where the money is: It's with the super wealthy. They have seen a 256 percent.

Take a close look, America. Take a close look at what was proposed yesterday by the Republican caucus:

Yesterday, the Republican caucus proposed to take this skewing of wealth, the unshared prosperity, and push even more of it to the super wealthy of America. It is unconscionable, but that's what they've proposed to do, and they're going to do it with tax breaks for the wealthy, continuing on, indefinitely, increasing the deficit by $1 trillion—a $1 trillion increase—because they want even more wealth to go to the super wealthy.

At the same time, they're cutting the benefits that the working men and women rely upon. What are those benefits? Well, how about employment opportunities? How about educational opportunities? All of those are cut, and they're taking money out of the economy so that 700,000 men and women will lose their jobs this year, in the next 9 months. That's the Republican agenda.

For those who are not working, the seniors of America, the Republicans are proposing to end Medicare as we know it. It will be the privatization of Medicare, giving every senior in this Nation an $11,000 voucher so that they can then go and negotiate with the rapacious greed of the health insurance companies. If you want to live to be 65 and finally have a health insurance policy that you can count on, don't look to the Republicans, because they intend to terminate Medicare as we know it and turn over the well-being—the health and, indeed, the life of every senior—to the vagrancies, to the rapacious profit orientation of the health insurance industry. That's what's going to happen if the Republicans get their way. We'll do everything we can to stop it, and we will also do everything we can to build the American middle class.

Ms. SUTTON. Will the gentleman yield?

Mr. GARAMENDI. I would be delighted to.

Ms. SUTTON. In addition to that, at the same time they're cutting Medicare and changing it and removing the guarantee that seniors have known, which is that they're going to have access to that care when they need it, isn't it also true that they're continuing to protect those subsidies to big oil companies, those billions of dollars in subsidies, and are continuing to protect tax breaks that ship those jobs overseas, which has led, in large part, to the decline of American manufacturing?

Mr. GARAMENDI. Precisely so.

Look at their budget proposal. Their budget proposal says that the oil companies in the last 10 years have earned a profit of $947 billion. That would be $53 billion less than $1 trillion in profits, nearly $1 trillion in profits. Yet our Republican colleagues say they need to continue to be subsidized by the American taxpayers. Hello? What's that all about? Do you want to balance the budget? Remove those subsidies from the oil companies, and let them pay taxes. Why should we be subsidizing the wealthiest industry in the world, the oil industry? That's what they want to do—and you talk about tax breaks. Good heavens.

I want to turn now to our colleague from the great City of Detroit. We loved that advertisement in the Super Bowl. We now call HANSEN CLARKE the ''imported from Detroit Representative.''

Please share with us your thoughts here.

Mr. CLARKE of Michigan. Thank you, the great gentleman from California, Congressman GARAMENDI.

You're right. I was born and raised in Detroit, and am very proud of it—imported from Detroit, as you say.

One reason why U.S. manufacturing has been so innovative is that we use the best research. As a matter of fact, U.S. manufacturing performs half of the research and development in the United States. It has been fantastic, and let me give you an example.

In Detroit, which is the district that I represent, General Motors Corporation is now manufacturing one of the best electric-powered vehicles around, the Chevy Volt. The cost of the Chevy Volt has dropped. It's very affordable now, which is, in large part, because of the Department of Energy's investment into research and development in the lithium-ion battery. The cost of that battery has now dropped down to just $8,000 apiece.

□ 2050

So this car is not only a great car, saving gas, it's a good riding vehicle, but also it will be affordable.

But here's the problem: The problem is that many in the majority right now want to cut back on research and development that's going to be so essential for us not only to build the best products to be sold here, but also so that we can compete overseas. What's very disturbing is that, for the first time since 2008, the U.S. level of investment in clean energy technology has now dropped from first place in the world. We used to be number one in the world in clean energy technology research until recently. We have fallen now to number three, number three behind China and Germany. That's not acceptable.

Mr. GARAMENDI. Would the gentleman yield for a moment?

Mr. CLARKE of Michigan. I will yield to the gentleman.

Mr. GARAMENDI. In the Republican continuing resolution, H.R. 1, they reduce the research budget for energy research here in America, cutting out vital research at the Department of Energy, at the laboratories across this Nation. And what are they thinking?

Mr. CLARKE of Michigan. Well, you're right, this makes no sense at all. And I'll tell you what's disturbing is that the British National Science Academy predicted that if we go on this path that we're going on right now—which we're going to ask the American people to back us up because we've got to put more research and development dollars into building these great manufacturing products. But if we don't do that, if we don't change, China could overtake us in scientific output in just a couple of years. That's not acceptable. We want to make sure that the best products are imported from Detroit, not from China.

Mr. GARAMENDI. Thank you so very much.

And how correct you are in laying out this strategy of how we can move the American manufacturing industry: Education, a well-educated workforce; research on fundamental issues like energy systems, batteries, transportation; and then making those things in America, importing from Detroit to American consumers and selling around the world. However, when the Republicans put together a proposal such as H.R. 1—their continuing resolution that would cut 700,000 jobs out—it also cut out the research budget for energy research, for battery research, for transportation research, and in addition to that, research for health. The National Institutes of Health budget was decimated. That's not good public policy. We need to make these financial investments. And if the Democratic strategy of making it in America is carried forward, Detroit will prosper and America will prosper.

Another part of our country in trouble for manufacturing, but a great manufacturing center of America, is Illinois. Our Representative from that great State is here to join us, JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. I am so happy to join you. And I thank you for coming down to the floor each week and making the point that we have choices in the United States of America.

We can put our people back to work. We can reduce our debt and our deficit, but we don't have to do it on the backs of middle class Americans, and we certainly don't have to do it on the backs of our elderly. That's exactly what the budget proposal by our Republican Budget Chairman PAUL RYAN says. He said, look, the country is broke. We've got to just show courage and we've got to cut that deficit—we agree with that—and the way that we think we ought to do it is by ending Medicare as we know it, by abolishing Medicare. Instead of that guaranteed benefit that all older Americans can aspire to now, can get when they're 65 years old, that persons with disabilities would get, they know that it's there—and I cannot imagine that there is not every single Member of this House, Republican or Democrat, where people come in and say, I hope I can make it until I'm 65 and get on Medicare because I can't get insurance, and even if I could, I can't afford it right now or I have a preexisting condition. He wants to do it on the backs of senior citizens.

It's been said many times tonight that 700,000 jobs would be lost if H.R. 1—the top priority of the Republicans—were to pass, that the cuts that it would make, instead of spurring on jobs, creating jobs, putting the 15 million people that want to pay taxes—that's all they want is to go back to work and actually pay taxes, that that would be their dream come true, and it would also cut our deficit. But you know what the American people are thinking? They're thinking, We aren't broke—maybe we are, but not everyone is broke in America.

This is a sign that my staff made before I introduced a bill with an idea supported by 81 percent of Americans that it is time for millionaires and billionaires to pay their fair share; 81 percent of Americans. That means it's not just Democrats and it's not just Republicans. It's Independents, and I believe that it's Tea Party people, too. They know that they are not getting a fair shake and that the millionaires are.

Did you explain the chart?

Mr. GARAMENDI. Go ahead.

Ms. SCHAKOWSKY. Well, what it says is that from 1979, at that end, to 2005, this is the growth in income over certain income categories. And you can see way down at the end there is a little bracket—even if you can't, you get the idea. There is a little sign down there that says that the bottom 20 percent of Americans over that period, almost 30 years, their income increased $200.

Let's go to the other end. The top 0.1 percent of Americans, their average income increased, actually increased, over $6 million. Their average income right now is $27 million. Get this: The bottom 90 percent of Americans—I was even shocked by this number—the average income is under $32,000 a year. Top 0.1 percent, $27 million; 90 percent of the rest of Americans, less than $32,000. This is not good for our economy and it is not good for our democracy.

Mr. GARAMENDI. Would you yield for a moment?

Ms. SCHAKOWSKY. Yes.

Mr. GARAMENDI. The Republican budget proposal put out yesterday calls for a tax decrease for that 0.1 percent from 35 percent to 25 percent.

Ms. SCHAKOWSKY. Just the people who need it, right? Just the people who need a tax break. Isn't that astonishing that they should actually pay less?

Mr. GARAMENDI. We're talking about super trickle-down theory here.

Ms. SCHAKOWSKY. Yeah. Take it from Medicare and give them a tax break.

And, by the way, the top tax bracket in the United States of America right now starts at $375,000. So if you make $27 million or $375,000, you're still paying the same tax rate.

What I did was say, okay, let's make the taxes fairer. I said, starting at $1 million—that's earning in 1 year—45 percent tax rate. And it would ratchet up, $10 to $20 million, $20 to $100 million, $100 million to $1 billion, and then a $1 billion tax bracket. And you know what? There are Americans who have made $1 billion last year. The top 20 hedge fund managers, an average of over $1 billion a year. One guy made over $5 billion in 1 year. I'm saying those billionaires, that top tax bracket, 49 percent taxes. And guess what? That is lower than the tax rate in all the Reagan years. I'm under Ronald Reagan's highest tax bracket. It's fair.

This is not about punishment. It's not about revenge. It's certainly not about jealousy. It is about fairness in our tax system. And we would have plenty of money here. We wouldn't have to cut Medicare, of course we wouldn't. We wouldn't have to cut Medicaid, the poorest people off their health care. We wouldn't have to threaten seniors with cuts in Social Security benefits. And we could fund those job training programs to put people back to work. We could even fund infrastructure programs that put people on the job, or green energy programs that make America a leader in the world. We could do all those things. We are not broke as a people.

□ 2100

So my Fairness in Taxation Act, I hope people will sign on as cosponsors. Eighty-one percent of Americans think it's a good idea. We have to have the courage to follow—listen to people out there, and follow

Mr. GARAMENDI. Our Republican colleagues have consistently said we ought to listen. And apparently all that we know about tax policy, there's

little or no support for reducing the taxes on the super wealthy but rather they go the other way. And we're wondering what they're thinking over on the other side of the aisle as they continue to skew to create the unshared prosperity by even reducing further the taxes on the super wealthy.

Ms. SCHAKOWSKY. One of the things that they say, that PAUL RYAN says, We all have to sacrifice. Shared sacrifice. I believe in that. I think that's a good idea. But some people have been sacrificing for a long time.

If you drew another line starting at the bottom left and going to the top right of productivity increases in the United States, that line would shoot way up because we have the most productive workers in the world. Productivity has soared. And yet where have the benefits gone for our more productive workers? Right here. And it has been deliberate, and it's been based on policies that have passed in the Congress, a partnership between government that's been hand-in-hand with the wealthiest Americans. And the rest of America—and you know what, the other thing is if you started up here and tracked union membership, you would find that line going straight down.

When workers, as 62 percent of Americans agree is a good thing, have collective bargaining, they're able to help raise the middle class instead of having a disappearing middle class, which is what's happening now.

Mr. GARAMENDI. And yet we're seeing across this Nation a Republican attack on unions claiming that unions are bad. But the great history of this Nation is that the union movement, collective bargaining over these many, many decades did in fact create the middle class. And so that in the 1960s was the period of time when the middle class of America was at its peak. It had the greatest distribution of wealth. The greatest share of the income went to the middle class. It was also the time when the union movement was the strongest in America. Since that time through a variety of governmental policies, we have seen a decline in the union movement and a commensurate consistent decline in the middle class.

We're going to build the middle class. This is about making it in America. This is about rebuilding the middle class.

I want to now turn to our colleague from the great industrial—the once and future great industrial center of America, Ohio, and share with us—you've got some specific proposals that you've put forward. I'd like to talk about them. I know that our Congresslady from Illinois has, and I do, too, so we're going to talk about specific things that we're going to do to rebuild the middle class by making it in America.

Ms. SUTTON. I thank the gentleman and I thank the gentlewoman for her making the case about the fundamental unfairness about what is going on with the proposals coming from the other side of the aisle.

And I think that the point that the gentleman just made about the union movement in this country, helping to build the middle class and frankly, leading us to a place where we had a strong middle class in this country—you know, it's that middle class that makes America so great, that people have a chance to aspire to that American dream.

And so when you stand on this floor or you come here as we do, and you see attack after attack on those middle class families—from attacks on prevailing wage payments that are just living wages that are going to those folks who work in our trades. We see those attacks come up over and over again at the same time that those on the other side of the aisle are protecting that huge income disparity, it's really, really hard to take, I know for us over here, and it's hard for the people who I represent who work hard for a living and are just looking for a chance to take care of their families and make their way.

We also see those attacks on collective bargaining to silence workers, to take away rights to even have a voice at the table, to be part of the solution, which they have been and will continue to be.

You know, those power grabs, those attempts to disempower ordinary Americans, we have to fight against. There is a better way, and this Make It in America agenda offers us that better way.

Manufacturing, we all know, is a multiplier in terms of jobs. We know that for every manufacturing job, it has a multiplier effect of four more jobs. And in some industries, the auto industries, it's as high as 10 additional jobs.

We know that where people manufacture, if we manufacture in America, we do research and development in America. We maintain our capacity to be strong as a Nation—both economically as well as in our sense of national security. What happens if we can't make it in America?

So here we are. We have a number of proposals, we know that we need a national manufacturing strategy in this country. Democrats are committed to making sure that we have one.

Another area that we need to work on that I think the American people—honestly I think that they expect this, and I'm hoping that our friends across the aisle will see fit to join us in the effort to make sure that when taxpayer money is used to build our infrastructure, which in and of itself puts people to work, we will use that taxpayer money to buy American iron and steel and manufactured goods and get that multiplier effect as we build our streets and our roads and our bridges and our sewer systems and our water systems and our alternative energy products.

Mr. GARAMENDI. Could you just yield for a moment?

Ms. SUTTON. I will yield to the gentleman.

Mr. GARAMENDI. There's a piece of legislation that someone introduced that's called Don't Let American Jobs Go Down the Drain. Do you know who that was who introduced that piece of legislation?

Ms. SUTTON. Absolutely. I introduced that legislation.

Mr. GARAMENDI. I thought you did.

Ms. SUTTON. I thank the gentleman for bringing it up. It is called Keep American Jobs from Going Down the Drain Act. And what it says is very simple. It says that as we do what we need to do in this country to rebuild our infrastructure, our water and sewer systems, that we will make sure we do it using American iron and steel and manufactured goods because that puts the American people back to work.

Other countries have similar procurement policies, and it's way past time that this country also do what it can to keep these jobs right here in Ohio, right here in America.

Mr. GARAMENDI. Well, I love the title, but even more so, I love the purpose of your legislation. Using our tax dollars to build the infrastructure, the water, the sanitation systems that every city, every community needs, and using that money to buy American-made pumps and pipes and fittings and valves and all of the rest of the things that go into those kinds of systems.

It's not the only place where American taxpayers' money can be used.

Let me give you a couple of examples, and these are my pieces of my legislation that deal with a similar theme.

We all pay gasoline tax and a diesel tax—18½ cents on the Federal side and 25 cents for diesel on the Federal side. Where does that money go? It goes to build our streets, highways, and buy our buses and trains.

We need a firm policy that says if it is American taxpayer money, it's going to be used to buy American-made buses, trains, American-made steel, concrete. We need to use our tax money to build the American economy so that we are making those things in America.

I'm going to give you the poster child for the wrong policy. State of California going to rebuild the San Francisco-Oakland Bay Bridge, a multibillion dollar project. Bids went out. An American contractor came in with two bids. One bid was for steel in America, and the other bid was for steel made in China. The Chinese steel was 10 percent cheaper.

The State of California—wrong-headed, big mistake—went out and said, Well, we're going to save 10 percent. Turns out, the Chinese steel was defective, the welds were defective, the bridge was delayed. The 10 percent disappeared. The 10 percent was added. The American jobs were lost. Never ever, ever again should that happen in America. If it's American taxpayer money, then by golly, use American-

made products. I love it. Don't let American jobs go down the drain. Make sure we are making it in America.

One more thing, and then I want to turn to our minority whip to talk about Make It in America.

□ 2110

We also use American taxpayer dollars to build the solar systems and the wind turbine systems in America. Are they made in America? They ought to be. There are American manufacturers that make wind turbines and make solar. Once again, our taxpayer money. Is it going to be used to buy solar panels from China, wind turbines from Europe, or is it going to be used to buy American-made wind turbines and American-made solar panels? We must pass legislation, and it ought to be Democrat and Republican alike, that says finally it's going to be American made. We are going to make it in America so that Americans can make it.

Let me now turn to STENY HOYER, our esteemed leader, the whip of the Democratic caucus. Mr. HOYER.

Mr. HOYER. Mr. GARAMENDI, I thank you not only for your yielding, but more importantly for the extraordinary time you have invested in educating all of the Members of this House on both sides of the aisle in what can truly be perceived I think as an absolutely nonpartisan, bipartisan, pro-American agenda that says we ought to make it in America. And if we do, we are going to make it in America. We're going to succeed in America.

You've got our logo up there, Manufacturing Matters. I want to congratulate you, and I want to congratulate Ms. SUTTON from Ohio, who has been such an extraordinary advocate. Her legislation in many respects took the automobile industry and put it back on track. That was an action that saved literally hundreds of thousands of jobs. Thousands of jobs in the automobile industry, but all the jobs that are related to the automobile industry. And I congratulate BETTY SUTTON for the leadership she showed. That legislation of course was passed in a bipartisan fashion. Not a partisan divide on that issue.

Mr. GARAMENDI has been not only educating the Members of this House, but as the American public watches the proceedings in this House, educating them as well. I go all over America and talk to groups, and there is not a group that I have talked to, no matter how liberal, how conservative, whether it's a Democratic group, a nonpartisan group, anywhere in this country, and I have talked to a number of the heads of major corporations, and I have talked to a lot of heads of small corporations, 200, 300, 400 members, and all of them are appreciative of the fact that we have focused the Congress of the United States and the administration and America on the importance of making things in America.

BETTY SUTTON, as I walked on the floor, was talking about the kinds of jobs that we create in manufacturing, which have on average a 22 percent higher salary. That middle income, middle class workers, working Americans can have the kind of quality of life that they deserve. And when you see Ford bringing jobs back to America, you see Whirlpool bringing jobs back to America, you see other corporations bringing jobs back to America, why are they bringing them back to America? Because they are finding out that they get better quality and higher productivity.

The gentleman from California mentioned the steel in the bridge that's being built. We make the best steel in America. I was visiting the president of U.S. Steel in Pittsburgh. Extraordinary technology. And we are the most productive producer of steel now. We frankly in the fifties sort of rested on our laurels. And then in the sixties and seventies, the Japanese, the Koreans, and others built new plants and they overtook us in technology. But it wasn't because we couldn't compete; it was that we weren't competing.

What Make It In America says is American workers can compete with anybody in the world. And we are prepared to do so. And this Congress hopefully is going to give them the incentives and the tools to do that. So I wanted to come on the floor and join you, as I have in evenings past, to thank you, because I believe this agenda, if it's known to our Republican colleagues fully and our Democratic colleagues, but much more importantly to the American people, it's an agenda that I have found has the support of 8 to 9 of every Americans who shake their head and say, yes, that's the deal. I don't mean that the 1 or 10 percent are against it. It's just that about 85 percent say, yes, that's what we need to do. America can compete. America can be again the center of manufacturing and growth and the creation of jobs.

We know that we've lost some 8 million jobs over the last few years, 3 or 4 years. We know that Americans are struggling to find employment. Well, if we want to find employment for them we need to create jobs for them. We need to focus on creating jobs. I am hopeful that as we move on in the coming months that we will in fact start focusing on jobs, on job creation. We have created, as you know, 1.75 million new private sector jobs over the last 13 months. But that's not enough. It's progress, but it's not enough.

So I congratulate the gentleman and thank him for his leadership. And I thank Ms. SUTTON for hers as well. Two giants in focusing on an agenda that we call Make It In America.

Mr. GARAMENDI. Your kind words are much appreciated. But you are very much a part of this. This logo itself and the theme Make It In America was one that you developed. And we appreciate that and value the leadership that you have put into this.

I want to turn back to our colleague from Ohio. We have about 7 minutes, I believe, and we are going to wrap this thing up. Mr. HOYER, thank you very much. We really appreciate your work here.

Ms. SUTTON, if you will carry on, I am going to find one more of these placards.

Ms. SUTTON. I thank the gentleman.

You know, again, this Make It In America agenda, it really is something that we believe that whether you are a Republican, a Democrat, that everybody can embrace, and frankly, everybody needs to embrace. We saw what happened when we had our economy relying on the financial sector, where you had a few people moving money around. And it wasn't real value that was being created. When that bubble burst, we had a big problem. But when you engage in manufacturing, you take something of lesser value and you turn it into something of greater value. That is something that we can rely on.

So one of the things that we have to do is we have to have a national manufacturing strategy. And in that national manufacturing strategy, like on the agenda, the Make It In America agenda, we need to look at a number of things and how they all work together so that they will support U.S. manufacturing and U.S. workers.

Why do we need a manufacturing strategy? Well, it's kind of obvious, but I do think it's worth noting that others have national manufacturing strategies. So Germany has one, South Korea has one. In fact, every other industrialized nation has a network of currency, trade, tax, investment, innovation, and skills policies that promote their domestic manufacturing. So right here in the House we encourage our colleagues on the other side of the aisle to join us in this Make It In America agenda, to promote a national manufacturing strategy that deals with trade policies that are fair, and that there will be a reciprocity of trade that will no longer leave our workers and our businesses at an unfair disadvantage, where others will be forced to play by the rules in the same way that our manufacturers and our workers play by the rules. A program that also promotes tax policies that encourage manufacturing in this country and stops the outsourcing of jobs overseas, which we have seen take place for decades now. That will be smart with respect to our energy policies, our labor policies.

We shouldn't be attacking workers. Workers are not the ones who drove our economy off the cliff. So that whole issue of disproportionate shared sacrifice, right? Just like we saw the disproportionate wealth accumulated in this country as it did with the help of the policies that were promoted by the last Republican administration. We need education policies as a part of that national manufacturing strategy to promote a workforce that will keep us competitive and on top. Policies that protect intellectual property and research and development right here.

Because where you have research and development you have manufacturing, and vice versa.

□ 2120

Of course, we need to strengthen and rebuild this country by investing in our infrastructure. It puts people to work, and it is what we need to do.

Smart cuts make sense, but so do smart investments, and infrastructure is a good way to go.

Mr. GARAMENDI. I am going to pick up right on the issues that you raised. These are the essential elements of a manufacturing strategy. So if we are going to make it in America, we need to make things in America and these are the essential things.

You talk about trade policy. We cannot continue just to give it all away and just expect to be importers of cheap products made elsewhere. So we need good trade policies that position America's manufacturing sector to be competitive.

We speak specifically here of China, a lot of issues involved in China, currency; and it goes on and on. But this is one of the areas where we must stand firmly or else we will lose it because somebody else is going to make it and ship it here.

Unfairly, taxes. The tax policy of the Nation needs to encourage manufacturing. I want to give two examples that were part of the Democratic agenda, and these are now in law. Last year, as part of our program, we provided a tax break for American manufacturers who invested in capital equipment. We said, don't worry about depreciation. You invest in capital equipment, that is grow your manufacturing capacity and you could write off against your taxes in 1 year, that investment. That's a tax policy.

The second tax policy we said is it's not right for American corporations to get a tax break when they offshore jobs. We said enough of that. No more, you are going to do that. On both of these policies, our Republican colleagues refuse to join us. So presumably they want to continue giving corporations tax breaks when they send jobs offshore, and they don't care whether American companies invest here in the United States with capital equipment.

Energy, crucial, crucial. We cannot any longer put our future to risk on international oil markets. We are seeing it today, the extraordinary rise in the cost of gasoline and diesel, energy policy, energy independence, advanced biofuels, conservation, electric cars, all of those things.

Labor, you talked about labor. Again, it was the labor movement that created the middle class in America by standing firm and saying the workers of America need to share in the great wealth of America. We have seen the decline of labor, and we have seen the equal decline of the middle class. They go together.

Labor, fair labor rules, what's going on in the Midwest, Wisconsin, your State of Ohio, other States, is wrong. The labor movement and collective bargaining is crucial to America's middle class because that gives the foundation, education policy.

What in the world are our Republican colleagues thinking about when they cut education funding? If we are going to compete, we need a well-educated workforce, and you can't do it on the cheap. It requires an investment.

I use intellectual property here; we could just as easily use the word ''research.'' It is from the research that the new products are created. It's in those new products that the great profits are, and it's where we must protect the research.

Again, my Republican colleagues, why are you reducing the research budget for America? Why are you doing that, when, in fact, that's where the future industries come from? Don't, don't cut there.

And, finally, infrastructure, the foundation upon which everything moves, including thought.

We used to think of infrastructure being roads, streets, water systems, sanitation systems, yes. And now it's the intellectual infrastructure, the intellectual highway. All of that infrastructure is crucial if we fail to invest. By the way, in terms of the Net highway, access to the Net, the United States falls behind virtually every other industrialized country in the world and in many cases behind developing countries.

This is a Make it in America strategy. These are the elements: trade policy, tax policy, energy policy, labor policy, education, research, intellectual property and infrastructure. This is the Democratic agenda. This is what we are putting forth. This is what we will fight for because this is how you build the American middle class, by making it in America.

I want to thank my colleagues Ms. SUTTON; Mr. CLARKE, who was here earlier; our minority leader. We use the words minority whip now. You were our majority leader just a few months ago, and you will once again be because this agenda, the Make it in America, is the American solution to our economy and to our economic growth and to rebuilding the great American middle class.

I yield back the balance of my time.

HONORING FORMER CONGRESSMAN JOHN ADLER

The SPEAKER pro tempore (Mr. REED). Under the Speaker's announced policy of January 5, 2011, the gentleman from New Jersey (Mr. LANCE) is recognized for 17 minutes.

Mr. LANCE. Mr. Speaker, I rise this evening in a very sad moment for the people of the State of New Jersey. I want to thank Congressman PALLONE for joining with me this evening, as well as other Members of the House, as we pay tribute to our colleague, John Adler, who served in this House in the last Congress, an extremely close personal friend of mine, he and I having served 17 years together in the New Jersey legislature.

Mr. Speaker, before I deliver my remarks, we are honored this evening to be joined by the minority whip, the former majority leader, who certainly knew Congressman Adler well.

I yield to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank my friend for yielding.

I did not know that he was taking a Special Order, but I was here on the floor, went over to say hello to my dear friend and he indicated this Special Order was being taken for John Adler.

John Adler died too young. John Adler contributed extraordinarily to his family, to his community, to his State and to his Nation.

He served here too short a time. He was full of energy and of ideas, of intellect, of integrity; and he became a good friend in a short period of time. And I counted him as one of the assets of this Congress, not a Democratic asset or a Republican asset, but someone who cared about his country and who wanted to see it adopt policies that were productive for its people.

It is appropriate that we remember this too short a life that, notwithstanding its brevity, was filled with great productivity, service and commitment. I appreciate the fact that the members of the New Jersey delegation have allowed me to join them, Mr. Speaker, in paying tribute to this great American.

I want to say to his family, I called Shelley the other day and didn't get her but left a message, four children are missing their father tonight, a loving wife, whom I got to know as well, missing her husband. While our loss is certainly not as personal or as keen as their loss, we share that loss in a very real sense.

Not only have we lost an American public servant; we have lost a friend and a colleague. For that we will say a prayer for his family, and we will be there for his family whenever they need us.

So I thank the gentleman from New Jersey, my friend Mr. LANCE, for giving me this time to join him and Mr. PALLONE and Mr. HOLT in paying tribute to this wonderful human being whom we had the privilege of serving with, for too brief a time.

Mr. LANCE. Thank you very much, Mr. HOYER.

Mr. Speaker, I have known John Adler for 20 years.

□ 2130

He entered the New Jersey State Senate in January 1992, having been the only Democratic candidate to win an open seat that year, defeating an incumbent in what was not a strong year for the Democratic Party, his party. It was a strong year for my party, the Republican Party. And so he came to Trenton as a phenomenon.

He was a very young man. He was born in 1959, so he would have been 32 years old when he became a member of the State Senate. I had been elected to an unexpired term in the General Assembly the year before, and I served in the 1990s in the General Assembly, the lower house of our legislature, and he served continually in our upper house, in our State Senate, having first been elected in 1991 and then reelected in 1993, 1997, 2001, 2003 and 2007.

He rose to a position of prominence in the New Jersey Senate. He eventually chaired the State Senate Judiciary Committee, which is an extremely important responsibility in the structure of our government in New Jersey. And he was always interested in public policy. The year before he was elected to the State Senate, he had run as an underdog in a congressional race. And although he did not win that race, I think that many took note of his candidacy, and I think that propelled him into our State Senate.

I moved from the lower house of the New Jersey legislature to the State Senate in the election of 2001 when we became direct colleagues, and we worked together on many different issues. And he always worked in a collegial and extremely competent fashion.

Indeed, we sat next to each other for a period of time of our service in the State Senate, divided only by the center aisle. To those who know our State Capitol in Trenton, the State Senate chamber is a very small room. It was designed originally for 21 members, one State Senator from each of our 21 counties, and when the State Senate was increased in population in the 1960s, based upon the principle of one person one vote, to 40 members, it became a place where it's really quite overcrowded. And so we really sat extremely close to each other in this small chamber of the State Senate.

John Adler's career in the legislature was one of distinction—for example, prohibiting smoking in indoor public places and workplaces. He also sponsored an act promoting lower vehicle emissions and an antipredatory lending act to protect consumers from unfair credit practices. And based on that and many other accomplishments when he came here, he was appointed to the Financial Services Committee, the committee to which I was appointed, as well, and so we became colleagues not only here in this Chamber, the House of Representatives, the people's House across the United States, but we became colleagues on the Financial Services Committee.

John was not raised in circumstances of affluence. He lost his father when he was a young man, and for him and his mother, it was a struggle. And yet despite that, he went to Harvard. He was graduated from Harvard College in 1981, and from Harvard Law School in 1984. He was an excellent student. And at Harvard, he met the person who became his wife, Shelley, someone whom I know and who is known by my wife, Heidi, and we consider ourselves to be friends with the entire Adler family.

And together, John and Shelley brought into this world four wonderful sons, Jeff, Alex, Andrew and Oliver, all of whom I know. Jeff is at Harvard at the moment, Alex is at Cornell, and they have two younger brothers. And tonight on this sad day, the day when John's funeral took place at Temple Emanuel in Cherry Hill, we remember prayerfully his wife, Shelley, and their beautiful sons, Jeff, Alex, Andrew and Oliver.

In 2008, there were two open seats in the House of Representatives in New Jersey due to retirements: Jim Saxton in District 3 and Mike Ferguson in District 7. And John succeeded Jim Saxton, as I had the honor of succeeding Mike Ferguson. So we were the only freshmen in the class of 2008 from New Jersey. And I think that we shared that bond as, of course, every member of a freshman class shares a particular and special bond.

Certainly, it is exciting for someone to move from a State legislative chamber here to the House of Representatives, and I think we shared that excitement, for example, when we went together to the Harvard seminar that took place for new members, and of course the orientation that takes place here and when we would bump into each other in the Hall here during orientation sometimes we thought, what were we doing here? It was an exciting time for both of us.

John Adler was a person of enormous wit, a very dry, subtle, and sophisticated wit. And it really pierced the veil of much of what occurs in public life and in political life where in so many instances we take ourselves too seriously. That was not Congressman Adler.

He had been involved over the course of his life in many different charitable activities. He served on the Cherry Hill Township Council before he went to the State legislature, the boards of the Camden County Chapter of the American Red Cross, the Food Bank of South Jersey, the Virtua West Jersey Health and Hospital Foundation, and the Camden County Advisory Board on Children. And certainly his respect for the political process is something that we should all recall, especially those of us who had the honor of serving with him in Trenton and in Washington.

I believe that those who serve in public life do so out of a sense of responsibility. John Adler could have made a great fortune in the practice of law given his native intelligence, given his academic training and given his ability as a speaker. He chose to be involved in public life in Cherry Hill, a great suburban community in Camden County in southern New Jersey, in the State legislature, where he was very much involved in making sure that the judges who were appointed to office in New Jersey were men and women of ability. We have a system in New Jersey, Mr. Speaker, where our judges are appointed, not elected; appointed by the Governor and confirmed by the State Senate. And as chairman of the State Senate Judiciary Committee, John was intimately involved in that.

The district he served was an interesting district. The only Camden County community in the district is his hometown of Cherry Hill, and he served vast portions of neighboring counties, Burlington County and Ocean County. And to those who are not familiar with the geography of the State of New Jersey, places in Ocean County are among the most beautiful beaches anywhere, not only in this country but in the entire world. And I know that he had a commitment to protecting our environment.

John Adler's life was ended by a bacterial infection in his heart at age 51. His father had died in his late 40s also based upon a heart condition. So perhaps John Adler had a weakened heart. But he had a very strong heart in his views on public policy, in his views on helping the people whom he represented, first in a municipal governing body for many distinguished years in our State senate, and in the 111th Congress, where he was my colleague and my friend. And where we, too, alone, were the freshmen from the State of New Jersey.

I'm pleased to yield to Congressman HOLT.

□ 2140

Mr. HOLT. Mr. Speaker, I thank the gentleman from New Jersey (Mr. LANCE) and my other colleague from New Jersey (Mr. PALLONE) for setting aside this time.

Too young, too soon, not fair, not explicable in a larger sense. It is with great sadness that we come to the floor tonight to honor the life of a fine colleague and a friend, a dedicated public servant to the State of New Jersey, John Adler.

John was dedicated to the service of the people of New Jersey. His devotion to New Jersey led him to run for and win a congressional seat in 2008, as you heard from our colleague, Mr. LANCE. While John ultimately was not returned to this body for this session of Congress, his legacy of public service will indeed live on. No doubt he would have continued to find ways to improve the lives of New Jerseyans.

Sharing not only a State but also a hallway in the Longworth Office Building with John, I had an opportunity to get to know him fairly well. He was a wonderful colleague. I will miss, as we all will, his cheerful demeanor and wonderful sense of humor that he brought to all of his work. A sense of humor, a good spirit in good times and in bad. And I will miss his wisdom and his sharp political insight and his policy knowledge.

Today, during a memorial at his funeral in New Jersey, there were several comments made, and I would like to read a few. His law school roommate

and best man commented that John Adler really did believe that worrying was just a waste of time. He believed that any setback was an opportunity for something good to happen.

Friends remembered that after he had been defeated but Congress was still in session for another 2 months, he continued diligently to work here in Congress. As they said, he wanted to make sure that he made it to all of the caucus meetings on time. He wanted to continue to make the right votes for the people of New Jersey.

His brother-in-law commented that playing knowledge games against John was like playing against Google. He recalled John's near-brush with ''Jeopardy'' fame that fizzled after the former Congressman paid, out of his own pocket, to fly for a taping to the television program. He made it to the makeup room, and one of the functionaries asked in a formal sense whether John knew anyone who worked for ABC. And John said, Well, yes, he thought one of his law school classmates had taken a job with a station. And the producers said that was it; he couldn't participate.

Said his brother-in-law: You mean you flew all the way out to California on your own dime? Why on Earth would you tell them that? And John replied, because I didn't want to lie.

Shelley, John's wife, is an accomplished, lovely person. And there is every indication that their sons are as bright and public spirited as their parents. This is a real loss for many of us, as well as for the people of New Jersey.

I ask that the Members of the House join me in extending our sympathy and condolences to John's family and friends and his many admirers.

TRIBUTE TO FORMER CONGRESSMAN JOHN ADLER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New Jersey (Mr. PALLONE) is recognized for 17 minutes.

Mr. PALLONE. Thank you, Mr. Speaker; and I want to continue making this tribute and joining my colleagues, Congressman LANCE and Congressman HOLT, in this tribute this evening to John Adler, a good friend and one of our colleagues.

I don't want to repeat some of the things that my colleagues have already said, but I would like to talk a little bit about some instances of my own life that also involved John.

I think Mr. LANCE mentioned how difficult his political life was in the sense that he was always running in areas that were primarily or historically Republican. When he was elected to the State senate back in the early 1990s, he won in an upset against an incumbent. Of course, when he ran for the congressional seat which adjoins mine in the south in Ocean County, he was very much running against the odds. That seat had been held by Congressman Saxton, who was also a good friend for many years, and was Republican as far back as anyone can remember. And he still won. I think he won by 51 or 52 percent of the vote. He just always faced challenges like that.

It was mentioned when he was growing up that his father died also of a heart condition at a young age, I think 47 years old; and I don't even know if John was in high school at that time. He would often talk on the campaign trail about growing up and having to depend on Social Security benefits, and he was able to relate to people because of his upbringing, those who were struggling and those who had a hard time because maybe they had lost a father or didn't have a parent or grew up in circumstances where they didn't have much money.

I think that the energy and the willingness to always take on the fight very much characterized John. As was mentioned, he really was one of the smartest people that I have ever met. I remember on another occasion when we were at a campaign event and I was introducing him, and I mentioned he graduated undergraduate from Harvard University and then went on to Harvard law school and how impressed I was with that. After the event was over, he came up to me and said, Frank, don't mention I went to Harvard; I have to be humble. And that certainly doesn't indicate any kind of humility if you mention Harvard. Not that he wasn't proud of it, he certainly was, and he had reason to be.

But he always wanted to relate to the average person, to the middle class person, to the little guy because that was his upbringing. That is what he was really all about. That is why he wanted to come to Congress.

As Mr. LANCE mentioned, anybody who graduates from Harvard undergraduate and law school could easily spend the rest of their life making money and doing well financially, but he decided he wanted to go into politics. He wanted to help people. And even if it meant he had to run in a district and work hard and raise a lot of money to campaign in order to win, he was determined to do that because he really believed that that is what life is all about, giving back, giving to the public, giving back to his country.

I want to just mention a couple of other things that I thought were kind of interesting. John would always talk about his family. I don't know how long it takes to go back and forth to where he lived in Cherry Hill exactly, probably a couple of hours, maybe a little more, but he was always determined to go back and forth as much as possible. Even when he was here, in order to make sure that he was able to help his family and not spend a lot of money, he would spend the night in his office because he wanted to make sure that he had enough money to pay for his family.

He always talked about his kids; he talked about their education. He was so proud of the fact of where they were going to college and talked to me many times about them and their education and wanted to go back home so he could go to an athletic event with them or just be with them and his wife, Shelley.

The one thing that everyone comments about is not only John's humility but also his sense of humor. I have to tell you that many times I would come to the floor and sometimes I always remember him over in that set of chairs or standing up in that part of the House floor. I would always come up to him and ask him if he wanted to do a 1-minute Special Order or if he wanted to do this or that. I was always nagging him to do different things. And sometimes he would do, and sometimes he wouldn't; but he would always tell a joke. He always would make me laugh.

□ 2150

I have to be honest that oftentimes after a long day here in the House of Representatives, that's really what you need. You need someone to tell a joke or to make you laugh with his wit, with his sense of humor. It was a very special thing. I'm not sure that I can really describe it well.

Also, on the campaign trail, JON RUNYAN, his successor in Congress, was here speaking the other night. You couldn't help when you saw John Adler and JON RUNYAN together, Jon is this huge guy, a football player, big, tall, and, of course, John Adler was so slight. He always exercised. I don't even know how much he weighed, but he was very slight. The contrast between them was sort of interesting. John would always poke fun at that as well, the fact that he was a slight guy and that JON RUNYAN was such a big guy as a football player.

I heard Mr. LANCE talk about Ocean County and John representing Ocean County. I can't help but mention one aspect of that, and that is the fact that when he first was running in Ocean County, because I used to represent it at one time, he would remark to me about how beautiful it was, how wonderful the beaches were, and he was very concerned to preserve the quality of the beaches, the quality of the ocean, and also protect the industries that used them, particularly the fishing industry. There was an organization called the Recreational Fishing Alliance that was very supportive of John because he was very concerned about the fishing industry. It was historically part of Ocean County and part of New Jersey going back to even Colonial times, and that he felt he had a special role to play in trying to protect the industry.

They appreciated it. Fishermen, maybe unlike some people, they can kind of see whether you're really on their side and whether you really are truly supportive of them and understand their concerns. They understood that John did, and they really appreciated all the help that he gave them.

I know our time is running out. I did want to first recognize my colleague, Mr. PASCRELL, and then after that, I wanted to read a statement from former Governor Jon Corzine into the record because he had asked that I do that this evening.

At this point I would yield to my colleague from New Jersey.

Mr. PASCRELL. I thank the gentleman for yielding.

I really am honored to be on the floor with two great congressmen, Congressman PALLONE and Congressman LANCE. I know the three of us served in the New Jersey legislature. John Adler was a great New Jersey Senator. He was everything but a Harvard man. In other words, he didn't act like a Harvard man. You could connect with him. He was a human being, above everything else. He was tenacious on the campaign trail, but he was more valuable as a public servant. He took what he did very seriously. He was sincere, very hardworking. He did his homework before each vote. He would never allow anyone to lead him by the nose to vote. Very independent thinker. Not unlike PALLONE and LANCE. He was not a Trenton guy. He was not a Washington guy. He came here to do a job.

I could not believe when I heard the news, a 51-year-old young man. Compared to me he's a young man. He had so much to give and he gave it. He really loved the public that he served. He will be greatly missed by Democrats and Republicans on this floor. To his wife, Shelley, and their four beautiful sons, Jeff, Alex, Andrew, and Oliver, you have friends here. This is by no means the end.

Growing up in Haddonfield and coming to Washington, it was no difference to John Adler. He truly loved his fellow man. He truly did what he was supposed to do here on his mission. Folks voted him here. Even when things didn't go well in the last election, he rose above. He was a winner in every sense of the word. God bless him. God bless our beautiful State. God bless the best country in the world. We remember John Adler this evening with fond memory.

Thank you, FRANK.

Mr. PALLONE. Thank you, my colleague.

I mentioned, Mr. Speaker, that former Governor Corzine, who worked with John Adler for many years on judicial and law enforcement issues while Adler served in the State senate as chairman of the Judiciary Committee and Corzine, of course, was the Governor at the time, he asked that I read this statement on the passing of Congressman John Adler:

''Congressman John Adler was a dedicated public servant whose wit, intelligence, and drive enriched the public debate in both the New Jersey statehouse and in our Nation's capital. For nearly half his life, Congressman Adler committed himself to the truly noble idea that our government and our great country can be a force for good in the lives of so many citizens.

''Today, we owe a debt of gratitude to Shelley Adler for sharing John with countless New Jerseyans who, whether they know it or not, are better off because of her loving and generous husband.

''John's true legacy, however, as Shelley would certainly attest, is found in four wonderful boys who will undoubtedly enrich their communities with the same spirit of compassion and commitment to the greater good found in their father.

''While we mourn John's passing, may we also celebrate him by remembering that our own lives are defined by those moments when we decide to stop and help someone else.''

Those are the comments by former Governor Corzine.

Mr. Speaker, I know that Congressman HOLT before mentioned some of the statements that were made by friends and relatives at John Adler's funeral this afternoon in Cherry Hill. I did want to, if I could, just take a couple of excerpts here, as I know we only have a few minutes left, that I would like to enter into the RECORD, some parts of the narrative of the funeral that are mentioned in PolitickerNewJersey.com.

It starts out by saying:

They came Wednesday to honor the memory of John Adler, a New Jersey exemplar, a self-made man of Horatio Alger levels, a man of law, a family man, and a man of the people.

Rabbi Jerome David said, ''John died—too soon, too young—after a 3-week battle in the hospital surrounded by his family, surrounded by a very dedicated circle of friends. But he died knowing he used his intelligence and skills to help people—to really make a difference.''

Another rabbi spoke of his humble leadership, reading a passage in Hebrew and translating to English: ''It is not the position that honors the man; rather it is the man who has honored the position. He saw himself as a public servant in the best sense.'' The rabbi recalled a particular moment that exemplified John's joie de vivre, when the Harvard-schooled pol would exit a stage—ignoring completely the half-stack of steps attached to the side—and he would bound off the front onto the people's floor.

Two of his sons spoke at the funeral. The eldest, Andrew, emotionally recalled how much his father would get from doing the mundane family things, like attending soccer games, yelling some absurdity onto the field at tense moments. ''I will always miss him,'' his son said. ''But I know he was always proud of the ones he loved.''

Lastly, Mr. Speaker, the rabbi concluded the ceremony with a poem that ends:

Perhaps my time seemed all too brief
Don't lengthen it now with undue grief
Lift up your hearts and share with me
God wanted me now, he set me free.

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

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4. An act to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on March 30, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 1079. 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.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 7, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1065. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis eCry3.1Ab Protein in Corn; Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0609; FRL-8866-5] received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1066. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D011) (RIN: 0750-AG23) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1067. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Ownership or Control by a Foreign Government (DFARS Case 2010-D010) (RIN: 0750-AG78) received March 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1068. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1069. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1070. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1177] received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1071. A letter from the Associate General Counsel for Legislation and Regulations Divisions, Department of Housing and Urban Development, transmitting the Department's final rule — Public Housing Evaluation and Oversight: Changes to the Public Housing Assessment System (PHAS) and Determining and Remedying Substantial Default [Docket No.: FR-5094-I-02] (RIN: 2577-AC68) received March 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1072. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Standards Governing the Release of a Suspicious Activity Report [Docket ID: OTS-2010-0016] (RIN: 1550-AC28) received March 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1073. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Stock Benefit Plans in Mutual-to-Stock Conversions and Mutual Holding Company Structures [No. OTS-2007-0014] (RIN: 1550-AC07) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1074. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Permissible Activities of Savings and Loan Holding Companies [Docket ID: OTS-2007-0007] (RIN: 1550-AC10) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1075. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Personal Transactions in Securities [Docket ID: OTS-2007-0010] (RIN: 1550-AC16) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1076. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Prohibited Service at Savings and Loan Holding Companies [OTS-2007-0008] (RIN: 1550-AC14) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1077. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act-Community Development [No. 2006-16] (RIN: 1550-AB48) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1078. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Confidentiality of Suspicious Activity Reports [Docket ID: OTS-2010-0015] (RIN: 1550-AC26) received March 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1079. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Department of Education Acquisition Regulation [Docket ID: ED-2010-OCFO-0015] (RIN: 1890-AA16) received March 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1080. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedure for Microwave Ovens [Docket No.: EERE-2008-BT-TP-0011] (RIN: 1904-AB76) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1081. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 51 [EPA-HQ-SFUND-2010-0072, 0073, 0075, 0634, 0636, 0638, 0639, 0643, 0645, 0646; FRL-9277-8] (RIN: 2050-AD75) received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1082. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Source [EPA-HQ-OAR-2008-0334; FRL-9279-8] (RIN: 2060-AQ89) received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1083. A letter from the Director, Regulatory Management Divison, Environmental Protection Agency, transmitting the Agency's final rule — Approval of One-Year Extension for Attaining the 1997 8-Hour Ozone Standard in the Baltimore Moderate Nonattainment Area [EPA-R03-OAR-2010-0431; FRL-9278-8] received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1084. 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; Virgina; Revisions to the Open Burning Regulations [EPA-R03-OAR-2010-0903 FRL-9278-7] received March 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1085. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lake Brownwood and Early, Texas) [MB Docket No. 09-181] received March 17, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1086. A letter from the Chief, Satellite Division, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Telesat Canada Petitions for Reconsideration [IB Docket No.: 06-123] March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1087. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) table of Allotments, FM Broadcast Stations. (Willow Creek, California) (MB Docket No.: 10-189) received March 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1088. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Amendment to the Export Administration Regulations: Part 750- Application Processing, Issuance, and Denial [Docket No.: 110224164-1168-02] (RIN: 0694-AF16) received March 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1089. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Disclosure and Consistency of Cost Accounting Practices for Contracts Awarded to Foreign Concerns [FAC 2005-50; FAR Case 2009-025; Item VIII: Docket 2010-0087, Sequence 1] (RIN: 9000-AL58) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1090. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Compensation for Personal Services [FAC 2005-50; FAR Case 2009-026; Item IX; Docket 2010-0088, Sequence 1] (RIN: 9000-AL54) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1091. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-50; Small Entity Compliance Guide [Docket: FAR 2011-0077, Sequence 2] received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1092. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting The Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-50; Item X; Docket 2011-0078; Sequence 1] received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1093. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting The Administration's final rule — Federal Acquisition Regulation; Trade Agreements Thresholds [FAC: 2005-50; FAR Case 2009-040; Item VII; Docket 2010-0092, Sequence 1] (RIN: 9000-AL57) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1094. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting The Administration's final rule — Federal Acquisition Regulation; Use of Commercial Services Item Authority [FAC 2005-50; FAR Case 2008-034; Item VI; Docket 2009-0035, Sequence 1] (RIN: 9000-AL44) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1095. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Clarification of Countries and Geographic Areas Eligible for Participation in the Guam-Commonwealth of the Northern Mariana Islands Visa Waiver Program [USCBP-2011-0007; CBP Dec. 11-07] (RIN: 1651-AA81) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1096. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Sabine Bank Channel, Sabine Pass Channel and Sabine-Neches Waterway, TX [Docket No.: USCG-2009-0316] (RIN: 1625-AA87) received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1097. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; New Jersey

Intracoastal Waterway, Manasquan River [CGD05-05-079] (RIN: 1625-AA09) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1098. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 1000 yard radius from position 29 degrees 48.77 'N 091 degrees 3.02 'W, Charenton Drainage and Navigation Canal, St. Mary Parish, LA [Docket No.: USCG-2010-0979] (RIN: 1625-AA00) received March 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1099. A letter from the Chief, Trade and Commerical Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Country of Origin of Textile and Apparel Products [USCBP-2005-0009] (RIN: 1515-AD57) (Formerly RIN: 1505-AB60) received March 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1100. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Extension of Import Restriction Imposed on Certain Archaeological and Ethnological Materials from Colombia (RIN: 1515-AD73) received March 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1101. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds: Minimum Interest Rate [Docket No.: BPD GSRS 11-01] received March 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1102. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information in Connection with Written Contracts Among the IRS, Whistleblowers, and Legal Representatives of Whistleblowers [TD 9516] (RIN: 1545-BG73) received March 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1103. A letter from the Acting Protected Critical Infrastructure Information (PCII) Program Manager, Department of Homeland Security, transmitting the Department's final rule — Procedures for Handling Critical Infrastructure Information (RIN: 1601-AA14) received March 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

1104. A letter from the Director, Office of SAFETY Act Implementation, Department of Homeland Security, transmitting the Department's final rule — Regulations Implementing the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act) [USCG-2003-15425] (RIN: 1601-AA15) received March 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

1105. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revisions to the Reductions and Increases to Hospitals' FTE Resident Caps for Graduate Medical Education Payment Purposes [CMS-1430-IFC] (RIN: 0938-AQ92) received March 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CAMP: Committee on Ways and Means. H.R. 1232. A bill to amend the Internal Revenue Code of 1986 to eliminate certain tax benefits relating to abortion; with an amendment (Rept. 112–55). Referred to the Committee of the Whole House on the State of the Union.

Ms. FOXX: Committee on Rules. House Resolution 206. A resolution providing for consideration of the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 112–56). 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. SULLIVAN (for himself, Mr. BOREN, Mr. LARSON of Connecticut, Mr. BRADY of Texas, Mr. MCCAUL, Ms. SUTTON, Mr. GENE GREEN of Texas, Mr. SHUSTER, Mr. SIMPSON, Mr. BACHUS, Mr. ALEXANDER, Mr. GRIMM, Mr. BURTON of Indiana, Mr. THOMPSON of Pennsylvania, Mr. LUJÁN, Mr. CRITZ, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. DOYLE, Ms. KAPTUR, Mr. KISSELL, Mr. LIPINSKI, Mr. MATHESON, Mr. MURPHY of Connecticut, Mr. ROSS of Arkansas, Mr. LUCAS, Mr. WELCH, Mr. COLE, Mr. MCINTYRE, Mr. BILBRAY, Mr. CULBERSON, Mrs. BLACKBURN, Mr. DONNELLY of Indiana, Mr. BOUSTANY, Mr. FLEMING, Mr. CHANDLER, Mr. HALL, Mrs. CAPITO, Mr. JONES, Mr. MURPHY of Pennsylvania, Mr. ROGERS of Alabama, Mr. PERLMUTTER, Mr. ALTMIRE, Mr. GARDNER, Mr. CONAWAY, Mr. RYAN of Ohio, Mr. SESSIONS, Mr. HOLT, Mr. TONKO, Mr. SABLAN, Mr. PETERS, Ms. DEGETTE, Mr. CAPUANO, Mr. COURTNEY, Mr. CLAY, Mr. THOMPSON of California, Mr. LOEBSACK, Mr. BARTON of Texas, Mr. ISSA, Mr. GALLEGLY, Mr. HARPER, Mr. BISHOP of Utah, Mr. TERRY, Mr. COSTA, Mr. BARROW, Ms. FUDGE, Mr. CLEAVER, Mr. SERRANO, Mr. WU, Mr. PASCRELL, Mr. SCALISE, Mrs. BONO MACK, Mr. BOSWELL, Mrs. LUMMIS, Mr. LANKFORD, Mr. REHBERG, and Mr. MARCHANT):

H.R. 1380. A bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation; to the Committee on Ways and Means, and in addition to the Committees on Science, Space, and Technology, and Energy and Commerce, 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. GEORGE MILLER of California (for himself, Mr. LANGEVIN, Mr. POLIS, Mr. HOLT, Mr. HIMES, Mr. HARPER, Mr. SABLAN, Mr. KILDEE, Mr. GRIJALVA, Mr. LOEBSACK, Mr. HINCHEY, Mr. PAYNE, Mr. HINOJOSA, Mr. BISHOP of New York, Ms. WOOLSEY, Mrs. MCCARTHY of New York, Ms. HIRONO, and Mr. SCOTT of Virginia):

H.R. 1381. A bill to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCGOVERN (for himself and Mrs. EMERSON):

H.R. 1382. A bill to require the President to call a White House Conference on Food and Nutrition; to the Committee on Agriculture.

By Mr. MILLER of Florida (for himself and Mr. STUTZMAN):

H.R. 1383. A bill 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.

By Mr. HELLER (for himself and Mr. BLUMENAUER):

H.R. 1384. A bill to amend the Internal Revenue Code of 1986 to temporarily increase the investment tax credit for geothermal energy property; to the Committee on Ways and Means.

By Mr. PITTS (for himself and Mr. DAVIS of Illinois):

H.R. 1385. A bill to repeal the sugar price support program and marketing allotments for sugar, and for other purposes; to the Committee on Agriculture.

By Mr. MARKEY (for himself, Mr. SMITH of New Jersey, Ms. BORDALLO, Mr. BURGESS, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. MCDERMOTT, and Mr. PIERLUISI):

H.R. 1386. 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; 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. MCHENRY (for himself, Mr. ISSA, and Mr. ROSS of Florida):

H.R. 1387. A bill to amend the Emergency Economic Stabilization Act of 2008 to give the Special Inspector General oversight over the Small Business Lending Fund; to the Committee on Financial Services.

By Mr. COFFMAN of Colorado (for himself, Mr. PETERS, Mr. LATTA, Mrs. LUMMIS, and Mrs. MCMORRIS RODGERS):

H.R. 1388. A bill to reestablish a competitive domestic rare earths minerals production industry; a domestic rare earth processing, refining, purification, and metals production industry; a domestic rare earth metals alloying industry; and a domestic rare-earth-based magnet production industry and supply chain in the Defense Logistics Agency of the Department of Defense; to the Committee on Science, Space, and Technology, and in addition to the Committees on Natural Resources, 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. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. MCCOTTER):

H.R. 1389. A bill to prevent United States businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance, to

fulfill the responsibility of the United States Government to promote freedom of expression on the Internet, to restore public confidence in the integrity of United States businesses, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, 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. SHUSTER (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HOLDEN):

H.R. 1390. A bill to amend title 49, United States Code, to provide for enhanced motorcoach safety, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Small Business, 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. MCKINLEY (for himself, Mr. WHITFIELD, Mr. RAHALL, Mr. HOLDEN, Mr. TERRY, Mrs. CAPITO, Mr. OLSON, Mr. BARTON of Texas, Mr. POMPEO, Mr. GIBBS, Mr. GUTHRIE, Mr. KINZINGER of Illinois, Mrs. MCMORRIS RODGERS, Mr. CRITZ, Mr. MURPHY of Pennsylvania, and Mr. GRIFFITH of Virginia):

H.R. 1391. A bill to prohibit the Environmental Protection Agency from regulating fossil fuel combustion waste under subtitle C of the Solid Waste Disposal Act; to the Committee on Energy and Commerce.

By Mr. FITZPATRICK:

H.R. 1392. A bill to provide assistance to veterans and veteran-owned businesses with respect to contract opportunities, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BUCHANAN:

H.R. 1393. A bill to reform the Bureau of Ocean Energy Management, Regulation and Enforcement and offshore drilling for oil and gas, to repeal the limitation of liability of a responsible party for discharge of oil from an offshore facility, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself and Mr. LOBIONDO):

H.R. 1394. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Veterans' Affairs, 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. COHEN (for himself, Mr. CLARKE of Michigan, and Ms. MOORE):

H.R. 1395. A bill to direct the Secretary of Transportation to establish a grant program to assist the development of aerotropolis transportation systems, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CRITZ (for himself, Mr. HOLDEN, and Mr. MCKINLEY):

H.R. 1396. A bill to amend the Workforce Investment Act of 1998, to authorize a national grant program for on-the-job training; to the Committee on Education and the Workforce.

By Mr. FRANK of Massachusetts (for himself, Ms. ROS-LEHTINEN, Mr. GEORGE MILLER of California, Ms. PELOSI, Mr. HOYER, Mr. CONYERS, Ms. BALDWIN, Mr. POLIS, Mr. CICILLINE, Mr. NADLER, Mr. ANDREWS, Ms. RICHARDSON, Mr. DOYLE, Ms. SPEIER, Mr. HOLT, Mrs. LOWEY, Mr. PETERS, Mr. ISRAEL, Ms. CHU, Mr. WU, Ms. DEGETTE, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. ACKERMAN, Ms. CLARKE of New York, Mr. TOWNS, Mr. MCDERMOTT, Mr. GRIJALVA, Mrs. DAVIS of California, Mr. LOEBSACK, Mr. MORAN, Ms. TSONGAS, Mr. SARBANES, Ms. LINDA T. SÁNCHEZ of California, Mr. KEATING, Mr. FILNER, Mr. COOPER, Ms. SUTTON, Mr. QUIGLEY, Mr. WAXMAN, Ms. LEE of California, Mr. CONNOLLY of Virginia, Mr. COURTNEY, Mr. LARSEN of Washington, Mr. HINCHEY, Mr. MARKEY, Mr. TIERNEY, Mr. OLVER, Mr. CAPUANO, Mr. FARR, Ms. SCHAKOWSKY, Mrs. MALONEY, Mr. DINGELL, Mr. GUTIERREZ, Mr. STARK, Mr. SCOTT of Virginia, Mr. PLATTS, Mr. CROWLEY, Mr. SERRANO, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. HONDA, Ms. SCHWARTZ, Ms. MOORE, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. SHERMAN, Mr. BECERRA, Ms. ZOE LOFGREN of California, Ms. DELAURO, Mr. SCHIFF, Mr. HEINRICH, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. BRADY of Pennsylvania, Mr. BOSWELL, Mr. BRALEY of Iowa, Ms. CASTOR of Florida, Mr. LEVIN, Mr. MCGOVERN, Mr. FATTAH, Mr. HIGGINS, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. LUJÁN, Mr. MICHAUD, Mr. WEINER, Mr. HASTINGS of Florida, Ms. WOOLSEY, Ms. HIRONO, Mrs. BIGGERT, Ms. NORTON, Ms. MCCOLLUM, Mr. VAN HOLLEN, Ms. PINGREE of Maine, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Mr. COHEN, Mr. DEUTCH, Mr. PASCRELL, Ms. WATERS, Mr. KILDEE, Mr. INSLEE, Mr. LANGEVIN, Mr. SMITH of Washington, Mr. LYNCH, Mr. NEAL, Mr. CUMMINGS, Mr. LARSON of Connecticut, and Ms. FUDGE):

H.R. 1397. A bill to prohibit employment discrimination on the basis of sexual orientation or gender identity; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Missouri (for himself and Mr. KIND):

H.R. 1398. A bill to amend title XVIII of the Social Security Act to treat certain provider taxes as allowable costs for purposes of Medicare reimbursements to critical access hospitals; to the Committee on Ways and Means.

By Mr. GRIMM (for himself and Mr. BISHOP of New York):

H.R. 1399. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the additional standard deduction for real property taxes for nonitemizers; to the Committee on Ways and Means.

By Mr. HELLER (for himself, Ms. BERKLEY, and Mr. HECK):

H.R. 1400. A bill to validate final patent number 27-2005-0081, and for other purposes; to the Committee on Natural Resources.

By Ms. KAPTUR:

H.R. 1401. A bill to amend the Federal Reserve Act to alter the terms and conditions applicable to members of the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Financial Services.

By Mr. KILDEE (for himself, Mr. DINGELL, Mr. LEVIN, Mr. RYAN of Ohio, Mr. HINCHEY, and Mr. PETERS):

H.R. 1402. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the House of Representatives at no net cost to the Federal Government; to the Committee on House Administration.

By Mr. KINGSTON:

H.R. 1403. A bill to authorize the Secretary of the Interior to conduct a special resource study of Point Peter in St. Marys, Georgia, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut (for himself, Ms. PINGREE of Maine, Mr. JONES, Ms. BALDWIN, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mr. COURTNEY, Mrs. DAVIS of California, Ms. DELAURO, Mr. DOYLE, Ms. EDWARDS, Mr. ELLISON, Ms. ESHOO, Mr. FILNER, Mr. GRIJALVA, Mr. HEINRICH, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. KUCINICH, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. LUJÁN, Ms. MATSUI, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. MURPHY of Connecticut, Mr. NADLER, Mr. OLVER, Mr. POLIS, Mr. ROTHMAN of New Jersey, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. STARK, Mr. TONKO, Ms. TSONGAS, Ms. WOOLSEY, and Mr. YARMUTH):

H.R. 1404. A bill to reform the financing of House elections, and for other purposes; to the Committee on House Administration.

By Mr. LATTA:

H.R. 1405. A bill to prohibit the Environmental Protection Agency from regulating coal combustion byproducts as hazardous waste under subtitle C of the Solid Waste Disposal Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATHESON (for himself and Mr. TERRY):

H.R. 1406. A bill to provide pet owners the ability to receive a copy of veterinary prescriptions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RUNYAN (for himself and Mr. STUTZMAN):

H.R. 1407. A bill 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.

By Mr. YOUNG of Alaska (for himself, Mr. PIERLUISI, Mr. FALEOMAVAEGA, Mr. SABLAN, Ms. BORDALLO, Mr. BOREN, Mr. DENHAM, Mr. BENISHEK, Mr. LUJÁN, and Ms. HANABUSA):

H.R. 1408. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Natural Resources.

By Mr. WALSH of Illinois (for himself, Mr. BUCHANAN, Mr. HUELSKAMP, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. STUTZMAN, Mrs. HARTZLER, Mr. MARINO, Mr. REHBERG, Mrs. MCMORRIS RODGERS, Mr. BROOKS, Mr. FRANKS of Arizona, Mr. LANCE, Mr. HELLER, and Mr. LABRADOR):

H.J. Res. 54. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; to the Committee on the Judiciary.

By Mr. ISRAEL:

H. Res. 207. A resolution recognizing the 150th anniversary of the start of the American Civil War; to the Committee on Oversight and Government Reform.

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. SULLIVAN:

H.R. 1380.

Congress has the power to enact this legislation pursuant to the following:

Article(s) I, Section 8, Clause 1, Article I, Section 8, Clause 3 of the United States Constitution and the Sixteenth Amendment of the United States Constitution.

By Mr. GEORGE MILLER of California:

H.R. 1381.

Congress has the power to enact this legislation pursuant to the following:

Art. 1 sec. 1

Art. 1 sec. 3

Art. 1 sec. 8

By Mr. MCGOVERN:

H.R. 1382.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8, of Article 1, which gives Congress the power to provide for the general welfare.

By Mr. MILLER of Florida:

H.R. 1383.

Congress has the power to enact this legislation pursuant to the following:

Clauses 12, 13, 14, and 18 of Section 8 of Article 1 of the Constitution

By Mr. HELLER:

H.R. 1384.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. PITTS:

H.R. 1385.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sect.8

By Mr. MARKEY:

H.R. 1386.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. MCHENRY:

H.R. 1387.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 1 (relating to the general welfare of the United States), clause 3 (relating to the power to regulate interstate commerce), and clause 18.

By Mr. COFFMAN of Colorado:

H.R. 1388.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authorities on which this bill rests are:

The power of Congress to make law regarding the raising and supporting of armies and to provide and maintain a navy, as enumerated in Article I, Section 8, Clause 12 and 13 of the United States Constitution;

And

The power of Congress to make law regarding the needful rules and regulations respecting the property of the United States, as enumerated in Article IV, Section 3, Clause 2 of the United States Constitution;

And

The power of Congress to make law regarding providing for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. SMITH of New Jersey:

H.R. 1389.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. SHUSTER:

H.R. 1390.

Congress has the power to enact this legislation pursuant to the following:

Clause 3, of Section 8, of Article I of the Constitution.

By Mr. MCKINLEY:

H.R. 1391.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. FITZPATRICK:

H.R. 1392.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is pursuant to the Necessary and Proper Clause—Article 1, Section 8, Clause 18 of the Constitution.

By Mr. BUCHANAN:

H.R. 1393.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this resolution rests is the power of Congress as enumerated in Article 1 Section 8 of the United States Constitution.

By Mrs. CHRISTENSEN:

H.R. 1394.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to enact bills pursuant to clause 1 of section 8 of article I of the Constitution.

By Mr. COHEN:

H.R. 1395.

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. CRITZ:

H.R. 1396.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the Constitution.

By Mr. FRANK of Massachusetts:

H.R. 1397.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution; clause 18 of section 8 of article I of the Constitution; section 5 of Amendment XIV to the Constitution.

By Mr. GRAVES of Missouri:

H.R. 1398.

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. GRIMM:

H.R. 1399.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I.

By Mr. HELLER:

H.R. 1400.

Congress has the power to enact this legislation pursuant to the following:

Article IV. Section 3.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

By Ms. KAPTUR:

H.R. 1401.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. KILDEE:

H.R. 1402.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: [The Congress shall have Power] To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;

By Mr. KINGSTON:

H.R. 1403.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. LARSON of Connecticut:

H.R. 1404.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but Congress may at any time make or alter such Regulations, except as to the Place of chusing Senators.

and

Article I, Section 8, Clause 3

The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. LATTA:

H.R. 1405.

Congress has the power to enact this legislation pursuant to the following:

This resolution is enacted pursuant to Article I, Section 8, Clause of the United States Constitution.

By Mr. MATHESON:

H.R. 1406.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. RUNYAN:

H.R. 1407.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. YOUNG of Alaska:

H.R. 1408.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 3.

By Mr. WALSH of Illinois:

H.J. Res. 54.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution.

ADDITIONAL SPONSORS

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

H.R. 3: Mr. LEWIS of California and Mr. HOLDEN.
H.R. 23: Mr. WILSON of South Carolina and Mr. MURPHY of Connecticut.
H.R. 49: Mr. TERRY, Mr. WOLF, and Mr. SOUTHERLAND.
H.R. 58: Mr. WESTMORELAND, Mr. FLORES, Mr. OWENS, Mr. YOUNG of Alaska, Mr. MARCHANT, Mr. BRADY of Texas, Mr. THORNBERRY, Mrs. LUMMIS, Mr. ALEXANDER, Mr. SESSIONS, Mr. CONAWAY, Mr. FRANKS of Arizona, and Mr. GRIFFITH of Virginia.
H.R. 100: Mr. GARY G. MILLER of California and Mr. DAVIS of Kentucky.
H.R. 104: Mr. FITZPATRICK, Mr. GRIFFIN of Arkansas, and Mr. YOUNG of Alaska.
H.R. 110: Mr. HULTGREN.
H.R. 111: Mr. GERLACH, Mr. FILNER, and Mr. MARKEY.
H.R. 158: Mr. ROSS of Florida and Mr. FORBES.
H.R. 178: Mr. RIGELL and Mr. MCNERNEY.
H.R. 237: Mr. SIMPSON.
H.R. 272: Mr. BACHUS.
H.R. 303: Mr. MILLER of North Carolina.
H.R. 308: Mr. LEWIS of Georgia and Mr. KEATING.
H.R. 324: Mr. BILBRAY.
H.R. 373: Mr. FORBES.
H.R. 399: Mr. CAMPBELL.
H.R. 420: Mr. SESSIONS, Mr. ALEXANDER, Mr. THOMPSON of Pennsylvania, Mrs. LUMMIS, Ms. GRANGER, Mr. GRIFFITH of Virginia, Mr. FRANKS of Arizona, and Mr. CONAWAY.
H.R. 431: Mr. BURGESS.
H.R. 432: Ms. TSONGAS.
H.R. 458: Mr. COHEN.
H.R. 459: Mr. GRIFFIN of Arkansas and Mrs. BACHMANN.
H.R. 469: Mr. KILDEE.
H.R. 470: Mr. HUNTER.
H.R. 498: Mr. HURT.
H.R. 529: Mr. FORBES.
H.R. 530: Mr. CONYERS.
H.R. 531: Ms. NORTON.
H.R. 546: Mr. PITTS, Mr. LABRADOR, Mr. SABLAN, Mr. WOLF, Mr. JOHNSON of Ohio, Mr. ALEXANDER, Ms. WOOLSEY, Mr. FORTENBERRY, Mr. HARPER, and Mr. MANZULLO.
H.R. 547: Mr. POE of Texas.
H.R. 563: Mr. BARLETTA.
H.R. 593: Mr. MCKINLEY, Mr. PAUL, and Mr. MARCHANT.
H.R. 602: Mr. HINCHEY.
H.R. 607: Mr. CRAVAACK and Mr. SHULER.
H.R. 609: Mr. POE of Texas.
H.R. 615: Mr. CONAWAY, Mr. SESSIONS, Mr. ALEXANDER, and Mr. ROHRABACHER.
H.R. 623: Ms. WILSON of Florida.
H.R. 645: Mr. MARCHANT, Mr. YOUNG of Alaska, Mr. WESTMORELAND, Mrs. ELLMERS, Mr. FLORES, Mr. THORNBERRY, Mrs. LUMMIS, and Mr. ALEXANDER.
H.R. 651: Mr. HASTINGS of Florida.
H.R. 664: Mr. TERRY.
H.R. 673: Mr. WALBERG.
H.R. 674: Mr. COSTA, Mr. HANNA, Mr. BISHOP of New York, and Mr. RUPPERSBERGER.
H.R. 680: Mr. HUNTER, Mr. WALBERG, Mrs. HARTZLER, and Mrs. BLACK.
H.R. 700: Mr. JOHNSON of Illinois.
H.R. 718: Ms. LEE of California, Mr. LATOURETTE, and Mr. SCHIFF.
H.R. 721: Mr. REED, Mrs. MILLER of Michigan, Mr. WESTMORELAND, Mr. HOLDEN, Mr. REHBERG, Mr. BUCSHON, and Mr. WALBERG.
H.R. 745: Mr. CASSIDY, Mr. CHAFFETZ, Mr. WILSON of South Carolina, Mr. STEARNS, and Mr. HERGER.
H.R. 790: Mr. BLUMENAUER.
H.R. 812: Mr. WELCH and Mr. SMITH of New Jersey.
H.R. 843: Mr. SCHILLING and Mr. MCINTYRE.
H.R. 876: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 890: Mr. WEST, Mr. SCHOCK, and Ms. BERKLEY.
H.R. 895: Mrs. MYRICK, Mr. HERGER, Mr. GALLEGLY, and Mr. MARINO.
H.R. 905: Mr. MCHENRY, Mr. JOHNSON of Georgia, Mr. BRALEY of Iowa, and Mr. MILLER of North Carolina.
H.R. 912: Mr. FILNER.
H.R. 920: Mr. GARRETT, Mr. HUIZENGA of Michigan, Mr. WALBERG, Mr. DESJARLAIS, Mr. POSEY, Mr. ROONEY, Mr. KING of Iowa, Mr. SOUTHERLAND, and Mr. FLORES.
H.R. 926: Mr. COBLE.
H.R. 942: Mr. RIBBLE.
H.R. 943: Ms. MCCOLLUM.
H.R. 964: Mr. ACKERMAN, Mr. RAHALL, Mr. HOLT, and Mr. JACKSON of Illinois.
H.R. 969: Mr. BOUSTANY.
H.R. 990: Mr. BROUN of Georgia.
H.R. 991: Mr. FLORES and Mr. BROUN of Georgia.
H.R. 993: Mr. REHBERG.
H.R. 998: Ms. FUDGE and Mr. SABLAN.
H.R. 1005: Mr. SCHOCK.
H.R. 1014: Mr. LOEBSACK.
H.R. 1023: Mr. GOODLATTE.
H.R. 1040: Mr. NEUGEBAUER.
H.R. 1041: Mr. WELCH, Mr. COSTELLO, Mr. QUIGLEY, Mr. GRIFFITH of Virginia, Mr. BISHOP of Utah, Mrs. MALONEY, Mrs. BLACKBURN, Mr. MANZULLO, Mr. NUGENT, Ms. GRANGER, and Mr. GRIMM.
H.R. 1058: Mr. BOUSTANY, Mr. ROSS of Florida, and Mr. MILLER of Florida.
H.R. 1061: Mr. FORBES.
H.R. 1065: Mr. LIPINSKI.
H.R. 1089: Mr. STARK and Mr. PALLONE.
H.R. 1093: Mr. MARCHANT, Mr. YOUNG of Alaska, Mr. BRADY of Texas, Mr. THORNBERRY, Mr. SESSIONS, Mr. STEARNS, Mr. HUNTER, Mr. ALEXANDER, Mr. CONAWAY, and Mr. BURGESS.
H.R. 1113: Ms. CHU.
H.R. 1116: Ms. SUTTON.
H.R. 1159: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1167: Mr. SOUTHERLAND and Ms. FOXX.
H.R. 1169: Ms. SUTTON.
H.R. 1182: Mr. JORDAN, Mr. PRICE of Georgia, Mr. WALBERG, Mr. WALSH of Illinois, Mr. BROOKS, Mr. MULVANEY, Mr. LAMBORN, Mr. BISHOP of Utah, Mr. FLEMING, Mr. KING of Iowa, Mr. FLAKE, Mr. BARTLETT, Mr. STUTZMAN, Mr. DESJARLAIS, Mr. RIGELL, Mr. GINGREY of Georgia, Mr. HUIZENGA of Michigan, Mr. GOHMERT, and Mrs. BLACKBURN.
H.R. 1186: Ms. JENKINS.
H.R. 1187: Ms. HANABUSA.
H.R. 1211: Mr. MCCAUL and Mr. ROSS of Florida.
H.R. 1212: Mr. DEFAZI and Mr. GRIFFITH of Virginia.
H.R. 1215: Mr. CHAFFETZ.
H.R. 1219: Mr. WEST, Mr. SHERMAN, Mr. ROGERS of Alabama, and Mr. BRALEY of Iowa.
H.R. 1229: Mr. NUNNELEE, Mr. MCKEON, Mr. BURTON of Indiana, Mr. KLINE, Mr. GOODLATTE, Mr. REHBERG, Mr. MCCLINTOCK, Mr. CANSECO, Mr. WOODALL, and Mr. ROE of Tennessee.
H.R. 1230: Mr. NUNNELEE, Mr. MCKEON, Mr. BURTON of Indiana, Mr. KLINE, Mr. GOODLATTE, Mr. REHBERG, Mr. MCCLINTOCK, Mr. CANSECO, Mr. WOODALL, and Mr. ROE of Tennessee.
H.R. 1231: Mr. NUNNELEE, Mr. MCKEON, Mr. BURTON of Indiana, Mr. KLINE, Mr. GOODLATTE, Mr. REHBERG, Mr. MCCLINTOCK, Mr. CANSECO, Mr. WOODALL, and Mr. ROE of Tennessee.
H.R. 1234: Mr. BLUMENAUER and Mrs. CHRISTENSEN.
H.R. 1242: Mr. NADLER and Ms. BERKLEY.
H.R. 1250: Mr. SARBANES, Mr. GARAMENDI, Ms. ZOE LOFGREN of California, and Mr. FRANK of Massachusetts.
H.R. 1262: Mr. CLEAVER, Mr. FRANK of Massachusetts, and Mr. CARSON of Indiana.
H.R. 1270: Mr. ROGERS of Alabama and Mr. CARTER.
H.R. 1289: Mr. HASTINGS of Florida.
H.R. 1291: Mrs. CHRISTENSEN, Mr. ALEXANDER, and Mr. REHBERG.
H.R. 1297: Mr. BACHUS, Mr. BARLETTA, Mr. BENISHEK, Mr. BISHOP of Utah, Mrs. BLACK, Mr. BUCSHON, Mr. BURTON of Indiana, Mr. DESJARLAIS, Mr. FORBES, Mr. GIBBS, Mr. GOSAR, Mr. HECK, Mr. HERGER, Mr. LOBIONDO, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. MCCLINTOCK, Mr. MCINTYRE, Mr. GARY G. MILLER of California, Mrs. NOEM, Mr. PALAZZO, Mr. PEARCE, Mr. PENCE, Mr. REHBERG, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. SCHILLING, Mrs. SCHMIDT, Mr. SCOTT of South Carolina, Mr. STUTZMAN, Mr. THORNBERRY, Mr. TIBERI, Mr. TURNER, Mr. WALBERG, Mr. WITTMAN, and Mr. WOODALL.
H.R. 1311: Ms. WASSERMAN SCHULTZ.
H.R. 1317: Mr. MORAN.
H.R. 1319: Mr. KUCINICH.
H.R. 1323: Mr. DUNCAN of Tennessee, Mr. LAMBORN, Mr. BISHOP of Utah, Mr. CHABOT, Mr. CAMPBELL, Mr. GOSAR, Mr. BROOKS, Mr. FRANKS of Arizona, Mr. TURNER, and Mr. AKIN.
H.R. 1328: Ms. ROYBAL-ALLARD and Mr. KUCINICH.
H.R. 1341: Mr. HALL and Mr. WEBSTER.
H.R. 1352: Mr. SABLAN.
H.R. 1371: Mr. CLARKE of Michigan and Ms. MOORE.
H.J. Res. 1: Mr. LABRADOR and Mr. SCOTT of South Carolina.
H.J. Res. 2: Mr. DOLD, Mr. FLEISCHMANN, and Mr. LABRADOR.
H.J. Res. 13: Mr. HELLER, Mr. REED, Mr. MANZULLO, and Mr. RAHALL.
H. Con. Res. 18: Mr. AUSTRIA.
H. Con. Res. 31: Mr. GRIFFITH of Virginia.
H. Res. 25: Mr. SENSENBRENNER, Mr. ANDREWS, Mr. WEST, Ms. HANABUSA, Ms. GRANGER, and Mr. ROGERS of Alabama.
H. Res. 60: Mr. ALTMIRE and Mr. BURTON of Indiana.
H. Res. 111: Mr. FILNER, Mr. HARPER, Mr. SARBANES, Mr. LAMBORN, and Mr. ELLISON.
H. Res. 137: Mr. HOLT, Ms. BALDWIN, Ms. BROWN of Florida, Ms. HANABUSA, Mr. ROE of Tennessee, Mr. THOMPSON of Mississippi, Mr. ALTMIRE, Mr. SIRES, Mr. ROSS of Arkansas, Ms. DELAURO, Mr. LANGEVIN, Mr. PRICE of North Carolina, Mr. JONES, Mr. LOBIONDO, Mr. RYAN of Ohio, Mr. LUCAS, Mr. KUCINICH, Mr. CLEAVER, and Mr. FRANK of Massachusetts.
H. Res. 164: Mr. FORBES.
H. Res. 165: Mr. BRALEY of Iowa, Mr. PASCRELL, and Mr. CROWLEY.
H. Res. 179: Mr. MCGOVERN.
H. Res. 180: Mr. GARRETT and Mr. JONES.
H. Res. 193: Mr. WOLF.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, APRIL 6, 2011 No. 49

Senate

(Legislative day of Tuesday, April 5, 2011)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

Merciful Father, who put into our hearts such deep desires that we cannot be at peace until we rest in You, remove from our lives anything that would seek to separate us from You.

Lord, lead our lawmakers to make courageous decisions based upon conscience and duty. May they refuse to do anything that threatens the long-term security of this Nation, as they strive to follow the right path as You give them the light to see it. Give them wisdom and courage for the living of these days. Impart Your wisdom so they will know what to do and bestow Your courage so they will possess the resolve to act on what they believe.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 6, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, last night we were finally able to arrive at an agreement on the small business jobs bill—or at least a way to get rid of some very important amendments that we will vote on around 4 o'clock this afternoon. There will be seven rollcall votes.

This morning, there will be a period of morning business until 11 a.m., with the time until 10:40 a.m. equally divided and controlled between the majority and the Republicans. The majority will control the first half and the Republicans will control the final half. At 10:40 a.m., Senator AYOTTE will give her maiden speech to the Senate.

BUDGET NEGOTIATIONS

Mr. REID. Madam President, as the deadline looms, our budget negotiations continue nonstop. The Speaker and I met with the President yesterday morning, and we met with one another yesterday afternoon. As in any ongoing negotiation, the status of those talks is constantly evolving, but I will give the Senate a snapshot of where we stand at this moment in time.

The bottom line has always been the same, and it is this: We want to avoid a shutdown. We want to pass a budget that makes smart cuts—cuts that save money but that don't cost jobs. This has been our bottom line throughout this process. So we have made some tough choices. We have made those choices because we know at this late stage of the game reality is more important than ideology. We know sacrifices are the cost of consensus, and we think they are worth it. Our bottom line hasn't changed because our objective hasn't changed. We want to keep the country running and keep the momentum of an economic recovery that is creating jobs.

I wish I could say the same about those on the other side of the negotiating table. The Republicans' bottom line has changed at almost every turn. First, Republicans refused to negotiate until we tried it their way. We gave the reckless House-passed proposal a vote. The Senate resoundingly rejected it. Then, once talks began, Republicans staked out their position. They asked for $73 billion in cuts. When we said: Let's meet in the middle, they said no. Then we said: In the interest of getting this done, we will agree to your number, and they still said no. Republicans refused to take yes for an answer. Every time we have agreed to meet in the middle, they have moved where the middle is. They said no when we met them halfway, and now they say: It is our way or the highway.

That is no way to move forward.

People ask: Why is this so difficult? They ask: Can't you just get it done? I understand how they feel, and I share their frustrations, but this is why it is so tough. It is like trying to kick a field goal and the goalposts keep moving.

The Democrats' bottom line has not changed. The Republicans' bottom line hasn't stayed still. Our bottom line hasn't changed because our priorities have not changed. We all want to lower

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

Printed on recycled paper.

the deficit. But Democrats will not sacrifice seniors' retirement security, women's health, our children's education, or our Nation's veterans. The cuts we make have to be smart cuts, and those aren't smart. They are radical. We want an agreement that is reasonable and responsible.

I wish I could say the same about those on the other side of the negotiating table. They forget that not one of those people led us into a recession, and punishing seniors, women, children, and veterans will not lead us to a recovery. Their budget would cost 700,000 jobs and slow economic growth. It would take us backward, not forward. That is as counterproductive as it comes. The point of this entire exercise is to help the economy. Democrats won't stand for a budget that weakens it.

Our bottom line—our strongest desire to reach an agreement—hasn't changed because our willingness to compromise hasn't changed. We long ago accepted the reality that getting something done means not getting 100 percent of what we want. We long ago accepted the fact that the only way to reach consensus between a Democratic Senate and a Republican House is to compromise.

I wish I could say the same about those on the other side of the negotiating table. The Republicans have demanded a budget that can pass with only Republican votes. Instead of seeking a bipartisan budget, they are actively seeking the opposite.

The Republican leadership has the tea party screaming so loudly in their right ear that they can't hear what the vast majority of the country demands. The country demands that we get this done. As I have said before, the biggest gap in these negotiations isn't between Democrats and Republicans; it is between Republicans and Republicans. So the Speaker has a choice to make and not much time to make it. He can either do what the tea party wants or what the country needs.

Madam President, I will close with two pieces of advice that we would be wise to heed today, one from American history and one from ancient history.

Henry Clay served in both Houses of Congress, in the House and in the Senate. He actually held the same seat the Republican leader now holds. He was a Senator from Kentucky. He also held the same gavel Speaker BOEHNER now holds at three different times. Henry Clay served as Speaker of the House, I repeat, on three separate occasions. In his esteemed career, he earned the nickname ''The Great Compromiser.'' So Henry Clay knew what he was talking about when he said:

> All legislation is founded upon the principle of mutual concession.

This legislation—this budget—is no exception. But it is important to remember that the most important word in that quote isn't ''concession,'' it is ''mutual.''

We all have a responsibility to be reasonable, which brings me to the second piece of advice: To everything there is a season. To paraphrase a passage we all know well, a passage much older than the old statesman Henry Clay, there is a time to campaign and a time to govern. There is a time to be partisans and a time to be partners. We stand here with less than 72 hours on the clock. It is time to get to work. It is time to get the job done. This is the season for action.

Will the Chair now announce morning business, please.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time until 10:40 a.m. 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, with the Senator from New Hampshire, Ms. AYOTTE, recognized at 10:40 a.m.

The Senator from Illinois.

Mr. DURBIN. Madam President, it is my understanding that the Democrats have the first half of morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DURBIN. I ask unanimous consent to be recognized in morning business.

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

INTERCHANGE FEE REFORM

Mr. DURBIN. Madam President, I rise to speak about the issue of Wall Street reform, which I know is near and dear to the Senator from New York, who represents Wall Street.

I do believe what Congress achieved last year on Wall Street reform was wise not only for our Nation but also to avoid the possibility of another recession. There are many financial institutions across the United States, including New York, but the fact is, many of their practices led us into the recession we are now experiencing.

It was quite a battle last year. Senator Chris Dodd of Connecticut, now retired, led the battle on the floor of the Senate to try to make sure we had the necessary oversight and balance when it came to our financial institutions to avoid the likelihood of another recession. The banks fought back, but in the end we prevailed and Senator Dodd passed the measure here in the Senate, and it was passed in the House of Representatives under the leadership of Congressman BARNEY FRANK of Massachusetts and signed by the President. It really gave us a chance to move forward with oversight, regulation and reform on Wall Street.

It was signed last July by the President, but many of the most important elements of the Dodd-Frank bill will not go into effect until July 21 of this year. Several of them are very important to America and important to me as an individual because as a Senator I offered an amendment to this bill. It was a controversial amendment and, for the banks, an expensive amendment. For the Wall Street banks and credit card companies, the interchange fee amendment, which I introduced and passed with 64 votes—17 Republicans and 47 Democrats—was an amendment which will cost the biggest banks and credit card companies in this country a portion of the up to $1.3 billion a month they collect in debit interchange fees. Imagine that. In any given year, $15 billion or $16 billion is being collected by these banks through credit cards from merchants, retailers, and consumers all across America.

From the moment that bill was signed into law, these Wall Street banks and credit card companies have been involved in an all-out, nonstop campaign to repeal the law. Now, they can't just flat-out repeal it because they know that looks a little too obvious. So instead, what they are calling for is postponement—just postpone it for 2 years while they study it. That is their argument. They believe we need to look into this a little more closely. Well, the record suggests they are not after a study. They are after $1.3 billion a month in profit. It turns out it is actually 30 months that the delay would take place, so that is about a $40 billion postponement that the Wall Street banks and credit card companies are asking for. And who pays the $40 billion? Merchants and retailers and customers all across America. That is why leading consumer advocacy groups support my amendment and oppose this $40 billion delay which has been suggested in the amendment that is being offered.

Last year, when we passed landmark legislation to reform the debit card swipe fees that are enriching Wall Street banks and crushing businesses and consumers on Main Street, they started organizing to repeal.

For years, the banking industry has been engaged in a collusive practice. Banks have let the Visa and MasterCard monopoly credit card companies fix the interchange fee rates that banks receive from merchants each time a debit card is swiped. The so-called swipe fee is the fee the banks get, but they don't set the fees, the credit card companies set them. This is unregulated price fixing by the VISA and MasterCard duopoly on behalf of thousands of banks, primarily the biggest banks in America. The same banks we bailed out are now coming back here and saying don't cut into our profits, don't in any way reform or change

the interchange fee that affects merchants, retailers, or consumers.

Incidentally, when the Federal Reserve took a look at the interchange fee that we pay every time we use a debit card, for example, it averages about 40 cents. The actual cost of using the debit card: less than 12 cents. So what they are doing is imposing this fee on every transaction in every place across America. This is unregulated price fixing by VISA and MasterCard. It is a sweetheart deal for the banks, too. According to the Federal Reserve, banks make about $1.3 billion each month, as I mentioned, in debit interchange fees and the fee rates keep going up even though the cost of processing continues to drop.

Last year, Congress decided we should place some reasonable limits on VISA and MasterCard. We did this to ensure that they cannot use their market power and price-fixing ability to funnel excessive fees to the Nation's biggest banks. Congress said if VISA and MasterCard are going to continue fixing interchange rates that merchants pay banks, the rates ought to be reasonable and proportional to the actual cost of processing the transaction. It is a narrowly targeted reform and we made a major exemption of small banks and credit unions. If they had assets of less than $10 billion, they were exempt. You wouldn't know that. They are acting as if this is going to apply to them. I recommend they read the law, which specifically exempts them.

There are two arguments which have been raised recently in opposition to interchange reform. The first is we need more studies. I know banks and credit card companies believe that interchange reform needs to be studied to death but many studies have already been done. There were at least seven congressional hearings specifically on interchange fees before we passed the amendment. I chaired one of them. Another two hearings on interchange fees have been held since the amendment became law. There were also at least three different GAO studies on interchange fees prior to the amendment's passage. It is not as if this matter has not been studied; it has been.

That is not all. Economists and payment systems experts at the Federal Reserve have been studying interchange fees for years. They have put out at least 10 significant reports. Do we need another study?

One of them was the January of 2010 study by Fumiko Hayashi, a senior economist at the Federal Reserve Bank in Kansas City. She did an international comparison of interchange fees in the United States and 12 other countries. Listen to what she found: ''In general, the United States has the highest debit card interchange fees'' and that ''the United States has the highest interchange fees for both credit and debit cards among the 13 countries where adoption and usage of payment cards are well advanced.''

I can see why the banks and credit card companies want to ignore that study. Americans are paying more every time they use plastic than any other of 13 of the largest nations in the world that use credit and debit cards. Do you know what the debit fee is in Canada, from VISA and MasterCard? Zero—40 cents a transaction for the United States of America, God bless them for treating us so kindly; zero for Canada. Why? Because the Canadian Government spoke up for retailers, merchants, and consumers, and said stop this. It is price fixing. Now we have done the same and the Wall Street lobby and the credit card lobby are coming down here hitting hard to repeal this interchange fee reform.

There was another comprehensive study, a 2009 paper put forward by the Federal Reserve's Divisions of Research and Statistics entitled ''Interchange Fees and Payment Card Networks: Economics, Industry Developments, and Policy Issues.'' This study analyzed the structure and economic theory behind the interchange system and discussed various ways of reforming the system.

Then there was a 2008 paper by James McAndrews and Zhu Wang of the Kansas City Fed on the economics of the payment card markets. Their study found, incidentally, that ''privately determined card pricing, adoption and usage tend to deviate from the social optimum, and imposing a ceiling on interchange fees may improve consumer welfare.'' The Kansas City Federal Reserve came up with this finding but the credit card companies ignore it. They want another study. They don't like a study that says interchange fee reform is good for consumers.

The Boston Federal Reserve did a study in 2010 and found on average every year, each cash-using household pays $149 to card-using households.

The studies go on and on. I will put them in the RECORD. I see several of my colleagues on the floor, but I want to make one other point as well. Whenever I talk about Wall Street banks and the credit card companies and the costs associated with debit card fees charged to American consumers and retailers, the first thing I hear is: There he goes again, defending Walmart.

There is no question about it, Walmart is the largest retailer in America. When it comes to the use of credit and debit cards, I am certain they have a larger volume of sales from that than any other. But let's do some comparison here for a moment. According to Forbes.com, in 2010, Walmart, the largest retailer in America, had $17 billion in profits.

I ask unanimous consent for 2 additional minutes.

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

Mr. DURBIN. They had $17 billion in profits and a 4-percent profit margin. That sounds like a lot and it is, but not compared to the big banks. JPMorgan Chase, one of the largest issuers of debit cards, had $17.4 billion in profits last year. That is more than Walmart, incidentally. And their profit margin wasn't 4 percent like Walmart, it was 15 percent.

This is the same Chase that has said any regulation of interchange fees will force them to raise fees on consumers. One of the most profitable banks in America threatens consumers that if they cannot charge the interchange fees they want to charge, they are going to raise fees on consumers. Isn't that great? ''Your money or your life,'' when it comes to Chase. Chase has more profits than Walmart and a 15-percent profit margin.

For the record, let me go back and discuss a few more of the studies that have already been done on interchange fees. For example, Terri Bradford of the Kansas City Fed published a report entitled ''Developments in Interchange Fees in the United States and Abroad.''

This report, which was published in 2008, said the following:

> While regulation of interchange fees is still just a point of discussion in the United States, regulation abroad is a reality. In about 20 countries, public authorities have taken actions that limit the level of interchange fees or merchant discount fees. Many of these actions require interchange fees to be set according to cost-based benchmarks, although the cost categories that are eligible for the benchmarks vary by country. In several countries, interchange fees are set at zero.

Federal Reserve researchers are not the only ones who have studied interchange fees.

In 2006 the Antitrust Law Journal published an article by Alan Frankel and Allan Shampine called ''The Economic Effects of Interchange Fees.''

This article found that the interchange fee ''acts much like a sales tax, but it is privately imposed and collected by banks, not the government. It significantly and arbitrarily raises prices based not on technologically and competitively determined costs, but through a collective process.''

And in March 2010, Albert Foer, president of the American Antitrust Institute, published a study that found the following:

> Governments around the world have been taking actions to eliminate or severely reduce interchange fees based on studies and investigations that clearly establish that these fees are abuses of market power. Moreover, the results demonstrate that interchange fee regulation works. Despite the protests of MasterCard and Visa and their giant card-issuing banks, mandated interchange fee reductions have increased competition in foreign payment card markets and have benefitted consumers through lower prices.

In short, there have been a large number of studies done about interchange fees. And this does not count the enormous amount of research, information collection, and analysis that the Fed has done since my amendment was enacted last July.

The problem from the perspective of Visa, MasterCard and the big banks is that they simply don't like what these

studies have found. So they pretend these studies never happened and call for new ones where they are guaranteed a more industry-friendly outcome. It is obvious that their calls for more study are an effort to delay reform indefinitely. The big banks will do anything to prolong the status quo and to keep collecting $1.3 billion per month in excessive debit swipe fees.

I want to further address another argument that has been raised recently.

Some have argued that we should not follow through with interchange reform because it will only benefit big box retailers. Of course, this is not true. Swipe fees impact retailers of all sizes, from the smallest mom-and-pop stores to the largest retail chains. They also affect universities, charities, government agencies—everyone who accepts plastic as a form of payment. And they affect all consumers, who pay higher prices at retail because of the cost that swipe fees add to every transaction.

But many still like to portray this debate as a struggle between the banks and card companies versus the big box retailers. Well, let's look at those big box retailers and compare them to the big banks and credit card companies. Some of my colleagues may be surprised to learn that the big banks and card companies are significantly more profitable than the big retailers.

According to Forbes.com, in 2010, Wal-Mart, the largest retailer in the country, had $17 billion in profits and a 4 percent profit margin.

Sounds like a lot, right? Well, not compared to the big banks. Last year, according to Forbes.com, JP Morgan Chase, one of the largest issuers of debit cards, had $17.4 billion in profits—more than Wal-Mart. And Chase's profit margin was a robust 15 percent.

This is the same Chase that has said that any regulation of interchange fees will force them to jack up fees on consumers. Chase has more profits than Wal-Mart and a 15 percent profit margin. Why are they pleading poverty and threatening their customers with higher fees?

Well, what about other giant retailers? How are they doing? Target, the well-known retail chain, had profits of $2.9 billion and a 4.3 percent profit margin last year. Let's compare that to Wells Fargo, another giant debit card-issuing bank. Wells Fargo last year had $12.4 billion in profits and a 13.3 percent profit margin.

Large retailers would love to have the profit margins of the big banks. But they don't. Last year the largest drug store chain, CVS Caremark, had profits of $3.4 billion and a 3.6 percent profit margin. The largest grocery store company, Kroger, had profits of $1.1 billion and only a 1.4 percent profit margin.

Historically we have seen low profit margins and intense competition in the retail sector. According to a June 8, 2009, article in Fortune Magazine, Wal-Mart has only an 11 percent market share of the retail market, and Target has only a 2.3 percent market share. This shows that retail is an intensely competitive sector.

Let's compare that level of competition to the debit card industry. This past Monday, an article on CNBC.com reported that the Visa and MasterCard duopoly now control around 90 percent of the debit card market.

It is pretty profitable to be a duopoly. According to Forbes.com, in 2010: Visa had $3.1 billion in profits and a 37 percent profit margin, and MasterCard had $1.8 billion in profits and a 33 percent profit margin.

It must be nice to be a big bank or a credit card company these days. Big banks and their card network allies are making money hand-over-fist these days while retailers of all sizes are struggling to turn a profit. Rising interchange fees are a key part of this equation.

It doesn't have to be this way. If we can constrain Visa's and MasterCard's price-fixing on behalf of the 1 percent of biggest card-issuing banks, we will reduce the cost of interchange for every merchant and other entity that accepts debit cards. Competition in the retail sector will mean consumers will benefit through discounts and lower prices. Given the large profit margins at the nation's biggest banks, they will be able to stay in business once swipe reform is completed.

In fact, we know that banks and card companies can continue to offer debit cards profitably with lower interchange rates.

They did it before—up until the mid-1990s, banks used to offer debit cards with minimal or no interchange in the United States.

And they are doing it right now in other countries around the world, where there are thriving debit card industries with very low or nonexistent interchange rates.

I am going to reserve the remainder of my time and let my colleagues take the floor. I will return on the subject but I remind my colleagues, this amendment, this effort by the Wall Street banks and credit card companies to repeal interchange fee reform, is a $40 billion amendment—$40 billion that will be transferred to the biggest banks in America and credit card companies from consumers across America. We did the right thing with interchange fee reform. Let's stand by it and say to Wall Street, major card issuers, VISA and MasterCard, they have had enough. They can get a reasonable fee, but not an unreasonable amount out of our economy.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. I will proceed on my leader time.

THE CONTINUING RESOLUTION

Mr. MCCONNELL. Madam President, across the country this morning, Americans are wondering what is going on in Washington this week. They want to know why it is taking so long to fund the government. Americans want to know how we got to this point, and they deserve an answer, so here goes.

Each year, the majority party in Congress is responsible for coming up with a budget plan that explains how they are going to pay for all the things that government does. It is not just a good idea—it is the law. Congress has been required to do it since 1974.

Last year, Democrat leaders in Congress decided they didn't want to do it. They didn't want to have to publicly defend their bloated spending and the debt it is creating. So Republicans have had to come up with temporary spending bills to keep the government running in the absence of any alternatives—and leadership—from Democrats.

Republicans even passed a bill in the House that would keep the government funded through the rest of the current fiscal year, and which takes an important first step toward a smaller, more efficient government that helps improve the conditions for private sector job growth.

This House bill would save us billions of dollars on our way to a conversation about trillions. And Congressman RYAN has done a service this week by setting the terms of that larger debate—by outlining a plan that puts us back on a path to stability and prosperity.

Unfortunately, Democrats have made a calculated decision that they didn't want to have either debate—so they have taken a pass on both.

Frankly, it is hard not to be struck by the contrasting approaches to our Nation's fiscal problems that we have seen in Washington this week. On the one hand, you have a plan by Congressman RYAN that every serious person has described as honest and courageous. On the other hand, you have people like the new chairwoman of the Democratic National Committee and the previous Speaker of the House dismissing that plan in the most cartoonish language imaginable.

While thinking people have seen in the Ryan plan an honest attempt to tackle our problems head on, ideologues on the left have seen a target to distort while offering no vision of their own to prevent a fiscal nightmare that we all know is approaching.

And they still haven't come up with an alternative to the various Republican proposals we have seen to keep the government up and running in the current fiscal year. They have just sat on the sidelines taking potshots at everything Republicans have proposed while rooting for a shutdown.

That is why the Republicans in the House have now proposed another bill this week that will fund the military for the rest of the year, keep the government operating, and which gets us a

little closer to a level of spending that even the senior Senator from New York has called ''reasonable.''

The fact that Democrats are now rejecting this offer, which even members of their own leadership have described as ''reasonable'' is all the evidence you need that Democrats are more concerned about the politics of this debate than keeping the government running.

Let's be clear about something this morning: throughout this entire debate, Republicans have not only said that we would prefer a bipartisan agreement that funds the government and protects defense spending at a time when we have American troops fighting in two wars. There is a Republican plan on the table right now that would do just that.

Democrats can accept that proposal, or they can reject it. But they can't blame anyone but themselves if a shutdown does occur. Because they have done nothing to prevent it.

With the clock ticking, I would once again encourage our Democratic friends to get on board with this proposal, and to support the kind of spending cuts that the American people have asked for—and that their own leadership has already endorsed.

THE EPA AMENDMENT

Mr. MCCONNELL. Madam President, later today, the Senate will vote on an amendment that one leading newspaper described last week as one of the best proposals for growth and job creation to make it onto the Senate docket in years. More specifically, this amendment, which is based on legislation proposed by Senator INHOFE, would prevent unelected bureaucrats at the Environmental Protection Agency from imposing a new national energy tax on American job creators.

Everyone knows that this attempt to handcuff American businesses with new costs and regulations is the last thing these job-creators need right now. That is why even Democrats in Congress have sought to secure the same kind of exemptions from the law for favored industries in their own States that we saw others from their party trying to secure for favored constituencies in the health care law.

Democrats from auto States tried to have the auto industry exempted. And Democrats from farming States tried to have farmers exempted.

What these efforts show, is that Democrats themselves recognize the dangers of these EPA regulations. Yet instead of just voting for the one amendment that solves the problem, they are hiding behind sham amendments designed to give them political cover.

Republicans have a better idea—let's try to make sure everybody is exempted. Let's not pick winners and losers. Let's let America's small businesses and entrepreneurs compete and grow on a level playing field without any more burdensome government regulations, costs, or redtape.

The amendment I have offered on behalf of Senator INHOFE would do that.

The amendment would give businesses the certainty that no unelected bureaucrat at the EPA is going to make their efforts to create jobs even more difficult than the administration already has. So once again, I thank Senator INHOFE for his strong leadership on this issue. He has led the way in protecting American jobs from this burdensome proposal with determination and common sense. He deserves the credit.

I also want to thank Chairman UPTON and my good friend, Congressman WHITFIELD, for fighting against this effort by the EPA and moving legislation to prevent it in the House.

COLOMBIA TRADE AGREEMENT

Mr. MCCONNELL. Madam President, there are some signs today the administration is beginning to take seriously a pending trade agreement with Colombia. Republicans have been urging the administration to act on this critical trade deal for months. This agreement would help American businesses compete on a level playing field with businesses overseas. It would help create American jobs. And it would help our relationship with an important ally in Latin America.

Hopefully these reports are true, and the President will send this agreement, along with similar agreements related to Panama and South Korea to Congress soon. This would be some very good news for an economy that needs it.

I yield the floor.

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

THE BUDGET

Ms. MIKULSKI. Madam President, I rise to the floor to speak in morning business and to comment on the terrible situation we find ourselves in. We are in a terrible situation. The Republican leader is exactly right, the clock is ticking on a shutdown.

But I have a couple principles as we head into the midnight witching hour on Friday. First of all, my first principle is no shutdown. Let's have a sitdown. Let's not shut down government and cut off the funding for private sector contractors that do business with the government. Let's have a congressional sitdown and arrive at an orderly, rational agreement that does create a more frugal government but does not torpedo our economy.

But my second principle is, if we shut down the government and Federal employees and contractors do not get paid, Congress should not get paid. Not only should Congress not get paid, no back pay, no way. I spoke about the congressional no-pay position yesterday.

Today, I wish to talk about the consequences of the shutdown. I am against a government shutdown. Shutting down the government breaks faith with Federal employees, jeopardizes our economic recovery, threatens the viability of small- and medium-sized businesses that do business with the Federal Government and even threatens the safety of our families and our economy.

That is why I am for a congressional sitdown, not a shutdown of the Federal Government. Democrats and Republicans should negotiate over spending cuts. But what is not open for negotiation is whether the Federal Government is worth keeping open. Parties must come together.

There is a belief that a shutdown will occur only in Washington. Oh, the lights will go out in the Washington Monument, maybe a museum will be closed here or there, maybe even a national park will be closed here or there. Both on the Senate floor, the House floor, and even in the media, it is followed by kind of a snicker or even a snarl. How foolish, how they do not understand the functioning of the Government of the United States of America.

I am afraid the lights will go out. I am afraid the government agencies will be shuttered. I am concerned that people who work on behalf of the Federal Government as those contractors, small- and medium-sized contractors, disabled veteran contractors will not get paid.

I am for cuts. I voted for the Democratic package with over $51 billion in cuts. In my own appropriations bill, I reduced agency overhead by 10 percent. I cut out lavish conferences and so on by 25 percent. I could eliminate that year by year. But cuts alone are not a strategy to reduce the deficit.

What I do not want is to make sure our government will not be funded. There are other ways of doing it, and I will talk about that more tomorrow, about how we can actually pay for this, but today I wish to talk about the consequences of what we are doing. There is nobody on the Senate floor talking about it. I appreciate the minority leader, but on my side, if nobody is going to talk about it, I am going to talk about it.

A possible government shutdown creates uncertainty in consumer confidence and further damages the economy. Mark Zandi, the chief economist of Moody's, says it will damage the confidence in the economy and could result in the loss of 700,000 jobs. Well, let me tell you—and everybody says: Oh, well, that is government. I am going to talk about: Oh, well, that is government in a minute.

But let's take the private sector. Let's take that snickering and snarling over national parks. Do you know the national parks—we have 365 of them, 49 States, 300 million visitors. Do you know those national parks generate 270,000 private sector jobs in campgrounds, restaurants, gas stations, vendors to the national parks.

Oh, yes, you can laugh about closing down Yellowstone, and maybe that is not the explosive thing—270,000 jobs, mostly in the West. I did not hear that the West had such a low unemployment rate that they do not give a darn. Local communities near national parks will lose $14 million a day. That is the national park argument.

Let me go to the contractors. I represent the State of Maryland, where we have a lot of contractors. Take the Goddard Space Agency, 3,000 civil servants who do everything from help run the Hubble telescope and green science, to figuring out how we can fix the satellites through robots in the sky. But there are 6,000 contractors—6,000 contractors. Some of them are small business, 8(a) contractors working their way up.

Many of them—some of them are women. Many of them are veterans who started small- to medium-sized businesses. These people, if there is a government shutdown, will not get paid. Hello, colleagues. This is not only going to happen in my State, this is going to happen in your State.

There was a major article in the Wall Street Journal yesterday about what the shutdown means to the private sector. Well, let's wake up and let's move more quickly to this sitdown.

I wish to talk about essential versus nonessential. In my State, I represent over 100,000 Federal employees. Three of them are Nobel Prize winners I will talk about in a minute—Nobel Prize winners who are civil servants. Those are not even the gangs at Hopkins and the University of Maryland. Those are three Nobel Prize winners who are actual civil servants.

Under this shutdown we are headed for, they are going to be told they are nonessential. We have a Nobel Prize winner at NIST who works on the development of new work on laser light. Secretary Chu was his partner.

We have a Nobel Prize winner at NIH who won the Nobel Prize for proteins and cellular communication that could lead to a cure for cancer and a Nobel Prize winner at Goddard in physics. I am not going to call their names; I do not want to feel awkward. But what am I going to do midnight Friday? Am I going to call these three Nobel Prize winners and say: Hey, guys, you are nonessential. We know you could be in the private sector making millions of dollars, but you are staying here to do research to save lives, save the planet, and lead to saving our economy. But, hey, I guess you are nonessential.

In other countries, they carry you around on their shoulders and so on. But here, no, we are told they are nonessential. It is not only Nobel Prize winners, it is all the other people who are working. We are going to turn out the lights at the National Institutes of Health. We are going to say to a researcher: I know you are working on that cure for cancer. I know you are working on that cure for Alzheimer's or autism or arthritis—sticking just with the ''A'' words. But you know what, Washington, the Congress says, you are not essential.

What about Social Security? I have over 10,000 people who work at the Social Security Administration. You say: Well, my God, that is a lot. That is 24/7 to make sure it all functions properly and efficiently. We have the lowest overhead of any ''insurance company'' in America. But these lights are going to be shuttered at Social Security, not only in Senator BARB's and Senator BEN CARDIN's State, but it is also going to be shuttered, Madam President, in your State. When people want to come to apply for benefits they are eligible for, when people who are disabled want to apply for those benefits, they are going to come to a shuttered Social Security office. They are going to be told they are not essential.

Well, then, let's wait until Monday morning. Are they not going to come to work fired up, ready to work for America, ready to help America be great again? They are America's essential employees doing the work that goes on at NIH, Social Security, the National Institutes of Standards. They come up with new ideas.

Then look at commerce. I represent the great Port of Baltimore. Ships are going to come into the port. Who is going to inspect their cargo? Traffic coming into airports, who is going to inspect their cargo?

But, oh, no, we are going to tell them they are nonessential. Well, I am telling you, this is not going to be good. But you know what is not good, not only the consequences but the way we are functioning.

Madam President—hello? Madam President. I do not know if my speech is not that attention-getting, but can I have your attention?

The ACTING PRESIDENT pro tempore. The Senator has consumed 10 minutes.

Ms. MIKULSKI. Well, then, my time is up. Well, maybe the Senate is not paying attention, but the American people are paying attention. I am telling you, this is a situation of enormous negative consequence. I think we are going to rue the day at the way we are functioning. We need to come to the table, and we need to sit around and act like rational human beings.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

STEM FIELDS

Mrs. SHAHEEN. Madam President, as Congress and the Obama administration grapples with how to responsibly address our long-term deficit, we need to remember why it is so important to get on a path to balanced budgets. We need to a dress the long-term deficit because it is a threat to America's future prosperity. It is about economic growth and jobs. That is why the deficit matters. The deficit is not just some math problem where it is solved if the numbers add up right. The choices we make, which spending programs we cut which tax expenditures we eliminate, where we continue to boost investment, matter.

The overarching challenge facing our country is how we keep our economy competitive.

We cannot compete with India and China for low-wage manufacturing jobs. That is not our future.

America's future is in continuing to be the global leader in science and technology. America makes the best, most innovative products and services, and that ingenuity and excellence is our chief economic strength as a nation.

But we are in danger of losing that edge. Science, technology, engineering and math, what we call the STEM fields, are the skills that drive innovation.

And jobs in the STEM fields are expected to be the fastest-growing occupations of the next decade. However, not enough students in our country are pursuing an education in STEM subjects to keep up with the increased demand.

For those students that do pursue education in STEM fields, they are being outperformed by international competitors. Studies show that by the end of eighth grade, students in the U.S. are 2 years behind their international peers in math. American students rank 21st in science and 25th in math among industrialized countries. In addition, the U.S. has produced a declining number of Ph.Ds in science and engineering compared to the European Union and China over the past 3 decades. It is clear that to remain competitive internationally, we must encourage and strengthen the supply of STEM-trained graduates.

That is why this week Leader REID and Senators KLOBUCHAR, KERRY, BEGICH, COONS and I introduced legislation, the Innovation Inspiration School Grant Program, which will bolster our Nation's ability to compete in the global economy.

My legislation will provide new incentives for our schools to think outside the box and embrace extracurricular and nontraditional STEM education programs. It establishes a competitive grant program that will encourage schools to partner with the private sector, both for financial support and to provide mentors who can serve as guides and role models to students.

I am proud that New Hampshire is the home to the FIRST Robotics program. For over a decade, teams of students have been designing robots to compete against one another in regional, then national, competitions. On Monday we hosted FIRST teams from Maryland and Virginia who demonstrated in the Dirksen building how the robots they designed and built actually work. It is these kinds of nontraditional STEM programs that make

a difference in the students' lives and inspire them to continue in STEM careers or postsecondary education.

In fact, research shows that 99 percent of students who participate in FIRST Robotics graduate high school and almost 90 percent go on the college. And once in college, these students are nearly seven times more likely to major in engineering and twice as likely to major in computer science. They are also significantly more likely to attain a postgraduate degree. The data speaks for itself: investments in these sorts of programs matter and make a difference.

I urge colleagues to join me in supporting this important legislation that will inspire our students to become scientists, engineers, computer programmers and mathematicians. Our country's economic future depends on it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Madam President, I am going to speak for approximately 4 minutes during morning business. I had originally intended on 15, but I am going to do that tomorrow on another subject. If I could be recognized for 4 minutes, that is my intention.

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

Mr. ROBERTS. I thank the Chair.

WICHITA STATE UNIVERSITY SHOCKERS

Mr. ROBERTS. Madam President, I know it is pretty serious business talking about a government shutdown and things of this nature that affect all Americans. I certainly hope we can reach some accommodation. I wish to do a little bragging on behalf of my home State.

We are pretty proud of our basketball heritage in Kansas, but I note that we have not received national recognition to the extent I think we should in regards to the recent accomplishment I wish to highlight.

I rise to congratulate the Wichita State University Shockers. The Shockers won the 2011 Men's National Invitation Tournament in the Big Apple, the championship in New York City. In claiming the championship trophy, Wichita State set the school record with 29 victories in the season. Wichita State advanced to the NIT championship with four straight wins in the tournament. They beat the University of Nebraska in the first round, Virginia Tech in the second round, the College of Charleston in the quarter finals, Washington State University in the semifinal, and, finally, the University of Alabama in the championship game. All of these schools have good basketball teams, and Wichita State came out on top.

Graham Hatch was named the NIT's most outstanding player and a member of the All-Tournament Team, while Garret Stutz was named to the All-Tournament Team as well.

Wichita State and head coach Gregg Marshall were not only successful on the court but in the classroom as well. Earlier this year, Coach Hatch and Garrett Stutz were named to the 2011 Missouri Valley Conference Scholar Athlete first and honorable mention teams, respectively. I congratulate the Wichita State University Shockers, their head coach Gregg Marshall, the athletic director Eric Sexton, a good friend of mine, and Wichita State University president Don Beggs. Don, you are back again, and you certainly did us proud.

Specifically, I congratulate each member of the team for an exemplary season: Gabe Blair, Derek Brown, J.T. Durley, Aaron Ellis, Jerome Hamilton, Graham Hatch, Trey Jones, David Kyles, Toure Murry, Ehimen Orukpe, Joe Ragland, Tyler Richardson, Ben Smith, Garrett Stutz, Randall Vautravers, Josh Walker, and Demitric Williams.

If I mispronounced any name, I am terribly sorry. They did not do anything wrong with the tournament in terms of winning the NIT. Congratulations to all Shockers basketball fans. The coach has made the decision to stay at Wichita State. Good news for Kansas. Good news for Wichita State, an exemplary action on the part of the coach after a very successful team effort and winning the NIT and then staying at Wichita State University. Good news for Kansas, good news for Wichita State, and good news all the way around.

By the way, we will not shut down the team. They are going to keep on fighting.

I think the signal there was not four quarters and let's go play hard, but the 4 minutes are up.

I yield the floor, and I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today as a doctor who has practiced medicine in Wyoming for about 25 years. During that time I was medical director of something called Wyoming Health Fairs where we provide employees low-cost blood screening for early detection and early treatment of medical problems. We know one of the things that was attempted to be solved with the discussion on health care was to have people involved in their own health care decisions and early detection, as well as prevention of disease.

I attended a health fair last weekend in Worland, Washakie County, WY, where I had a chance to meet with a number of folks, including people from small businesses. First, I wish to congratulate this body, and specifically Senator JOHANNS from Nebraska, for the repeal of the 1099 form regulations which significantly burden small businesses all around the country.

I also come to the floor as someone who has practiced medicine and has been watching the health care law closely. It is one that I believe is bad for patients, bad for providers and nurses and doctors who take care of the patients, and bad for the American taxpayers because I think this is going to add significantly to our growing debt problem. These are things that need to be addressed.

One part of the health care law, the 2,700-page law that was passed, dealt with something called accountable care organizations. Those are intended to help people coordinate care and have that coordinated care increase people's health by early detection of problems and to help minimize problems but also attempt to save money.

The six pages of the health care law that dealt with accountable care organizations has resulted in the release of regulations on March 31, 429 pages of regulations which have a significant impact on restructuring the way medicine is practiced.

As I look at this in terms of our growing debt, my concern is that the administration is bragging that the regulations save Medicare money, about $960 million total, best care scenario, over a 3-year period. So savings of less than $1 billion, a restructuring of the way medicine is being practiced, a savings of less than $1 billion, at a time when Medicare will be spending over those 3 years over $1.5 trillion, a savings of less than $1 billion on an expenditure of over $1.5 trillion.

The other aspect that was so interesting in watching this administration is they have come out with a statement about regulations.

The small businesspeople I talked to in Worland last weekend at the health fair told me that increased government regulations add to the cost of doing business and make it harder for them to hire more people. Specifically, it is related to increased costs.

It was interesting to see the administration saying that an increase in labor demand due to regulations may have a stimulative effect that results in a net increase in overall employment. The administration apparently believes if we increase the rules and regulations on businesses, it will make it better for them, when they will tell us universally that it will make it worse.

Additionally, last Friday night the Department of Health and Human Services released their new next round of ObamaCare waivers. We have talked about those in the past on this floor as part of a doctor's second opinion. If this health care law is so good, why do millions and millions of Americans say: We can't live under this, and the

administration agrees and grants them waivers?

So this past weekend, Secretary Sebelius added another 128 waivers covering another 300,000 Americans to say: No, for the next year, you get a 1-year waiver, you do not have to live under the mandates of ObamaCare.

So now we are at a point where the total number of waivers granted has been over 1,000, covering 2,930,000 people. So, wow, what is the breakdown of those people? Who are they? How can they get those waivers?

Well, it is interesting. In this country, where union workers are just a small percentage of the total workforce, 49 percent—almost half—of all of the waivers have been granted to people who get their insurance through the unions.

I just looked at this list that came out, and it is interesting because one of the waivers that had been granted for 13,000 employees, enrollees, is for the United Food and Commercial Workers Union. So let's see what we can find out about them. If we go to their Web site and go to the area that deals with health care, what it says is this:

Thanks to your hard work—

This is to people in the union—

Thanks to your hard work over the last year, Congress passed a health care reform bill that was signed into law by President Obama. This landmark reform is a hard-fought victory for [the United Food and Commercial Workers Union]. . . .

Well, wait a second, these are the same people who went in and asked for and got a waiver from the Secretary of Health and Human Services—a waiver so they do not have to live under it.

Now, it is interesting, if you go to this Web site, you can click to other things, and what you can find is that you can actually watch a video on the Web site of the people who just got a waiver—a video of the members of this union ''rally and talk about health care reform.'' Oh, the health care they are rallying for, but they do not want it to apply to them. The Secretary of Health and Human Services says: That is fine, you can have a waiver. Oh, you can actually ''see the pictures of [union] members taking action on health care reform.'' But it is not the action of applying for the waiver—a waiver they have just been granted by the Secretary of Health and Human Services.

Now it says:

Call your members of Congress to thank them for passing real reform.

Oh, you are supposed to thank the Members of this body for passing something, but then they applied for a waiver that has been granted for over 13,000 members who get insurance through this program?

They say you can also check an area to read the background information on this union's ''advocacy of health care reform''—advocacy for a program they wanted to force down the throats of the American people but yet do not want to live under themselves.

This health care law is bad for this country, it is bad for our patients, it is bad for our health care providers, and it is bad for taxpayers. The union members who absolutely lobbied for it are now saying—now that they have read the bill, now that they know what is in the law, they are saying they do not want it to apply to them, so much so that one of the unions that has gotten a waiver, on their recent Web site, said:

. . . we are . . . challenged by how to implement the law under prevailing circumstances.

Well, the prevailing circumstances are the law they wanted passed.

It says:

The Trustees of the Fund have no ability to secure additional contributions needed to cover the increased costs of providing these required—

Required by the people on the other side of the aisle who voted for this—

additional benefits.

It says:

The Trustees are requesting a waiver from HHS to preserve the annual benefit limitation now in place for the part-time plan of benefits to minimize the cost impact of transitioning to the requirements of the reform act. . . .

Well, what it basically says is that these folks who want the waiver are saying what I have been saying on this floor since the beginning of the debate: that this is going to be bad for taxpayers, it is going to drive up the cost of care, it is going to drive up the cost of insurance, in spite of the President's promise that if we pass this, families will see premiums drop by $2,100, in spite of the President's promise that if you like your plan, you can keep it. What we are seeing, for the people who proudly lobbied for this, is that they do not want it to apply to them. They realize now it is going to cause their plans to have significant problems.

I believe every American ought to be able to have a waiver, every American ought to not have to live under this health care law. To me, it is unaffordable, it is unmanageable, and I believe it is unconstitutional. That is why I come to the floor, as I have every week, with a doctor's second opinion that we must repeal and replace this health care law.

Madam President, I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. 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.

ENSURING PAY FOR OUR MILITARY ACT

Mrs. HUTCHISON. Madam President, I wish to speak about the urgent fiscal crisis that is facing our Nation. We know the Congress right now is in negotiation for a resolution that will take us until the end of the fiscal year, and it is in an atmosphere in which so many people are worried about our overwhelming debt and the deficit that would be in the budget that was submitted by the President. We now are trying to cut that budget responsibly.

The United States is averaging $4 billion a day in debt. A $1.6 trillion deficit is projected by the end of this year. That is just the deficit. That is adding to the debt. Federal spending in 2010 was 23.8 percent of gross domestic product. The CBO, the Congressional Budget Office, predicts it will be 24.7 percent of GDP in 2011.

As a nation, we must remain competitive by reducing Federal spending and spurring economic growth in the private sector. It is jobs in the private sector that will take our economy out of the doldrums where it is now.

For the sake of the American people, I hope we can come together to stop the reckless Federal spending. Continuing the spending, the borrowing, and the taxing in Washington will halt job creation and triple the debt by the end of this decade. That is what is predicted.

We must make bold cuts where we can by carefully also prioritizing investment in areas of strategic national importance. What we need now is for the President, the Senate majority leader, and the House Speaker to sit in a room and not come out until a deal is made that has the votes to pass.

I do not want a government shutdown. The consequence of a government shutdown will be enormous, and so many people who are talking about that as an option, as if it is not a big deal, just do not realize how many lives it will touch and how hard it is going to make life for so many people—people who have depended on benefits, such as veterans.

We do not know what will happen in a government shutdown. We do not know what will happen to our military because that is not clear. That is what I want to talk about today.

A government shutdown will put people in peril in many areas, but now we have a situation in which our military, our Active-Duty military—almost 90,000 are in Afghanistan, 47,000 in Iraq—is put in a position today of now also wondering if their spouses at home with children are going to get their paychecks. If we have a government shutdown that will affect their ability to pay their mortgages.

Madam President, let me ask, are there time limits in place?

The ACTING PRESIDENT pro tempore. There is an order to recognize Senator AYOTTE for her first speech at 10:40 a.m.

Mrs. HUTCHISON. Thank you, Madam President.

Let me just say that I have introduced legislation. I have cosponsors—CASEY, INHOFE, SNOWE, MURKOWSKI, COLLINS, AYOTTE, and HOEVEN. It is the Ensuring Pay for our Military Act of

2011. It is very simple. It just ensures that in the event of a Federal Government shutdown—which I do not want to happen and do not support—our military will be paid. It also will allow anyone who is serving our military—civilian defense employees or contractors who do the food services—to also be able to go to work and not have to worry about what is going to be happening back home, especially for those who are serving in harsh conditions overseas.

I so hope we will be able to pass this bill. I do not want 1 more minute of stress on our military. The bill is very simple, and it is very short and very clear: Our military personnel and their support will not be affected by a government shutdown.

I hope I can have more colleagues signing up. We have introduced this bill, S. 724, and I hope we can get a vote on this bill in very short order so this is off the table.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

FACING ENORMOUS CHALLENGES

Ms. AYOTTE. Madam President, with humility and a deep sense of reverence for this body, I rise today to address my colleagues in the Senate. Serving in this historic Chamber is truly an honor. On this floor, men and women of strong character gather together to continue the unfinished work of building a more perfect union.

It is an even greater privilege to stand here representing the people of New Hampshire. A place of distinct beauty that places a premium on self-governance and informed public discourse, New Hampshire reflects the very best of our Nation.

As America faces enormous challenges, I am reminded of the words of wisdom from one of New Hampshire's revered statesmen, GEN John Stark. After fighting bravely and heroically in the Revolutionary War, General Stark gave New Hampshire its treasured State motto: ''Live Free or Die.'' This famous quote perfectly captures the spirit and character of the people of the Granite State. Fiercely independent and strongly protective of our personal freedoms, we place a high premium on self-reliance, personal initiative, and individual liberty. We believe strongly that government cannot and should not be allowed to get in the way of each of us reaching our full potential. That is what ''live free or die'' means. Yet, as I stand here today and as I have heard from so many of my fellow Granite Staters, we are at a time when our government has grown so large and we have become so indebted that the size of our debt threatens the full potential and future of the greatest people and country on Earth.

ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, has said that America's debt is the greatest national security threat we face. That debt now stands at a historic level of over $14 trillion, about half of which is held by other countries. The single biggest foreign holder of our debt is China, a country which does not share our values. We are borrowing $4 billion a day, or 40 cents of every single dollar, to fund our ever-expanding government.

In the month of February alone, we ran a record monthly deficit of $223 billion. That $223 billion shortfall—accumulated in just 1 month—puts into perspective the current spending debate we are having in Congress. House Republicans came up with a plan to cut $61 billion for the rest of this fiscal year, which is an important start. But those cuts only cover a little more than a quarter of the deficit we accumulated in just 1 month.

Yet all I hear from my colleagues on the other side of the aisle is that $61 billion in cuts is extreme. In my view, the only thing that is extreme is failing to confront the endless flood of red ink that threatens our economic strength and threatens our national security.

The debt we owe is so much more than just numbers. This is about us—who we are as Americans—and what kind of country we want to leave behind for our children. My husband Joe and I are the proud parents of two children—Kate, who is 6 years old, and Jacob, who is 3 years old. I am determined to keep alive the American dream for my children and for all of our children and for future generations in this country. But our addiction to spending in Washington threatens that dream. I, for one, will not sit by while our children become beholden to China.

Hollow words paying lip service to fiscal responsibility have been used by too many in Congress for far too long. New Hampshire families sit around their kitchen tables and find ways to make their family budget work. With limited resources, they make hard choices to distinguish between wants and needs. It is time for our Federal Government to do the same.

That is why the first step we should take is to pass a balanced budget amendment to the Constitution. Almost every State in the Nation is required to balance its budget, and our Federal Government should be no different. Last week, I was proud to join with all 46 of my Republican colleagues in supporting such an amendment that caps spending, requires the budget to balance, and makes it more difficult to raise taxes. I ask my colleagues on the other side of the aisle to join us in passing this important measure and to put this vote to the States for ratification.

I appreciate that amending the Constitution is no light matter, but our Founding Fathers could not have anticipated how unwilling Members of Congress would be to actually pass a balanced budget and to make fiscally responsible decisions. Our Founding Fathers were well aware of the threat posed by debt. It was Thomas Jefferson who wrote:

> To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

In 1997, the Senate came close to getting its arms around the debt when a balanced budget amendment failed to pass this Chamber by just one vote. At that time, our national debt was a little over $5 trillion. It has nearly tripled since then. Imagine how much stronger our Nation would be today had the Senate approved a balanced budget amendment back then and the States adopted it.

A constitutional amendment requiring a balanced budget is a key first step, but getting spending under control will take a multipronged approach. That is why we must also move quickly to pass serious statutory limits on spending.

One of my honorable predecessors from New Hampshire, Warren Rudman, helped author the Gramm-Rudman-Hollings Act to require sequestration of funds if Congress failed to act to cut spending within deficit targets. Unfortunately, Congress circumvented the law's provisions by finding loopholes. While that effort may not have ultimately succeeded, we should take the lessons learned from that experience. We need statutory spending caps with teeth that Congress cannot easily undermine.

While I realize that this week we are working to pass funding for the rest of fiscal year 2011, Congress must do something this year that it failed to do last year: Pass a budget. Back home in New Hampshire, people—especially small business owners—are astounded to learn that our Federal Government is operating right now outside the confines of a strict budget. Frankly, it is shameful the last Congress did not approve a budget for fiscal year 2011. Their failure to act is why we are in the difficult place we find ourselves today. Here we are, trying to fund government through a series of patchwork, short-term funding bills.

We need a fiscally responsible budget that cuts Federal spending and puts us on a path to eliminating our debt altogether. State governments operate within a budget, families operate within a budget, small businesses operate within a budget, and the Senate should not be working on any other legislation until we resolve funding for the rest of this fiscal year and pass a responsible budget for 2012.

We have to begin by reviewing every program in our government and eliminating the waste, fraud, and duplication we all know is there. We know there is so much more we can do to streamline our Federal Government. A GAO report released in March identified hundreds of redundant programs costing us billions of dollars.

Finally, it is clear we cannot address our country's fiscal crisis while continuing to focus on only 12 percent of

spending. That is certainly an important start—and there is plenty to cut—but in order to truly get our fiscal house in order, we must look at the entire budget. We must repair our entitlement programs—Medicaid, Medicare, and Social Security.

Entitlement reform should be an issue that brings us all together—Republicans, Democrats, Independents—to ensure we keep our promises to those who are relying on those programs, while making sure future generations don't pay for our failure to address the fiscal reality of these programs right now. This is certainly an issue that requires Presidential leadership, and I join others in my party in inviting the President to work across party lines to address this urgent priority. The American people deserve a substantive, responsible debate on how we can preserve these programs in a fiscally sustainable way. We simply cannot continue to put off making the difficult decisions today and passing them on to the next generation.

With our trillion dollar-plus deficits and rapidly accelerating debt, we are again closing in on our debt ceiling. Having to repeatedly increase the debt limit represents a broad failure of leadership by politicians from both parties. As a new Member of the Senate, I refuse to perpetuate that cycle. We cannot let this moment pass us by, and I cannot in good conscience raise our debt ceiling without Congress passing real and meaningful reforms to reduce spending. That plan should include a balanced budget amendment, statutory spending caps, spending cuts, and entitlement reform.

We can no longer afford the status quo or business as usual in Washington. The days of spending as though there is no tomorrow to bring home the bacon must end. The fiscal crisis that threatens our Union threatens all of us. We will have to make sacrifices. There will be times when we have to put aside our parochial interests and appreciate that the only way we will be able to cut spending is for all of us to take shared responsibility and to make shared sacrifices for the great country we love.

Make no mistake, out-of-control spending jeopardizes our Nation's economic strength and costs us jobs. One thing is for sure: We cannot spend our way to prosperity. We need look no further than the stimulus package to prove that stubborn fact.

The reality is that government doesn't create jobs. Small businesses and entrepreneurs create jobs. What we can do in the Senate is to help create the right tax and regulatory conditions to allow our businesses to thrive and grow.

Despite the circumstances we face, we are blessed to live in the greatest country in the world. There has never been a challenge we have not faced and met and overcome and been better for.

When I think of what it will take to address the challenges before us, I am reminded of my 95-year-old grandfather, John Sullivan, who is a World War II veteran and what his generation went through and what he did. My grandfather landed on the beaches of Normandy, and he is part of what is known as the ''greatest generation'' of our country.

Every generation is called upon anew to preserve our country. In my view, this generation's greatest challenge is having the courage and the will to take on and fix our fiscal crisis and get our fiscal house in order once and for all. This is our time to show we have the fortitude and the courage to do what is right to preserve the greatest Nation on Earth.

I know we can do this, and it is truly humbling to have the opportunity to serve in this body at a time when I know leadership and courage will make all the difference. On behalf of the people of New Hampshire, I stand ready to fight for our great country and to work with my colleagues on both sides of the aisle to address our fiscal crisis. I remain confident that America's best days still lie ahead of us.

Thank you very much, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I wish to congratulate our new colleague on her initial speech related to the twin problems we have in this country of spending and debt, as well as to say to her that it is pretty clear to all of us that she is a worthy successor to our good friend Judd Gregg whose seat she now occupies and who was also a leader in this body—some would argue the leader in this body—on the questions of our Nation's fiscal crisis and how to get it in order. So on behalf of all of our colleagues, I congratulate Senator AYOTTE.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, I also wish to congratulate my colleague from New Hampshire. It is an extraordinary privilege to serve in this Chamber and it is a long tradition of the Chamber to utilize one's first speech or maiden speech as an opportunity to address something that is close to one's heart. I extend a warm welcome to her and to her voice, her intellect, and her passion on issues that we must, on both sides of the aisle, work to resolve in order to build a better America and put America back on track.

I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SBIR/STTR REAUTHORIZATION ACT OF 2011

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

The bill clerk read as follows:

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

Pending:

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

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

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

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

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

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

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

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

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

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

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I ask unanimous consent that Coburn amendment No. 281 replace amendment No. 223 in the agreement we reached last evening. This is an updated version of Senator COBURN's amendment.

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

Ms. LANDRIEU. Madam President, under the previous agreement that was reached last evening—and I want to thank both leaders, Senators REID and MCCONNELL, for working so hard with Senator SNOWE and me to try to bring our caucuses to conclusion points on this very important bill, the small business innovation bill, that we have been negotiating now for almost 2 weeks. It is a very important program that deserves to be reauthorized.

This bill will reauthorize this important program for 8 years. We have been operating the last 4 years with 3 months at a time and 6 months at a time. Madam President, representing New York, you know that many of your small businesses have accessed this program, many of your universities, to acquire or to reach cutting-edge technologies that not only our

Federal agencies need but taxpayers benefit from directly.

This program is a job creator. It is an innovative program, and it is a job creator. So I appreciate the work our two leaders have done with Senator SNOWE and myself to get us to this agreement.

We will be having seven votes this afternoon. Just to recap, they will be Baucus No. 236, Stabenow No. 277, Rockefeller No. 215, Coburn No. 217, Coburn No. 281, Coburn No. 273, which is a side-by-side, I think, and Inouye No. 286. Those have already been agreed to, but, Madam President, our challenge is that we have 124 additional amendments that have been filed, most of which have nothing to do with either the Small Business Administration or this program. We understand Senators are frustrated and want floor time for their issues, but taxpayers need this program that works.

We are eliminating some programs at the Federal level that don't work, but this one does. So we need to try to find a way to get it authorized and continue the good economic numbers we are hearing coming out of Treasury and other independent think tanks that are saying jobs are being created.

The recession looks as though it is potentially coming to an end. We are creating net new jobs every month. This is a program that supports that. It is a great foundation program based on cutting-edge research and innovation that helps small businesses in the country who are the job creators.

So I ask Members on both sides to work cooperatively throughout the day today. We are going to have a vote on these seven amendments this afternoon, as previously agreed to, and we will be considering and trying to work with Members on some of their other issues. If we could get a good, strong small business bill agreed to this week and sent over to the House as we resolve these very tough negotiations on the budget, we can be proud to, at some point very soon, send this bill with a few attached amendments, hopefully—not many but a few—to the President's desk for signature.

So, again, I thank the Members for their cooperation, and I suggest the absence of a quorum.

I am sorry, Madam President. Let me take back that request.

AMENDMENTS NOS. 236, 277, 215, 217, 281, 273, AND 286

Ms. LANDRIEU. Madam President, under the previous agreement we were able to get to last evening, I call up the amendments I previously cited.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes amendments en bloc numbered 236, 277, 215, 217, 281, 273, and 286.

The amendments are as follows:

AMENDMENT NO. 236

(Purpose: To prohibit the regulation of greenhouse gases from certain sources)

At the end, add the following:

SEC. ___. GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.

(a) PURPOSES.—The purposes of this section are—

(1) to ensure that the greenhouse gas emissions from certain sources will not require a permit under the Clean Air Act (42 U.S.C. 7401 et seq.); and

(2) to exempt greenhouse gas emissions from certain agricultural sources from permitting requirements under that Act.

(b) AMENDMENT.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

"SEC. 329. GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.

''(a) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Carbon dioxide.

''(2) Methane.

''(3) Nitrous oxide.

''(4) Sulfur hexafluoride.

''(5) Hydrofluorocarbons.

''(6) Perfluorocarbons.

''(7) Nitrogen trifluoride.

''(8) Any other anthropogenic gas, if the Administrator determines that 1 ton of the gas has the same or greater effect on global climate change as does 1 ton of carbon dioxide.

''(b) NEW SOURCE REVIEW.—

''(1) MODIFICATION OF DEFINITION OF AIR POLLUTANT.—For purposes of determining whether a stationary source is a major emitting facility under section 169(1) or has undertaken construction pursuant to section 165(a), the term 'air pollutant' shall not include any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change.

''(2) THRESHOLDS FOR EXCLUSIONS FROM PERMIT PROVISIONS.—No requirement of part C of title I shall apply with respect to any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change or the gas is emitted by a stationary source—

''(A) that is—

''(i) a new major emitting facility that will emit, or have the potential to emit, greenhouse gases in a quantity of at least 75,000 tons of carbon dioxide equivalent per year; or

''(ii) an existing major emitting facility that undertakes construction which increases the quantity of greenhouse gas emissions, or which results in emission of greenhouse gases not previously emitted, of at least 75,000 tons carbon dioxide equivalent per year; and

''(B) that has greenhouse gas emissions equal to or exceeding 250 tons per year in mass emissions or, in the case of any of the types of stationary sources identified in section 169(1), 100 tons per year in mass emissions.

''(3) AGRICULTURAL SOURCES.—In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

''(A) changes in land use;

''(B) the raising of commodity crops, stock, dairy, poultry, or fur-bearing animals, or the growing of fruits or vegetables; or

''(C) farms, plantations, ranches, nurseries, ranges, orchards, and greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities.

''(c) TITLE V OPERATING PERMITS.—Notwithstanding any provision of title III or title V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely on the basis of the emissions of the stationary source of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the greenhouse gases on global climate change, unless those emissions from that source are subject to regulation under this Act.''.

AMENDMENT NO. 277

(Purpose: To suspend, for 2 years, any Environmental Protection Agency enforcement of greenhouse gas regulations, to exempt American agriculture from greenhouse gas regulations, and to increase the number of companies eligible to participate in the successful Advanced Energy Manufacturing Tax Credit Program)

On page 116, after line 24, add the following:

SEC. 504. SUSPENSION OF STATIONARY SOURCE GREENHOUSE GAS REGULATIONS.

(a) DEFINED TERM.—In this section, the term ''greenhouse gas'' means—

(1) water vapor;

(2) carbon dioxide;

(3) methane;

(4) nitrous oxide;

(5) sulfur hexafluoride;

(6) hydrofluorocarbons;

(7) perfluorocarbons; and

(8) any other substance subject to, or proposed to be subject to, any regulation, action, or consideration under the Clean Air Act (42 U.S.C. 7401 et seq.) to address climate change.

(b) IN GENERAL.—Except as provided in subsection (d), and notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), any requirement, restriction, or limitation under such Act relating to a greenhouse gas that is designed to address climate change, including any permitting requirement or requirement under section 111 of such Act (42 U.S.C. 7411), for any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202(a) of such Act (42 U.S.C. 7521(a)), shall not be legally effective during the 2-year period beginning on the date of the enactment of this Act.

(c) TREATMENT.—Notwithstanding any other provision of law, any action by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (b) that causes greenhouse gases to be pollutants subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.), except for purposes other than addressing climate change, shall not be legally effective with respect to any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202 of such Act).

(d) EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

(1) the implementation and enforcement of the rule entitled ''Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards'' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision);

(2) the finalization, implementation, enforcement, and revision of the proposed rule entitled ''Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles'' published at 75 Fed. Reg. 74152 (November 30, 2010);

(3) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(4) any action relating to the provision of technical support at the request of a State.

SEC. 505. GREENHOUSE GAS EMISSIONS FROM AGRICULTURAL SOURCES.

In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under title III of the Clean Air Act (42 U.S.C. 7601 et seq.) solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

(1) changes in land use;

(2) the growing of commodities, biomass, fruits, vegetables, or other crops;

(3) the raising of stock, dairy, poultry, or fur-bearing animals; or

(4) farms, forests, plantations, ranches, nurseries, ranges, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

SEC. 506. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 48C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) ADDITIONAL 2011 ALLOCATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors with respect to applications received on or after the date of the enactment of this paragraph.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program described in subparagraph (A) shall not exceed the 2011 allocation amount reduced by so much of the 2011 allocation amount as is taken into account as an increase in the limitation described in paragraph (1)(B).

''(C) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (2), (3), (4), and (5) shall apply for purposes of the program described in subparagraph (A), except that—

''(i) CERTIFICATION.—Applicants shall have 2 years from the date that the Secretary establishes such program to submit applications.

''(ii) SELECTION CRITERIA.—For purposes of paragraph (3)(B)(i), the term 'domestic job creation (both direct and indirect)' means the creation of direct jobs in the United States producing the property manufactured at the manufacturing facility described under subsection (c)(1)(A)(i), and the creation of indirect jobs in the manufacturing supply chain for such property in the United States.

''(iii) REVIEW AND REDISTRIBUTION.—The Secretary shall conduct a separate review and redistribution under paragraph (5) with respect to such program not later than 4 years after the date of the enactment of this paragraph.

''(D) 2011 ALLOCATION AMOUNT.—For purposes of this subsection, the term '2011 allocation amount' means $5,000,000,000.

''(E) DIRECT PAYMENTS.—In lieu of any qualifying advanced energy project credit which would otherwise be determined under this section with respect to an allocation to a taxpayer under this paragraph, the Secretary shall, upon the election of the taxpayer, make a grant to the taxpayer in the amount of such credit as so determined. Rules similar to the rules of section 50 shall apply with respect to any grant made under this subparagraph.''.

(b) PORTION OF 2011 ALLOCATION ALLOCATED TOWARD PENDING APPLICATIONS UNDER ORIGINAL PROGRAM.—Subparagraph (B) of section 48C(d)(1) of such Code is amended by inserting ''(increased by so much of the 2011 allocation amount (not in excess of $1,500,000,000) as the Secretary determines necessary to make allocations to qualified investments with respect to which qualifying applications were submitted before the date of the enactment of paragraph (6))'' after ''$2,300,000,000''.

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''48C(d)(6)(E),'' after ''36C,''.

AMENDMENT NO. 215

(Purpose: To suspend, until the end of the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions)

At the end, add the following:

TITLE VI—BUSINESS INCUBATOR PROMOTION

SEC. 601. SHORT TITLE.

This title may be cited as the ''EPA Stationary Source Regulations Suspension Act''.

SEC. 602. SUSPENSION OF CERTAIN EPA ACTION.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), until the end of the 2-year period beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency may not take any action under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any stationary source permitting requirement or any requirement under section 111 of that Act (42 U.S.C. 7411) relating to carbon dioxide or methane.

(b) EXCEPTIONS.—Subsections (a) and (c) shall not apply to—

(1) any action under part A of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) relating to the vehicle emissions standards;

(2) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(3) any action relating to the provision of technical support at the request of a State.

(c) TREATMENT.—Notwithstanding any other provision of law, no action taken by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (a) (including any action taken before the date of enactment of this Act) shall be considered to make carbon dioxide or methane a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.) for any source other than a new motor vehicle or new motor vehicle engine, as described in section 202(a) of that Act (42 U.S.C. 7521(a)).

AMENDMENT NO. 217

(Purpose: To save at least $8.5 million annually by eliminating an unnecessary program to provide federal funding for covered bridges)

At the end of title V add the following:

SEC.____. ELIMINATING THE NATIONAL HISTORIC COVERED BRIDGE PRESERVATION PROGRAM.

(a) REPEAL.—Section 1224 of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 225; 112 Stat. 837) is repealed.

(b) FUNDING.—Notwithstanding any other provision of law—

(1) no Federal funds may be expended on or after the date of enactment of this Act for the National Historic Covered Bridge Preservation Program under the section repealed by subsection (a); and

(2) any funds made available for that program that remain unobligated as of the date of enactment of this Act shall be rescinded and returned to the Treasury.

AMENDMENT NO. 281

(Purpose: To save at least $20 million annually by ending federal unemployment payments to jobless millionaires and billionaires)

At the end of title V, add the following:

SEC.____. ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may be used to make payments of unemployment compensation (including such compensation under the Federal-State Extended Compensation Act of 1970 and the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008) to an individual whose adjusted gross income in the preceding year was equal to or greater than $1,000,000.

(b) COMPLIANCE.—Unemployment Insurance applications shall include a form or procedure for an individual applicant to certify the individual's adjusted gross income was not equal to or greater than $1,000,000 in the preceding year.

(c) AUDITS.—The certifications required by (b) shall be auditable by the U.S. Department of Labor or the U.S. Government Accountability Office.

(d) STATUS OF APPLICANTS.—It is the duty of the states to verify the residency, employment, legal, and income status of applicants for Unemployment Insurance and no federal funds may be expended for purposes of determining an individual's eligibility under this Act. Effective Date.—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

AMENDMENT NO. 273

(Purpose: To save at least $5 billion by consolidating some duplicative and overlapping government programs)

At the end of title V, add the following:

SEC.____. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in subsection (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) $5,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

AMENDMENT NO. 286

(Purpose: To provide for the Director of the Office of Management and Budget to submit recommended rescissions in accordance with the Congressional Budget and Impoundment Control Act of 1974 for Government programs and agencies with duplicative and overlapping missions)

At the end of title V, add the following:

SEC. _____. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) compile a list of Government programs and agencies selected from the Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP); and

(2) in accordance with the Congressional Budget and Impoundment Control Act of 1974, submit to Congress recommended amounts of rescissions of budget authority for Government programs and agencies on that list.

AMENDMENT NO. 207, AS MODIFIED

Ms. LANDRIEU. Madam President, I ask unanimous consent that Senator SANDERS' amendment No. 207 now be modified with the changes at the desk.

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

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Social Security is the most successful and reliable social program in our Nation's history.

(2) For 75 years, through good times and bad, Social Security has reliably kept millions of senior citizens, individuals with disabilities, and children out of poverty.

(3) Before President Franklin Roosevelt signed the Social Security Act into law on August 14, 1935, approximately half of the senior citizens in the United States lived in poverty; less than 10 percent of seniors live in poverty today.

(4) Social Security has succeeded in protecting working Americans and their families from devastating drops in household income due to lost wages resulting from retirement, disability, or the death of a spouse or parent.

(5) More than 53,000,000 Americans receive Social Security benefits, including 36,500,000 retirees and their spouses, 9,200,000 veterans, 8,200,000 disabled individuals and their spouses, 4,500,000 surviving spouses of deceased workers, and 4,300,000 dependent children.

(6) According to the Social Security Administration, the Social Security Trust Funds currently maintain a $2,600,000,000,000 surplus that is project to grow to $4,200,000,000,000 by 2023.

(7) According to the Social Security Administration, even if no changes are made to the Social Security program, full benefits will be available to every recipient until 2037, with enough funding remaining after that date to pay about 78 percent of promised benefits.

(8) According to the Social Security Administration, ''money flowing into the [Social Security] trust funds is invested in U.S. Government securities . . . the investments held by the trust funds are backed by the full faith and credit of the U.S. Government. The Government has always repaid Social Security, with interest.''.

(9) Social Security provides the majority of income for two-thirds of the elderly population in the United States, with approximately one-third of elderly individuals receiving nearly all of their income from Social Security.

(10) Overall, Social Security benefits for retirees currently average a modest $14,000 a year, with the average for women receiving benefits being less than $12,000 per year.

(11) Nearly 1 out of every 4 adult Social Security beneficiaries has served in the United States military.

(12) Proposals to privatize the Social Security program would jeopardize the security of millions of Americans by subjecting them to the ups-and-downs of the volatile stock market as the source of their retirement benefits.

(13) Social Security is a promise that this Nation cannot afford to break.

(b) PROTECTION OF SOCIAL SECURITY BENEFITS.—It is the sense of the Senate that, as part of any legislation to reduce the Federal deficit—

(1) Social Security benefits for current and future beneficiaries should not be cut; and

(2) the Social Security program should not be privatized.

Ms. LANDRIEU. Madam President, I ask unanimous consent that any time spent in a quorum call prior to the votes at 4 p.m. be equally divided.

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

Ms. LANDRIEU. 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 bill clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

THE BUDGET

Mr. SANDERS. Madam President, we are at a unique and enormously important moment in American history. The decisions that will be made by the Congress and the President in the coming days, weeks, and months, will in many ways determine how we go forward as a nation and will impact the lives of virtually every one of our 300-plus million citizens.

The reality today, as I think most Americans know, is that within our economy we have a middle class which is collapsing. In the last 10 years, median family income has declined by $2,500. Millions of American workers are working longer hours for lower wages. If you look at real unemployment rather than the official unemployment, we are talking about 16 percent of our people unemployed or underemployed. Numbers may be even higher for certain blue collar workers and for young workers. The middle class is in very dire straits.

Poverty in America is increasing. Since 2000, nearly 12 million Americans have slipped out of the middle class and into poverty. As a nation we have 50 million Americans today who have no health insurance and that number has increased. In recent years we have the highest rate of child poverty of any major country on Earth. We are deindustrializing at a rapid rate. In the last 10 years we have lost 50,000 of our largest manufacturing plants as many of our largest corporations have decided it is more profitable to do business in China and other low-wage countries rather than invest in America.

That is one reality. Then there is another reality that we don't talk about too much. It is while the middle class disappears and poverty increases, people on the top are doing phenomenally well. Today, about 1 percent of top income earners earn about 23 percent of all income. That is more than the bottom 50 percent—the top 1 percent earn more income than the bottom 50 percent and the gap between the very rich and everybody else is growing wider.

Not widely discussed but true, in America today the wealthiest 400 families own more wealth than the bottom 150 million Americans—400 families, 150 million Americans. That is an unbelievable gap in terms of wealth, between a handful of families and the vast majority of the American people. That gap is growing wider.

In 2007, the wealthiest 1 percent took in 23.5 percent of all the income earned in the United States; the top 0.1 percent took in 11 percent of total income. The percentage of income going to the top 1 percent has nearly tripled since the 1970s, and between 1980 and 2005, 80 percent of all new income generated in this country went to the top 1 percent.

We are living in a society where the very wealthiest people are becoming wealthier; the middle class is disappearing; poverty is increasing. That takes us to the budget situation our Republican friends are pushing.

At a time when the richest people are becoming richer, what the Republicans say is the answer is let us give millionaires and billionaires even more in tax breaks. At a time when the middle class is in decline, poverty is increasing, what our Republicans are saying is let us attack virtually every significant program that improves lives for low-income or moderate-income people. The rich get richer, they get more. The middle class gets poorer, they get less. Maybe that sense of morality makes sense to some people. It does not make sense to this Senator and I do not believe it makes sense to the vast majority of the American people.

Our Republican friends outlined their immediate budget proposals for 2011, for the CR, in their bill H.R. 1. Let me briefly review it because I want everybody in America to understand what these folks want to see happen and it is

important that we discuss it. Fifty million Americans have no health insurance today. The Republican solution is slash $1.3 billion for community health care centers that provide primary health care to 11 million patients.

What happens when you are sick, you have no insurance, you don't have any money, you can't go to a doctor—what happens? Perhaps you die, perhaps you suffer, perhaps you are lucky enough to get into a hospital. We spend huge sums of money treating you when you could have been treated a lot more cost effectively through a community health center.

Today, in my office and I suspect in your office, people will tell you that it takes too long for them to get their claims from the Social Security Administration, the disability claims—the waiting line is too long. The Republican solution is slash $1.7 billion from the Social Security Administration, making seniors and the disabled wait even longer. Everybody in America knows how hard it is for a middle-class family to send their kids to college. The most significant Federal programs, such as the Pell grant program, make it easier for low and moderate-income families to afford college. The Republican solution is slash $5.7 billion from Pell grants which means that over 9 million American students will lose some or all of their Pell grants. Many of them will not be able to go to college.

Everybody, every working family in America, knows how hard it is today to find quality, affordable childcare. In most American middle-class families the husband works, the wife works—they want to know their kids are in a safe, good-quality childcare center. For decades now, Head Start has done an excellent job in providing quality early childhood education for low-income kids. In the midst of that childcare crisis, the Republican solution is slash Head Start by 20 percent, throw 218,000 children off of Head Start, lay off 55,000 Head Start instructors.

On and on it goes. In my State it gets cold in the winter, 20 below zero. Many seniors living on Social Security cannot afford the escalating costs of home heating oil. The Republican solution: Slash $400 million in funding for LIHEAP, making it harder for seniors and other low-income people to stay warm in the wintertime.

What we should be very clear about as we discuss the budget is the Republican proposals for the continuing resolution for the remainder of fiscal year 2011 are only the first step in their long-term plan for America. Yesterday what we saw is the real vision of the Republican Party, for where they want to take this country into the future. While I applaud them for being straightforward about that vision, I think the more the American people take a hard look at where they want this country to go, the more outraged will be millions and millions of citizens as they understand the Republican proposal for the future.

Right now, if you are a senior citizen and you get sick and you need to go to the hospital, you have a health insurance program called Medicare, which has been lifesaving for millions of seniors. The Republican budget as outlined by Congressman RYAN yesterday essentially ends Medicare as we know it and converts it into a voucher-type program that will leave seniors paying out of pocket for many lifesaving health care costs.

In other words, if you end up, at the age of 75, with cancer or another illness, what the Republican proposal does is give a voucher to a private insurance company—$6,000, $8,000, we are not exactly sure—and after that, good luck, you are on your own. You have an income of $15,000, you have cancer, how are you going to pay for that? The Republicans say there will be a voucher, ending Medicare as we know it right now.

The Republican proposal would force seniors to pay $3,500 more for prescription drugs. The proposal would reopen the prescription drug doughnut hole, requiring that seniors pay full price for prescription drugs. At a time when so many of our people have no health insurance, the Republican budget contains $1.4 trillion in Medicaid cuts over 10 years by turning it into a block grant program. We are now reading in various States that have budget problems that their solution to the budget problems is simply to throw people off of Medicaid, including children. What happens if you have no health insurance and you get sick?

We are beginning to talk about death panels. That is what we are talking about. If you are sick, you have no health insurance, what do you do? My guess—we have options—you die, you get sicker, you suffer in ways that you did not have to suffer.

The Republican proposal, as outlined by Congressman RYAN yesterday, also includes over $1.6 trillion in cuts over the next decade for education, Pell grants, infrastructure, affordable housing, food stamps, food safety, and other vital programs for the middle class, the elderly, the sick, and the children.

What is also interesting—it is literally beyond belief to me—is while Republicans are slashing programs for low- and middle-income people, what they are also doing—I think people will think I am not serious, but I am—at the same time as the rich are getting richer and they are slashing programs for low- and moderate-income people, the Republican budget plan would significantly lower taxes for millionaires and billionaires.

So we cut Head Start, we cut Pell grants, we cut community health centers, but at the same time we give huge tax breaks for millionaires and billionaires. Furthermore, the Republican proposal would also lower taxes for the largest corporations in this country. My point is, we all do understand that this country has a serious deficit problem and a $14 trillion national debt. I think every Member of the Senate is concerned about the issue and wants to address it.

The question is, Do we move toward a balanced budget on the backs of the weakest, most vulnerable people in our country, on the backs of the poor, the children, the elderly, the disabled? That is one way we can do it or do we ask for shared sacrifice? Do we say to the wealthiest people in the country, do we say to the largest corporations in this country: You are part of America, too, and you have to help us get out of this deficit crisis.

Last week, I issued a list of 10 major corporations—10 major corporations that paid nothing in taxes in recent years, and, in some cases, actually got a rebate from the Federal Government after making huge profits. To my mind, instead of cutting back on Head Start and Pell grants and community health centers—which will have a devastating impact on low- and moderate-income Americans—maybe we might want to ask General Electric, which made $26 billion in profits over the last 5 years and received a $4.1 billion refund from the IRS, maybe we might want to ask them to pay something in taxes.

I think it is a bit absurd that the average middle-class person pays more in Federal income taxes than does General Electric. Maybe we want to change that. Maybe we want to ask Chevron, which made $10 billion in profits in 2009, which got a $19 million dollar refund from the IRS, maybe to pay something in taxes so we can move toward deficit reduction in a way that is fair.

Here is the bottom line: corporate profits are at an alltime high. The richest people in this country are doing phenomenally well. The middle class is in decline. Poverty is increasing. Republican answer: More tax breaks for the very rich, lower corporate taxes, but stick it to working families in a horrendous way, which will cause massive pain.

We are at a fork in the road in terms of public policy. Do we develop public policy which protects all our people, which expands the middle class, or are we at a moment in history which moves this country aggressively toward oligarchy, in which we have a small number of people at the top with incredible wealth and incredible power, while the middle class continues to disappear.

Now is the time, in my view, for working families all over this country to stand and say: Enough is enough. We need shared sacrifice as we go forward. We do not need to see the middle class in this country further disappear.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

AMENDMENT NO. 236

Mr. BAUCUS. Madam President, I rise today to speak to amendment No. 236 to exempt farmers, ranchers, and small businesses from EPA regulation of greenhouse gases.

The science is clear: greenhouse gas pollution is causing climate change. Climate change is here, it is real, it is human caused, and it will hurt our economy and the health of our kids and grandkids.

In Montana we are already seeing the effects. According to Dr. Steve Running at the University of Montana, the duration of the wildlife season in the western United States has increased by 78 days since the 1970s. This trend is driven by earlier snowpack melt and less summer precipitation due to climate change. And this trend costs jobs in Montana's tourism and timber industry.

Climate change also endangers our national security. According to a report recently authored by retired Navy ADM Frank Bowman, ''Even the most moderate predicted trends in climate change will present new national security challenges.'' That is why the Pentagon included climate change among the security threats identified in its Quadrennial Defense Review.

I believe that we all have a moral responsibility to leave this world to our kids and grandkids in better shape than we found it. That means we ought to deal with climate change by reducing our emissions of greenhouse gas pollution. But we must do so in a manner that does not hurt the economic recovery.

Small businesses and agriculture are the drivers of our economic recovery and job creation. Of the 200,000 jobs added in March, over half were created by businesses with 50 or fewer employees. And over 90 percent of the 200,000 jobs created last month were created by businesses with 500 or fewer employees. My amendment ensures that these businesses can continue to add jobs.

My amendment is very simple. It exempts farmers, ranchers, and small businesses from EPA's greenhouse gas pollution regulations.

Under my amendment only about 15,000 of the more than 6 million stationary sources that emit greenhouse gases in the country would be regulated by EPA. These 15,000 sources are large plants run by big corporations. And over 96 percent of these 15,000 sources already have to get permits under the Clean Air Act for emissions of criteria pollutants. Moreover, these 15,000 polluters account for 70 percent of greenhouse gas emissions from stationary sources in the country. So under the Baucus amendment, small businesses would be protected, while the biggest polluters that account for the vast majority of emissions would have to comply with the law.

EPA is going forward with regulations to reduce greenhouse gas pollution. We ought to ensure these regulations preserve our outdoor heritage, protect our children's health, promote our national security, and protect small businesses, farmers, and ranchers. My amendment does just that, and I urge my colleagues to support it.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PRYOR. I ask unanimous consent to speak as in morning business for 10 minutes.

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

FISCAL CHALLENGES

Mr. PRYOR. Mr. President, we find ourselves in dangerous territory. While Republicans and Democrats continue to point fingers and hold fiery press conferences, a government shutdown is quickly approaching. The blame game is like quicksand: it has the ability to drag down not only the Senate and the House but the entire economy and our country. No matter how one looks at it, a shutdown would be reckless and irresponsible.

We can get this short-term budget problem resolved if all parties would turn off the rhetoric and stop the campaigning. A few extreme partisans stand in the way of progress, blocking a good-faith effort of many others seeking common ground. I ask them to take to heart what it says in the book of Isaiah: Come now, let us reason together.

We need to overcome this budget impasse and live up to the oath we took and to the people we represent. Larger challenges await our attention. It is not in our best interest to see the government shut down. I don't think it is in the best interest of the Nation to continue on this deficit-spending cycle we have been on. We owe it to the American people and the world that is watching us to show American leadership on both our short-term and long-term fiscal challenges.

I would like to see us turn our effort to the blueprint provided by the debt commission. I commend the bipartisan group of Senators who have begun to turn part of this plan into legislation.

We must find ways to reduce spending, address entitlement programs, and reform the Tax Code. Now, with all the momentum and opportunity built up over the last few months, is the time to lead. We must make the serious decisions to get our Nation out of the red so we can be competitive in the future. Again, I say let's turn off the rhetoric and be part of the solution, not part of the problem.

In Washington, the blame game has become par for the course. It has become politics as usual. In fact, it is one thing that people in my State are sick and tired of and one of the reasons why they have lost confidence in the Congress and in our government. Besides that, how in the world does holding press conferences and pointing fingers at others help resolve anything? Besides that, it is not true because the truth is that we are in this fiscal situation we are in today because of decisions all of us have made over the last decades. In fact, I saw yesterday in the paper where Speaker BOEHNER was talking to some of his caucus about getting ready for the shutdown, and there were ovations over there. There are no ovations over here for a government shutdown. We do not want to see it. I am not only talking about Democrats. I don't know of any Republicans in the Senate who want to see a shutdown. In fact, from my standpoint, one of the tests I use when I look at politicians is, the louder they are and the more often they have press conferences to blame other people, that probably means the more they are to blame for the problems we have today.

I certainly hope that as the elections roll around next year, the American people will remember many of the politicians' attempts in Washington to avoid responsibility for this terrible fiscal crisis.

One thing we need to keep in mind is that what we are talking about this week in terms of shutting down the government—and I hope that doesn't happen—is really only important for the next 6 months. We are only talking about for the rest of this fiscal year. The real battle, the more meaningful discussion and debate and fight, even, that we need to have is over long-term fiscal policies. The next 6 months—I don't want to say that is not important, because it is—is a time for us to demonstrate to the American people, to the markets, and to the world that we can come up with political solutions to the very challenging problems we face.

I am also concerned in this fragile economy that if we do shut down the government, that might be something that would shake this economy and actually, possibly, stop it in its tracks. I hope it will not reverse it, but I do have a concern about an abrupt cutoff of government spending, what that might do to the economy.

Our fiscal challenges that the debt commission focused on and many of us have focused on are beyond politics. They are bigger than politics. They are more important than the next election. In fact, they are more important than our own personal political fortunes. This fiscal situation we are in is not about the next election; it is about the next generation.

If we look back at the time that we call the Battle of Britain, one of the things Winston Churchill said that always stuck with me is, ''Never in the field of human conflict was so much owed by so many to so few.'' He was talking about those brave men who flew the airplanes over Great Britain to protect the skies and the British people and to win the war, to stop Nazi Germany from invading and defeating the British Empire.

The ''so few'' we have today are TOM COBURN, DICK DURBIN, MARK WARNER, SAXBY CHAMBLISS, MIKE CRAPO, and KENT CONRAD. Those few have been

meeting for weeks, even months, to try to come up with a comprehensive budget agreement based on the blueprint of the debt commission. These six Senators are not politicians; they are statesmen. They are trying to do what is right for the country. They are trying to do what is in the country's best interest, not their own. I guarantee my colleagues, each one of the six will face tremendous criticism from their own parties and from other quarters about what they are trying to accomplish. To me, that is courage, leadership; that is what being a Senator is all about.

I know right now there are six of them meeting. I know that at some point, once they come out and once they are ready to announce what they want to do, many others will join that effort. But we need to cheer them on and encourage them to finish the hard task they have begun.

I am reminded, when I think about those six sitting in the Capitol and in various rooms around the Capitol, of that phrase in the Declaration of Independence right before our Founding Fathers signed that great document where they say: ''We mutually pledge to each other our lives, our fortunes, and our sacred honor.'' This is our time to put it all on the line. We need to put our political lives on the line, our political fortunes on the line, and our honor. We need to honor the commitment we have made to this country when all 100 of us stood up—in fact, when all 535 of us stood up—and took the oath of office that we were going to do what was right for the country.

I mentioned the Book of Isaiah a few moments ago. I am reminded that many times in the Old Testament, whether in the prophets or Proverbs, we are always encouraged to do right, to do justice, to show mercy. We want to really be upright and true. That is what they call us to do and what they want us to do.

I am also reminded that in the New Testament, when Jesus is talking to the political and religious leadership of his day, he says: Are you so blind?

Are we so blind that we cannot see the forest for the trees, that we can't understand how important it is for this country to get our debt and deficit where it needs to be? Are we so blind that we are not able to see that we need to put everything on the table, that this is a time for great leadership and shared sacrifice, and we all have to give up something to get this done?

It is our time to lead. This may be the greatest challenge of our generation, of any of us who are serving either in the House or Senate right now. This may be our one moment in history for greatness. I sincerely hope we rise to the challenge because I believe the future of the Republic depends on it.

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

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

Mr. JOHANNS. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

PESTICIDE REGULATION

Mr. JOHANNS. Mr. President, I rise today to talk about another example of an EPA that, I believe, is out of step with American agriculture.

EPA continues to pursue regulations that would require farmers to file for an additional permit if they want to apply pesticides, while just last month EPA Administrator Jackson mentioned ''the critical work that farmers are doing to protect our soil, air, and water resources.'' Yet the EPA continues, I believe, to handcuff our farmers and our ranchers with very stringent new regulations but still expects them to do all they can to feed a hungry world.

Time and time again, farmers have consistently proven to be excellent stewards of the environment. They make their living from the land, and they are very mindful of maintaining and protecting and improving it. I speak from experience. I grew up on a farm.

Unfortunately, we have watched organizations use the courts to twist laws against American agricultural production. A Democratic Congressman from California recently noted that EPA ''often pursues a course of agency activism.'' He points out that EPA is using the settlement of lawsuits to give them jurisdiction over issues that may not be allowed under existing law.

More and more we are seeing important policy decisions that impact agriculture arise not from the legislative process, where it should arise from, but from the litigation process where a lawsuit settlement results in policy decisions being made.

In January 2009 a court overturned the normal practice of allowing farmers to apply pesticides as long as they complied with labeling requirements under the Federal Insecticide, Fungicide, and Rodenticide Act, which is known as FIFRA.

The Sixth Circuit Court ruled that EPA doubly regulate pesticide applications under FIFRA and the Clean Water Act. Well, at least 25 Senate and House Members, including myself, supported an amicus brief urging review of the court's very ill-advised decision. But, instead, the Obama administration chose to wave the white flag, ignoring the science and caving to activists. They urged the Supreme Court not to hear the case and to let the ruling stand.

For years EPA managed pesticide permitting within established environmental and safety requirements. Yet the administration refused to defend what was a very established, longstanding approach. The EPA asked for a 2-year delay to write the permit and set up a compliance regime. They moved forward with onerous permitting requirements for our producers that will provide no environmental gain. This would subject the pesticide applicators to new and duplicative requirements—a distinct shift in how the EPA regulates pesticides. It created a whole new world. This additional permitting is now inefficient, it is unnecessary, and I would argue it is inappropriate for agriculture.

EPA's permitting requirements also present a challenge to local public health officials who work to control mosquitoes and prevent the spread of disease. The American Mosquito Control Association estimates that complying with the additional regulation could cost each pesticide user at least $200,000 and potentially $600,000 in California alone. The dual permit requirement may reduce the availability of pesticides proven to control mosquito populations. Thus, the ability of public health officials to control mosquitoes and the spread of disease will be hindered.

We all know bugs and weeds won't wait on another additional permit from EPA, and I surely don't think farmers and public officials should have to go through this additional process. Last week, the House of Representatives passed the Reducing Regulatory Burdens Act—H.R. 872. It passed with overwhelming support. I am very pleased to report it was a bipartisan vote of 292 to 130. Democratic Congressman COLLIN PETERSON, with whom I worked when I was Secretary of Agriculture and whom I have a lot of respect for, said this:

> It was never the intent of Congress to burden producers with additional permit requirements that would have little to no environmental benefit.

I could not agree more with the former chair of the House Agriculture Committee. But he is not alone. Fifty-seven of his Democratic colleagues supported this bipartisan legislation to set the record straight and send a clear message to the EPA.

Here in the Senate, I am a cosponsor of a similar bill Senator ROBERTS introduced this week. I am pleased to stand here today and support his bill. Both of these bills are designed to eliminate this burdensome, costly, redundant permit requirement for pesticide applications. I commend his efforts here. He is trying to do something to solve this problem while protecting farmers and ranchers from additional regulation, but also very mindful of our environment.

I urge the majority leader to act quickly on the legislation to address the EPA's redundant and costly double-permitting requirements. We can address this in the Senate. If we don't find a solution, our producers will continue being told how to operate in a very difficult environment. Our producers already deal with the uncertainty of Mother Nature. We should

not infuse even more uncertainty into their lives in the form of these regulations that duplicate with no discernible benefit.

President Obama recently promised to eliminate programs that duplicate each other. In fact, he issued an Executive order calling for a government-wide review to identify programs that either duplicated or, as he said at the time, were just plain dumb. I submit to my colleagues that this pesticide double regulation is unnecessary and as dumb as it gets.

We should support our farmers and ranchers as they produce safe, affordable food. They are working to protect the land. American agriculture can continue to feed the world, and our farmers will continue to care for the land, unless we set up unnecessary roadblocks.

This redundant pesticide permitting requirement is another example of overreach. I hope the Senate will follow the example of the House which voted resoundingly in a very bipartisan way to correct this situation. We cannot afford to delay, with the compliance date right around the corner. It is a deadline we simply cannot ignore.

Mr. President, thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 183

Mrs. MURRAY. Mr. President, I come to the floor today to express my strong opposition to any attempt to prevent the Environmental Protection Agency from doing its job and protecting our families and our environment. The amendments being considered here in the Senate would hurt our environment and harm our national security by increasing our dependence on foreign oil. They would devastate our public health efforts, and take us in the wrong direction as we fight to compete and win and create jobs in the 21st century clean energy economy.

The positions of leading scientists and doctors and public health experts are clear. Global climate change is real, it is harmful, and it has to be addressed. Rolling back EPA's standards would be devastating to the health of our families, and especially our children. These are settled issues in the scientific world. We shouldn't be spending time debating them over and over on the Senate floor.

By the way, with the price of oil spiking and families paying more and more at the pump, we ought to be focused on ways to move our country away from our dependence on foreign oil. These amendments would do exactly the opposite. They will disrupt efficiency standards that sacrifice billions of gallons of fuel savings and increasing our foreign imports. They will derail the cooperative efforts of automakers and autoworkers and EPA and States to develop these unified, national standards that provide certainty for businesses to invest in new technologies. Frankly, they would be harmful to our national security. Every dollar we spend overseas to pay for oil is more money in the pockets of countries that are too often far from friendly to our national security interests, and that doesn't make any sense to me.

But this debate isn't just about health and the environment, and it is not just about our national security dependence on foreign oil. It is also about jobs and the economy, which is exactly what we ought to be focused on right now.

We are currently working on legislation on the floor to help small business owners to innovate and grow, to give them the resources they need so they can expand and add jobs and compete in a global economy. These amendments being considered to that bill will move our country in the opposite direction.

First of all, they are going to cause massive uncertainty and upheaval for clean energy companies such as the McKinstry Company in my home State of Washington that is working right now to create jobs and grow and create a clean energy economy. If the rules of the game keep changing, businesses are never going to have the confidence they need to invest and add workers.

Second of all, we all know America needs to move quickly into the 21st century clean energy economy. Other countries such as China and India are pouring resources into investments that are creating jobs and building infrastructure. We need to make sure we position ourselves to compete and win in this critical sector.

That is why instead of harmful legislation and amendments that would take us in the wrong direction—instead of doing that—we should be talking about policies that reduce our dependence on foreign oil, support our national security objectives, and unshackle our economy, so we can tap the creative energy of our Nation's workers and support good family wage jobs, and make sure our workers continue leading the way in this 21st century economy. That is the direction our country needs to be moving—toward a healthy and clean environment and toward the clean energy jobs of the future. We can't bury our heads in the sand and expect our energy and our environmental problems to somehow disappear.

The longer we put off dealing with these issues, the more it is going to cost us in the future, and that is exactly what the amendments on the floor today will do. They are bad for the environment, they are bad for the economy, and they are dangerous to our family's health.

The science on these issues is very clear and it is something the people in my home State of Washington take very seriously. Because when families across America go outside for some fresh air or turn on their tap and hope to have a clean glass of water, they expect these resources to be just that: clean.

Once again, I strongly oppose any attempt to take away the EPA's ability to do their job, and I hope we can work together to find real solutions to the critical problems that face our country.

Thank you, Mr. President. 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.

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

Mr. BARRASSO. Mr. President, today the President is heading to Philadelphia to talk about energy. Well, the President talks a good game but, unlike energy, talk is cheap.

The President plans to host a townhall meeting about his new energy policy. I think it is time the rhetoric face the reality of what the country is seeing, experiencing, and dealing with. If the President truly wants to get a handle on energy costs, he needs to start by immediately stopping his Environmental Protection Agency from attempting to enact backdoor cap-and-trade regulation.

That is exactly what the EPA is doing. The only effect that can have is to increase energy costs on American families. The President himself admitted as much in 2008. At that time, in an interview with a San Francisco newspaper, he said: ''Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.''

Is the President serious about decreasing U.S. dependency on foreign oil? If so, he should then rescind his veto threat against today's congressional legislation regarding the policies of the EPA.

That is why I am here in support of the McConnell amendment. The McConnell amendment keeps energy prices low. It prevents the EPA from blocking the development of domestic energy. It restores the Clean Air Act to its original congressional intent. I support the McConnell commonsense amendment.

Most likely, today we will hear more of the same from the President in his speech and townhall meeting in Philadelphia, and more of the same is the last thing the American people need right now. American families are facing increasing gas prices. Our national security is being jeopardized by dependence on foreign sources of energy. Unrest in the Middle East and North Africa is driving high prices even higher.

The Department of Energy has made an estimate that families all across this country will spend $700 more on gasoline this year than they did last year. Meanwhile, the President will most likely deliver another speech with great goals but limited action.

With gasoline at over $3.50 a gallon, the President fails to appreciate the effect his administration's policies have on families with bills, with kids, and with mortgages to pay.

In 2008, President Obama, then a candidate for President, said that the problem wasn't that gas prices were too high but that they had risen too fast. In his words, he said he ''would have preferred a more gradual adjustment.'' This may explain why the President spent his first 2 years in the White House undermining and abandoning an all-of-the-above approach to energy. It is no wonder that he is now trying to cast blame on those who are offering a responsible alternative.

The President says he wants to cut our imports of foreign oil by a third by 2025. Well, to me, he doesn't appear to have the right vision or political will to get there. The United States has the most combined energy resources on Earth, but when faced with new sources of U.S. energy, the administration's automatic response has been to regulate, delay, or to shut down.

The President's ''say one thing, do another'' policy is making the pain at the pump even worse. His approach is long on making promises, short on taking responsibility. He talks of his concern for the people affected by the gulf oilspill. Yet his drilling shutdown in the Gulf of Mexico killed their jobs and strangles energy production even today. U.S. offshore oil production is expected to drop 15 percent this year thanks to the policies of this administration.

The President's claim that blaming his administration for ''shutting down oil production''—he says it doesn't track with reality. But I will tell you that the administration's stalling on gulf oil and gas drilling permits is so antibusiness that even former President Bill Clinton called it ''ridiculous.'' Even as the President says he wants to cut oil imports, he told an audience in Brazil a week or two ago that he wants the United States to become ''one of Brazil's best customers'' for oil. He said he would expedite new drilling permits. He claims oil companies are ''sitting on supplies of American energy just waiting to be tapped.'' But the biggest thing standing in the way is redtape from his own Interior Department and EPA. While ''use it or lose it'' makes for a nice sound bite, it ignores the reality that the Obama administration's own policies are the most significant roadblock we have to drilling and exploring for American energy.

The President also claims to support alternative fuels. Yet he didn't once mention converting coal into fuel or tapping oil shale. Oil shale production could produce an estimated 800 billion barrels of recoverable oil. That is three times the amount of Saudi Arabia's oil reserves.

The way we can address our economic and national security needs is by producing more American energy. We can't afford to pick and choose our energy at a time of uncertainty. We do need it all. This means allowing more U.S. exploration and lifting the burdensome regulations that make it harder for Americans to produce more energy.

Renewable energy is part of it, it is important, but there is no way green energy and green jobs can replace the red, white, and blue energy and jobs that have continued to power our country for over a century. Until the administration acknowledges this, the administration's policies will continue to make the pain at the pump even worse. That is why I urge the Members of this body to adopt the McConnell amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise in strong opposition to the McConnell amendment. I listened to my distinguished colleague from Wyoming, and I enjoy working with him, but this is one subject on which we fundamentally disagree.

This isn't about energy production; this is about clean air. This amendment is a blatant attack on the Clean Air Act, and, from my perspective in New Jersey, any attack on the Clean Air Act is an attack on New Jersey.

Primarily because of dirty, old, out-of-State coal plants, every county in New Jersey is noncompliant with the Clean Air Act—not by what we do but what other States do. One of those coal powerplants is the aging Portland Generating Station, located just across the Delaware River. This plant emitted 30,000 tons of sulfur dioxide in 2009. That is almost three times the amount of all seven of New Jersey's coal plants combined. So we have cleaned up our act. Others need to do it for the collective air we breathe as Americans. Its pollutants waft across the Delaware River into numerous New Jersey counties, causing and exacerbating a whole host of respiratory illnesses, from asthma to heart disease. If not for the Clean Air Act, my State or any other State similarly situated would not have been able to petition the Federal Government to stop the pollution this Pennsylvania plant spews into New Jersey's air.

Just last week, New Jerseyans received some good news. Under the authority of the Clean Air Act, the Federal Government proposed a rule that would grant my State's petition. If finalized in coming months, the rule would lead to an over 80 percent reduction in the Portland coal plant's sickening sulfur dioxide emissions. If not for the Clean Air Act, my State would not have this victory within its grasp. It wouldn't have the opportunity to protect its citizens. We simply cannot gut the one piece of Federal legislation that protects the air we breathe.

Imagine having to tell your children they cannot go outside to play because the wind is not blowing quite the right way, because the air they will breathe will damage their lungs. The McCloskeys from Delran, NJ, don't have to imagine that scenario; they know it. Let me tell you about Erin McCloskey. On poor air quality days in the summer, their daughter Erin could not even make it to the family car, much less go outside and play, without starting to wheeze. Family activity began to revolve around trips to the doctor, treatments, and stays at the hospital. It was a severe economic hardship on the family not just because of costs but also because all of these trips made it difficult for Erin's mother Natalie to hold down a job.

The McCloskeys are not alone. Four-year-old Christian Aquino, from Camden, NJ, suffers from severe asthma. He takes six different medications a day to control asthma attacks, but still his mother, Iris Valerio, lives with the constant fear that an attack is around the corner. On bad air days, they avoid going outside, and when on the highway in traffic, the windows are kept closed.

Fourteen-year-old Samaad Bethea, of Elizabeth, NJ, also suffers from severe asthma. He has been on daily steroid medication to control his asthma for 3 years. If he skips a day, his lungs start to falter and he can't catch his breath. His mother Sharon realized that pollution in their old neighborhood was triggering attacks and had an opportunity to move the family. Since that move, Samaad has been doing much better, but he still requires daily steroid medication.

These children are part of a sobering national reality, a New Jersey reality. Their days revolve around inhalers, steroids, and constant anxiety over when air pollution will trigger another severe asthma attack.

According to the National Centers for Disease Control and Prevention, each year over 10,000 New Jerseyans are hospitalized due to asthma attacks triggered by air quality problems. Thousands of sick days are taken each day in New Jersey by either asthmatics or parents of asthmatics, with huge consequences for the New Jersey economy. Asthma attacks triggered by air pollution cause scores of premature deaths in my State each year.

Erin McCloskey, Christian Aquino, and Samaad Bethea bring these statistics to life. While the causes of their asthma are many, air pollution is a common trigger. The Clean Air Act directly impacts their health, their quality of life, and even the ability of their parents to get or keep a job. For them and for thousands of children like them, weakening the Clean Air Act will mean more days sequestered in their homes and more emergency room visits.

The McConnell amendment—the one I call the dirty air amendment—is the first of many amendments we can expect to see that are aimed at preventing the Federal Government from regulating polluters under the Clean Air Act.

Caring about children's health means not allowing polluters to place profits ahead of people, ahead of the well-being of our children—and I mean all children, no matter their race, ethnicity, or class. Low-income and minority Americans continue to be disproportionately exposed to pollution that is harmful to their health. A recent analysis showed, for example, that two-thirds of U.S. Latinos—about 25.6 million Americans—live in areas that do not meet the air quality standards under the Clean Air Act. Perhaps this begins to explain why Hispanic Americans are three times more likely than Whites to die from asthma attacks, why Latino children are 60 percent more likely than Whites to have asthma.

Low-income and minority Americans will also be disproportionately affected by the impacts of climate change. Let's be clear. The scientific consensus is overwhelming. Climate change will increasingly create more frequent and more extreme storms, more violent and sustained heat waves, meaning more costly and dangerous floods and droughts. Hotter summer days will mean more ozone formation and more bad air quality days. In this way, climate change directly endangers all of us, our children, and our children's children. But changes in weather patterns and increasingly extreme weather events also result in indirect effects. The security of our food supply will be at risk due to more frequent heat stress. The security of water supplies will be at risk due to droughts.

For all of these reasons, scientists agree that climate pollution endangers public health and welfare. That is well understood, and we can curtail these risks by regulating climate pollution. But, no, big polluters want to kick the can down the road. They want to pretend they aren't polluting. Big polluters want to pretend these risks aren't real. They want the McConnell amendment to pass so they can continue business as usual.

This is not about energy because if the New Jersey coal-fired plants ultimately reduced their emissions by 80 percent, it is a question of an investment. They are still producing energy. There are 9.3 million people in the State. They are producing energy, but the reality is that they are doing it in a cleaner way. That is what this issue is about.

We must not allow polluters to set our priorities. How many children in New Jersey or in other parts of the country face the reality of dirty air? How many children are we willing to have deathly ill in order to allow polluters to continue to spew toxins into the air we collectively breathe? Doing so risks not only our health and that of future generations, it risks the promise of a green economy built on clean energy jobs, energy-efficiency innovations, and reduced waste and pollution.

I urge my colleagues to stop the effort to gut the Clean Air Act and to defeat this amendment. Let's make sure we bequeath to future generations the ability to have air that, ultimately, we can collectively breathe, that doesn't sicken our families and undermine our collective health.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. BOOZMAN. Mr. President, I rise to express my strong support for the McConnell amendment. This amendment prevents EPA from continuing to reach beyond Congress's clear intent under the Clean Air Act.

Congress did not authorize greenhouse gas regulation under the Clean Air Act. This amendment is an appropriate response to clarify the law that is being misinterpreted. The EPA should not be making policy decisions beyond the authority clearly granted to the Agency by Congress.

Let us remember, last year, Congress rejected the cap-and-trade agenda on a bipartisan basis. The EPA's agenda is a job-destroying agenda. It will raise the price of energy, food, and gasoline. The cost of this policy will be transferred to the people of Arkansas and all Americans every time they shop at the store.

The EPA's agenda will not lead to a cleaner environment. American manufacturing will be hurt, and our manufacturing capacity will be replaced by foreign competitors with weak environmental standards. This amendment will allow individual States to keep existing policies in place by permitting them to regulate emissions as they see fit.

This amendment also enables the EPA to focus on the important purposes of the Clean Air Act, which I strongly support. The Clean Air Act must be used to protect the public from harmful pollution. The Clean Air Act was not intended to address climate change concerns.

Finally, let me address a myth we keep hearing. Some have stated the Supreme Court is forcing the EPA to take this heavy-handed, backdoor, cap-and-tax approach. This is wrong. The Supreme Court stated that the EPA can decide whether greenhouse gases endanger public health and welfare. Many Senators believe the Supreme Court's interpretation of the law is wrong. Yet EPA made a political decision based on the Court's ruling to expand their jurisdiction far beyond what Congress intended. This amendment will correct that action.

Others have stated this amendment would permanently eliminate the EPA's authority to regulate greenhouse gases. This is also wrong. No policy is permanent unless it is part of our Constitution, and even the Constitution can be amended. We can enact this amendment and still have a debate in this body about needed policy changes in the future.

Finally, let me quickly address some of the alternatives to this amendment that are being suggested. Some of my colleagues have suggested delaying the EPA's actions by 2 years. Others have suggested that one sector of the economy or another should be exempted from EPA's unnecessary and burdensome rules.

I would suggest these proposals do not provide the cover some Senators want. Bad policy is bad policy whether carried out this year or 2 years from now. Our job creators need certainty. Restraining the EPA for 2 years will not provide the certainty they need to invest and create more jobs. Exempting one sector of the economy is also not enough. There is no excuse for protecting just one sector while watching Americans in other sectors lose their jobs to foreign competitors.

At the moment, our priority must be job creation, protecting our industrial and manufacturing sectors, and keeping gas and food prices low. We must make sure the EPA avoids politically driven initiatives and becomes focused on its core mission: protecting air and water quality and preventing exposure to toxic contamination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. I thank the Chair.

(The remarks of Mr. FRANKEN pertaining to the submission of S. Res. 133 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I wish to speak for a few moments on behalf of the McConnell-Inhofe amendment. I thank them for their leadership in dealing with governmental regulation of carbon dioxide and other greenhouse gases, amendment No. 183. I want to share a few thoughts about a matter that is important to me. I served several years as ranking Republican on the Judiciary Committee. I am interested in our legal system and how it works. I have to say that the Supreme Court ruling that resulted in the situation we are in today is a classic example of how unelected officials—not just judges—can make laws and regulations in a manner that is dramatically contrary to the ideals of the American Founders, and in a manner that is contrary to the ideals on which this country was founded, ideals that require accountability, that require responsibility and that allow the American people to hold their officials responsible and accountable for what they do.

For this reason alone I believe the McConnell-Inhofe amendment should be agreed to, because we are talking about a situation in which unelected

governmental employees are systematically going about regulating emission of CO_2 in the country under a very attenuated theory. They were never given the explicit authority to do so.

They will, under the power they have asserted, have the ability to regulate your automobile, the heating unit in your home, hospitals, businesses, cities, and anything else that utilizes carbon fuels to produce energy. This is what it is all about.

How did it happen? What occurred here? Well over forty years ago, Congress passed the first Clean Air Act, and since then, Congress has amended the Act several times. Congress was focused on cleaning up the air and dealing with smog, particulates, nitrogen dioxide, sulfur dioxide—all of these pollutants were being emitted into our atmosphere and were affecting the health and well-being of Americans, particularly in cities, and Congress took action to contain that, and it has helped produce a much cleaner environment. Pollution was far worse 40 years ago than it is today. Our atmosphere has far fewer dangerous pollutants in it and, in that regard, the Clean Air Act has been very successful.

But since this Earth was created we have had a marvelous balance. Human beings and animals breathe in air. They take in oxygen out of that air and they breathe out carbon dioxide. Carbon dioxide is not a pollutant. We have never considered it to be a pollutant. Plants, as you know from your basic high school classes, take in carbon dioxide and emit oxygen as part of a life cycle process that is marvelous and wonderful beyond our ability to express.

Over the course of centuries and millennia, plants in the world took in carbon dioxide and, eventually, were buried in the earth. As a result, the carbon dioxide in those plants was trapped underground and developed into coal, oil, and other fuels. In recent years we have been taking those fuels out of the ground and burning it and, as a result, releasing the carbon dioxide.

When the Clean Air Act was passed, there was no discussion or thought about any potential danger of a warming planet. Congress did not have the slightest idea at that time that thousands of bureaucrats would be able to one day take the Clean Air Act that they passed and control every home, every business, every city, every car, and every hospital in America.

What happened? The concern over global warming arose. Whatever people believe about that, the concern certainly is out there. Many people believe it is a serious threat. Others think it is not so serious. But at any rate, a lawsuit was filed. That is what we have so much of in this country. People file lawsuits, especially on environmental issues. They said: The planet is warming, and one reason it is warming is because there is a global warming gas, CO_2, that is being emitted more today, and this is a danger to us and we believe it is a pollutant now. So, they would call CO_2, which naturally occurs in our atmosphere and is used by plants and vegetation, a pollutant because the planet is warming. What do you say, Supreme Court? The Court responds: We say it is a pollutant, and the EPA should be allowed to regulate it. By a 5-to-4 decision, the Supreme Court seems to say, but not with much clarity, that EPA should look at regulating CO_2 because that is what they said the Clean Air Act meant to allow.

First of all, I don't think the statute meant that. I agree with the four judges who dissented. I believe Congress never had any intent whatsoever to give EPA the ability to control the emission of CO_2 all over America. I have no doubt of that. It is not in the statute in a way that would clearly enable the Supreme Court to say that. I suspect it was a product of activism. Judges got excited about the claim several years ago regarding the danger of CO_2 and global warming. Never mind that there seems to be actually less concern today about global warming. In any event, those judges wanted to see CO_2 regulated and they interpreted the statute in a manner that would allow for it. Now the Environmental Protection Agency is setting about to do so. It is a major intervention by the U.S. Government in every aspect of American life.

EPA regulation of carbon dioxide has the potential to drive up costs for individual Americans as they heat their homes and drive their cars and will place a real burden economically on the American economy. It will put us in a bad situation economically.

So the McConnell-Inhofe amendment says: Wait a minute. Congress did not approve that. We do not want to do that yet. We do not want EPA regulating CO_2 all over the country unless we direct them to do so—unless we, the elected representatives, decide it ought to be done. This important decision should not be made by five out of the nine members of the Supreme Court with lifetime appointments, totally unaccountable to the American people, or tens of thousands of governmental employees—public servants, bureaucrats—in the Environmental Protection Agency. They do not get to do it either.

It is our responsibility. If we are going to impose a massive regulatory burden on every American in this Nation, this Congress ought to decide when and how and under what circumstances it should be done. We have people in this Congress and in this government who act like Congress has no control over it. They think: The Supreme Court rules, and EPA issues its regulations.

Well, why do you not do something about it? They say: Oh, that just happens. We do not have any responsibility. It is not our responsibility. Do not blame me. You do not like it. Well, it was not my fault. I did not pass the Clean Air Act over 40 years ago. I was not on the Supreme Court. I am not an EPA bureaucrat.

But we are the United States Congress, and we are accountable to the American people. It is a question of constitutionalism. It is a question of separation of powers. This a question of responsibility. If we were to decide that the emission of CO_2 is a significant danger to our environment and it ought to be regulated, let's vote to say so.

At this point in time, we are not able financially and there is not enough scientific evidence or justification for going forward with the regulation of CO_2. And I am constrained to believe massive regulation is not the appropriate thing to do today—but that is a decision Congress ought to make.

We ought to be held accountable for the decisions we make. That is the way our country was set up to conduct issues of importance. I have to tell you, this is a big issue that is before the Senate. We should have tremendous debate, weeks of debate, because federal regulation of these kinds of emissions could result in hundreds of billions of dollars in cost—or even trillions of dollars in cost, if we set about to regulate all CO_2 in America. It just is.

I do not see how it can be disputed. Unfortunately, we act like we are washing our hands of it. The Supreme Court did not make a policy decision that this was the right thing to do. That is not their role. In fact, they will deny that is what they did. They would say: All we did was take a statute passed long ago, before global warming was even considered an issue to be confronted by the Congress, and decided that the statute Congress passed then allows EPA to regulate CO_2 now. And because of five justices, an unelected group of American employees are setting about to regulate carbon dioxide and other greenhouse gases. We do not need to do that.

The American people should not allow this to happen. They should demand that their Congress be responsible for what it does when it imposes such a monumental cost on the economy and the American people. That is our responsibility. The McConnell-Inhofe Amendment before the Senate today faces up to that squarely. It says we are not going to allow this circuitous route of interpretation of statutes to result in one of the most massive governmental intrusions in American life to occur. It ought to be a matter of intense public debate and national discussion before such a thing happens.

I salute my colleagues for offering their amendment. I urge my colleagues to support it.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 215

Mr. ROCKEFELLER. Mr. President, we are going to be voting this afternoon on a number of EPA amendments, one of which is mine, which calls for a short 2-year waiting period but does not shut down in any way the EPA, particularly on CAFE standards.

So I have two messages: One is that I hope but doubt—but nevertheless hope—people will vote for my amendment. As of last December, I would have gotten every Republican vote, but when they broke away from the omnibus reconciliation agreement those votes all went out the window. I think they will all vote for the McConnell amendment, which I think is a mistake. So let me explain.

First of all, I am very opposed to the McConnell amendment. I think it is foolish. It overreaches. It is briefly satisfying and devastating on a long-term basis. A case in point: It undermines the ability—because it obliterates the EPA—to set CAFE standards. Too few people in this body understand that 31 percent of all carbon emissions come out of the rear end of trucks and cars and other vehicles and that the right and the power and the science to set CAFE standards is an incredibly—incredibly—important mission of the EPA.

Under the McConnell amendment, that, along with everything else EPA does, is out the window on a permanent basis. It is goodbye EPA forever. That strikes me as not a mature approach to legislation.

I understand the frustration. We have that in West Virginia. The EPA does not understand necessarily the nuances of economic situations, that there is a more exacting way to present legislation. So I call for a 2-year timeout period, but I do not abolish EPA. I just say for a period of 2 years they should not do regulations on power stations, manufacturing plants, or oil refineries. That strikes me as not being fatal; it strikes me as something that could become law.

The most important point I can say about the McConnell amendment—I just pray this sinks in; it will not, but I pray that it will—there is not one chance in 10 trillion that the McConnell amendment will become law. It will not happen. He shuts the EPA down permanently, in all respects, forever. It will never happen. I doubt it will pass the Senate. It will certainly not pass at any other level where it counts.

So why do they do that? They do that because it does not solve the problem; it makes a point. It makes people feel good because they are mad, but, in fact, it does great destruction to our future. It does not solve a problem, and I am here to solve problems.

What I think we do need is a timeout just to stop the imposition of EPA regulations that do not allow for development of clean technologies—and that would hurt the economy at a very critical point in our still slowly moving recovery—but to do it in a way that keeps us all focused and working on a long-term energy policy.

Yes, we have had problems with the EPA in West Virginia, but the answer is not to get rid of the agency forever. It is just incomprehensible to me that mature people could actually be for that, vote for that, espouse that, but they have.

As of last December, when we were doing the Omnibus appropriations bill, every Republican had agreed more or less to vote for my bill—just a 2-year timeout which should not affect CAFE standards. Then all of a sudden nine Republicans defected. The election had already been held. The House was about to go into Republican hands. Once they defected, then everything crashed down. All of the votes I would have gotten from the Republican Party are now gone. I doubt I will get any votes from the Republican Party and not many from my own party, which I regret but I understand.

I believe in clean coal. People say ''coal.'' I much like it better if they say ''clean coal'' because if it is just coal the way it is in the ground, we are not going anywhere, and natural gas will overtake coal, put them out of business. I have said this to the coal operators quite frequently. They do not believe me, but I think it is true.

It has happened in North Carolina in 12 powerplants. It is happening in Ohio. It is happening in lots of places. I have nothing against natural gas. We have a lot of natural gas. Natural gas, however, has one-half of the carbon that coal does. It has one-half. They call themselves a clean fuel, and in relation to coal in the ground, they are, but 50 percent is a long way from what we are already doing in West Virginia, which is taking 90 percent of the carbon out of coal as it comes out of the ground.

It goes to a powerplant, where there is Dow Chemical Company on the one hand, and American Electric Power on the other, and they have already—and I have been to see their plants, and I have seen their results, and I went with Secretary Chu—they are taking 90 percent of the carbon out of coal. That is not bad. You can call that clean coal.

We have a gigantic energy problem. We need everything we can get. I was even prepared to be for nuclear, which is about 20 percent of our current power structure. I am not sure where I am right now. I have to think more deeply about that. I am worried because our powerplants are old, also, as the Japanese ones are.

So all I can say is, I am for keeping our eye on the ball. I am not for making us sort of feel good on a very temporary basis. Everybody gets mad at the EPA. It is just sort of like an opening day in American baseball. You just do it and people cheer. But if you do it the way it is done in this amendment, by abolishing the agency, that is a long season, and it is a bad win-lose record.

So I hope my amendment will get sufficient votes. I am not sure. I do not think it will because I think the folks on the other side of the aisle have completely deserted it because they feel a great solidarity, want to show their power, and along comes an elimination bill. I just could not be for that. Morally I could not be for that.

I am strongly for West Virginia coal miners. I just came back last night from the first anniversary of the 29 coal miners who died. It was not an anniversary; it was a memorial. It is a powerful, powerful life being a coal miner. It is unknown to most people what it is like, what the dangers are, but they do it and they are strong. But what they produce could be cleaned up. The technology is there. That is what my amendment would do: give a 2-year timeout to let us work the technology, try to be convincing to Wall Street, and then we could be on our way to have not only natural gas but every single alternative energy that you and I could possibly think of—perhaps minus ethanol, but that is a different story—and we would be on our way.

In any event, it is a clear choice. Clean coal has to play a role in meeting our energy needs. It is abundant. It can be clean. The technology is there. More is on the way. So I hope people will vote for my amendment, and I hope very strongly they will vote against the McConnell amendment.

In the final analysis, I guess if they do not, and they vote for the McConnell amendment, they are going to lose anyway because it is never going to get anywhere. It is a guaranteed loser in the legislative process. I think mine could be helpful.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 183

Mr. THUNE. Mr. President, in a couple of hours from now the Senate will vote on the Inhofe-McConnell amendment which would prevent the EPA from moving forward with dangerous—I said ''dangerous,'' but certainly harmful to business and certainly costly—greenhouse gas regulations. I would hope my colleagues in the Senate will support that amendment for a number of reasons because it bears heavily on one of the great debates we are having in the country today. I think the American people must find it confusing—I certainly do—when you get all these mixed signals coming from the elected leaders in Washington, DC.

The American people must be incredibly confused because the President has said—rhetorically, at least, he has talked about the need to reduce our dependence, our dangerous dependence, upon foreign energy. He talked recently about getting the number of barrels of oil we import every day down by one-third at the end of this decade. The fact is, we do spend $1 billion every single day on foreign oil. There is $1

billion we export from this country because of the addiction we have to foreign sources of energy.

The problem is, everything this administration is doing is contrary to that goal. If we look at policies that are coming out of Washington, DC, right now, today, they completely contradict this idea that we ought to be moving toward energy independence and getting away from this dangerous dependence we have on foreign sources of energy.

I will make a couple of points.

We have, of course, in the Gulf of Mexico the so-called permitorium. We have not been issuing permits to explore, to continue the work that is being done down there in terms of energy exploration. The Outer Continental Shelf has been put off limits by this administration, and many Federal lands where there are abundant energy resources have also been placed off limits. In fact, there were some areas that had been developed or where there were going to be permits issued for exploration in some of the States in the West where we know we have abundant energy resources that have now been repealed or pulled back by the administration—just recently, 77 in the State of Utah, 1 in the State of Montana. We have enormous resources right here in our own country we could be developing that would get us away from sending this $1 billion a day, every single day, to countries around the world because of our addiction to energy.

The other thing tried in the Congress last year was a cap-and-trade bill. It passed the House of Representatives. It passed narrowly. It was never voted upon in the Senate because there wasn't political support for it. That legislation would have also dramatically increased the cost of energy in this country, making it more expensive for our small businesses to run their operations, and imposed dramatically higher electricity and fuel costs on American consumers. That was a given. I think everybody conceded that was the case. But because there wasn't political support for it on Capitol Hill, it ended up not becoming law.

What we have now coming out of the EPA is essentially a cap-and-trade bill through the back door. The EPA has decided they will do by regulation what they could not get done—the administration could not get done—through the political process in Congress.

The point I wish to make about that is the cap-and-trade bill, which was widely debated and discussed at the time, would have driven up energy costs for people in this country. This proposal by the EPA would have the exact same impact and effect. In fact, if one is concerned about economic growth and job creation, which we all should be—Lord knows, when we have almost 9 percent unemployment and lots of people in this country looking for work, that ought to be our No. 1 priority—the fact that we would be putting policies in place that would be counter to creating jobs and getting capital deployed out there in our economy probably defies explanation, at least for most Americans.

In fact, the American Council for Capital Formation projects that the uncertainty created by the EPA's climate change regulations would increase the risk premium of capital by 30 to 40 percent.

The additional uncertainty is projected to reduce U.S. capital investment by as much as $400 billion per year.

So I would argue that if we are serious about creating jobs, if we are serious about growing the economy, why would we want to sideline hundreds of billions of dollars of capital every single year because of these onerous and costly regulations?

This is a major reason why there is $2 trillion today sitting on the sidelines. It is talked about a lot, but nobody seems to be concerned about changing that. What I hear repeatedly from those who are able to invest and have capital to put to work is, they don't like the economic uncertainty coming out of Washington. In most cases, if not in every case, it is focused on these regulations, on regulatory agencies, particularly the EPA, that continue to come up with new proposals to drive up the cost of doing business in this country.

There was a Charles River Associates study which projected the EPA's cap-and-trade regulations could increase wholesale electricity costs by 35 to 45 percent and reduce average worker compensation by $700 per year.

What is unfortunate about this whole situation is that the regulations will drive up energy and gasoline prices the most for middle- and low-income families. That is where the impact is going to be most felt.

Roger Bezdek, who is the former Director of the Bureau of Economic Analysis at the U.S. Department of Commerce, concluded recently that EPA's regulations:

> . . . will impact low income groups, the elderly, and minorities disproportionately, both because they have lower incomes to begin with, but also because they have to spend proportionately more of their income on energy, and rising energy costs inflict great harm on these groups.

I would go on to point out that perhaps the greatest burden of increased energy costs resulting from these new greenhouse gas regulations will fall upon the elderly Social Security recipients who represent 20 percent of all households in this country and who depend primarily on fixed incomes. They have limited opportunity to increase their earnings from employment. They get hit the hardest. What these regulations are going to do is target and hit the people who can least afford to deal with them.

So we have an opportunity to do something about that. I think what we are seeing with the EPA and many of these government agencies is an example of overreach, which is a function, in my view, of bureaucracies that have gotten too big. We all talk about government. There is going to be, I think—I hope, at least—a great debate over the next couple years as we address this issue of spending and debt, about the size of government and how much government intervention we ought to have, and I think most Americans have concluded that government has gotten too big and it has grown too fast. Perhaps the greatest example is these Federal agencies that have this tremendous propensity to want to regulate everything they can out there, to the detriment of many of our small businesses and those who are trying to create jobs.

As an example of how much our government has grown, the historical average for this country and what we spend on the Federal Government as a percentage of our total economy, as a percentage of our GDP, is about 20.6 percent. This year, it is over 25 percent. So the government continues to expand, continues to grow relative to the economy. The private economy continues, by virtue of comparison, to shrink. We ought to be looking at what we can do to grow the private economy, what we can do to create jobs, what we can do to create economic growth in this country as opposed to the things that are being done to expand government.

The solution we have put forward today, the Inhofe-McConnell amendment, is—there has been a lot of discussion about what it would or wouldn't do, but I wish to point out for my colleagues some things it would not do because it does get at the heart of this issue, which is preventing the EPA from moving forward with these costly and burdensome regulations.

There are a number of things it does not do. It does not prohibit States from regulating greenhouse gases and addressing climate change. The amendment expressly allows States to keep existing policies in place and allows States to regulate greenhouse gas emissions as they see fit. The bill also makes clear that any changes States have adopted in their State implementation programs and title V operating permit programs pertaining to greenhouse gases are not federally enforceable.

The McConnell amendment does not overturn the agreement between the White House, California, the automakers, the EPA, and the Department of Transportation on greenhouse gas emissions from cars. A lot has been made out of that issue. That is something the McConnell amendment does not do. In fact, the amendment expressly preserves the auto agreement and the most recently enacted fuel efficiency standards.

In 2017 and beyond, the amendment ensures that any future national auto regulations concerning greenhouse gases will be decided by Congress, which, frankly, is where it should be

decided, which is why this overreach is such an example of big government gone bad.

The McConnell amendment does not overturn clean air and public health protections under the Clean Air Act. The amendment maintains all the Clean Air Act's provisions to protect the public from harmful pollution. Thousands of Clean Air Act regulations would remain untouched by this amendment. Certainly, this amendment does not, as has been suggested, gut the Clean Air Act. In fact, it is the contrary.

The amendment does, however, clarify that Congress never gave the EPA the authority under the Clean Air Act to regulate greenhouse gases for climate change purposes. That responsibility, as I said before, lies and should lie with the Congress.

Finally, the McConnell amendment does not stop the U.S. Government from taking any action to address climate change. The amendment puts Congress in charge of U.S. climate and energy policy. Also, the bill expressly preserves Federal research development and demonstration programs addressing climate change.

So if Democrats in Congress want to enact climate change regulations, I would encourage them to bring a climate change bill to the floor. This is where it should be debated, by the people's representatives, not decided by bureaucrats in some Federal agency, which is what the EPA regulations would, in effect, do.

There are a number of amendments that have been offered by our Democratic colleagues which I would describe as political cover amendments. They are hearing the same thing we are from their small businesses, from agricultural groups, and from consumers across this country about what these regulations would do and how they would adversely impact electricity and fuel costs in this country. So they are trying to give themselves some cover to be able to vote for something.

I wish to point out that all these other amendments being offered by our Democratic colleagues as alternatives to the Inhofe-McConnell amendment don't get the job done. We talked a little bit and we heard a little bit earlier today about the Rockefeller amendment, which has the 2-year delay in it. But, again, there is a very limited scope to that amendment. The temporary nature of the amendment is going to provide very little relief for businesses and consumers across this country. If it is enacted, permits for new projects and the jobs associated with those projects could be stalled until after the 2-year period. There is no assurance that any of these permits would be issued during this 2-year period when this amendment would be in effect.

The Rockefeller amendment would not stop or delay other EPA methods for increasing energy prices, such as the national ambient air quality standard for CO_2. The Rockefeller amendment does not prevent climate change nuisance suits sponsored by environmental activist groups hostile to energy development.

I can say the same thing essentially about some of the other proposals out there. The Stabenow amendment also has a 2-year delay, but it allows EPA to continue moving forward with rulemaking. It just wouldn't allow them to finalize those rules until the end of the 2-year period. If the amendment is enacted, permits for new projects and the jobs associated with those projects could again be stalled until the end of that 2-year period.

There are a number of flaws in all these amendments, none of which are designed to do the job. If we are serious about doing something to address what the consumer groups, the farm organizations, and the business organizations are asking us to do; that is, to prevent the EPA from moving forward with something they don't have the statutory authority to do and should be reserved for the Congress, but they are going to move forward with it anyway—if we are serious about addressing that issue, the only alternative is to support the Inhofe-McConnell amendment. It is that simple. It is that straightforward. All these political cover amendments that are being offered by our Democratic colleagues are simply that. They are cover amendments and they don't get at the heart of the issue.

I would again go back to where I started; that is, to say we ought to, in this country, be seriously debating policies that will move us away from the dangerous dependence we have on foreign energy. As I said earlier, every policy coming out of Washington, in my view, is designed to make it more difficult to develop the very energy sources that will create a domestic energy supply in this country that would release us from this grip that foreign countries have on us with regard to energy.

I hope the Inhofe-McConnell amendment will pass today and will have bipartisan support. It has already been talked about that perhaps none of these will reach the 60-vote threshold. What I would say to my colleagues is, again, if we are serious about trying to solve this issue, if we are serious about trying to make sure electricity and fuel costs don't go up dramatically for our constituents, then this is the amendment we need to be for. The other amendments don't get at the issue. They are political cover amendments.

I think it is pretty straightforward when we look at the number of groups that have come out opposed to those amendments and in favor of the Inhofe-McConnell amendment. I will just mention briefly, again, the American Farm Bureau and the Chamber of Commerce and other small business organizations that have come out in support of the Inhofe-McConnell amendment and opposed to the amendments offered by our colleagues.

I wish to read a quote from one of those letters:

> Congress, not the EPA, should be guiding America's energy policy. Without action by lawmakers, EPA's regulations will make it difficult to attract new manufacturing capacity and jobs in the United States, let alone double U.S. exports in 5 years, which is what our goal has been, as President Obama has pledged.

This letter is signed by a number of organizations, including the National Association of Manufacturers, the National Association of Wholesaler Distributors, the National Association of Independent Business, and the U.S. Chamber of Commerce. As I said before, I have other letters from major farm organizations, including the American Farm Bureau, in support of the Inhofe-McConnell amendment and opposed to the other political cover amendments that are being offered by our Democratic colleagues.

Let's get this done right. Let's send a message to the EPA and to the administration that this is the job for the Congress to deal with. This is something the people's representatives should be dealing with, not unelected bureaucrats and Federal agencies that clearly have an agenda but an agenda that is completely contrary to capital formation, to competitiveness, to job creation, and to economic growth. That is what this Congress should be focused on, and that is why a vote in support of the Inhofe-McConnell amendment is so important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, we have heard a lot of rhetoric on the floor of the Chamber today defending why air pollution is just fine, explaining why dismantling air pollution regulations is really in the interest of our economy and our families. Indeed, my colleague from South Dakota has listed a little shop of horrors—that the status quo creates economic uncertainty, that the air pollution regulations increase the risk rate of capital, that they destroy jobs, that they even hurt the elderly, that they are an abuse of power, unauthorized by Congress. I am wondering what else is left on the list of reasons to defend the dismantling of air pollution regulations that protect the American people, that are popular in the eyes of American citizens because they want to live in a world where they can enjoy breathing the air throughout our Nation.

Let's start by recognizing that the truth about the McConnell amendment is that it increases our dependence on foreign oil. We have heard something about it driving up the cost of oil. Is that right? Well, no, it is not. Repealing the endangerment finding and taking away EPA's part of the regulation of mileage standards is estimated to increase our consumption of oil by 455 million barrels.

Gas prices are about $3.50 a gallon right now. So the McConnell-Inhofe amendment represents a $68 billion expenditure on additional oil. It means importing $68 billion more of oil. It means exporting $68 billion in additional American dollars overseas to strengthen the economies in the Middle East, Nigeria, or Venezuela. That energy tax—the McConnell-Inhofe tax—is one that goes out of our country and hurts us in the worst way. It goes directly to oil companies—out of the pockets of working families, to some of the most profitable corporations in the history of human civilization. Gasoline prices are set by the law of supply and demand. If you increase demand for oil, you also drive up the price. So, if anything, the McConnell-Inhofe amendment doesn't decrease the cost of gasoline; it increases the cost of gasoline.

Politifact.com took on this issue because Members of Congress backing this amendment were arguing that it keeps gas prices from increasing. Politifact.com—that independent evaluator of claims made on the floor of the Senate, House, and other places—ranks that claim as false.

I can tell you that it is in our interest as a nation to decrease our dependence on oil, not to increase it. We need to decrease that dependence because it is important for our national security. We need to decrease that dependence because millions of dollars that are sent overseas often end up in the hands of those who don't share our national interests. We need to decrease our dependence on foreign oil because when those dollars leave our economy, they leave our family's finances. They don't end up in the retail stores or circulate here in America. Indeed, our purchase of foreign oil accounts for about 50 percent of our foreign trade shortfall.

At a time when both parties should be working together to put America's interests first on energy, the McConnell-Inhofe amendment increases our addiction to oil—foreign oil—and creates a supply impulse that raises the price of oil. Isn't that context completely misguided?

Perhaps the real issue is public health. This McConnell attack on the Clean Air Act asks Congress to vote in lockstep against the scientific judgment of EPA's scientists and to tell the agency charged with protecting the public health and the health of our children to ignore dangerous carbon pollution.

In 2010 alone, the Clean Air Act prevented 1.7 million asthma attacks, 130,000 heart attacks, and 86,000 emergency room visits because clean air isn't just pleasant, it is, in fact, healthy. It is great for the American quality of life to be healthy. You know, that is amazing progress that has been made over the last 20 years under the bipartisan Clean Air Act of 1990.

Instead, this amendment would yield to those short-term impulses that have come up on all sorts of aspects of the Clean Air Act. Each time the agency has moved to say that this is a concern, there are those who say: No, no, in the short-term, that might cost me to adjust and we might have to do things slightly differently. Ten years later, everybody says: You know, it is good that we thought about mercury in the air, it is good that we took on lead in the air, and so on and so forth. Taking a longer term view, we need to stay together and resist these short-term impulses to take and dismantle the Clean Air Act.

The American Lung Association has specifically said the McConnell amendment is ''a reckless and irresponsible attempt to once again put special interests ahead of public health. The American Lung Association, the American Public Health Association, and the Asthma and Allergy Foundation of America have urged that we resist the temptation to dismantle the Clean Air Act, which the McConnell-Inhofe amendment does. There is a very simple reason for that: Each of these amendments would have EPA put aside the practice of using science to set commonsense standards to protect public health. Instead, these amendments would have the science world put their head in the sand about these problems.

Indeed, I am not just concerned about the McConnell amendment; I am concerned about all of the amendments we are considering today that are designed to deflect, delay, and dismantle the protection of clean air. The Baucus amendment would take away EPA's ability to use the best science to continue to modify and tailor the standards they are setting for carbon pollution and their ability to make sure major polluters are all covered. The Stabenow and Rockefeller amendments would put a 2-year delay on pollution standards. It is tempting to think that a 2-year delay might be an acceptable middle ground, but a 2-year delay in protecting public health is 2 years too long.

Let me be very clear about this debate. The McConnell amendment and other associated amendments we will consider are wrong because we should not increase our reliance for energy on the most unstable regions of the world. We should not ship American dollars overseas for energy. We should not tolerate more pollution in our air and water. We should not decrease our ability to build on America's foundation of ingenuity and its inventiveness and respond to air pollution challenges and make those environmental decisions in clear partnership with a stronger economy.

I think that all of our constituents across this country, as they think, as parents, about the future of their children, know clean air is the right course. But our children probably understand better than we do another key aspect of this, because this conversation today is largely about carbon pollution.

We need to wrestle with the fact that carbon pollution has a very substantial impact on the temperature across this planet. Before the Industrial Revolution, we had a carbon dioxide level of about 270 parts per million. The basic scientific consensus is that the level of carbon dioxide in the atmosphere needs to be kept somewhere below 350 parts per million. I would be pleased to report to you today that before we get to that point of 350, we are going to be able to make the adjustments necessary so that we don't end up in a situation where we are creating long-term adverse consequences for our planet. Indeed, we crossed that 350 boundary long ago. We are at 390 now, headed for 400. Ten to 15 years ago, it was going up one part per million per year; now it is going up two parts per million. So the curve is getting steeper, the pace is getting steeper. We are seeing this reverberating from coral reefs, to Arctic tundra; we are seeing it in ice sheets, in glaciers; and we are seeing it in insect populations that are thriving and decimating the forests of the Northwest, where I come from, that weren't there a few years ago. We are seeing it in all kinds of patterns across this planet.

When I visit university campuses, as students talk about the issues nearest to their hearts, the top issue is that we must address this threat to our planet. This conversation goes to the heart of it. My generation isn't as up to speed as our college students are about this, but the planet cannot wait for them to graduate, pursue their careers, run for office, and arrive here on the floor of the Senate. So it is our responsibility as Americans who are concerned about our dependence on energy, as Americans who are concerned about keeping our dollars in our economy and creating jobs, and as Americans who are concerned about the sustainability of our practices, to say no to McConnell-Inhofe and no to the other amendments being brought forward to delay or destroy or dismantle the Clean Air Act.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 281

Mr. COBURN. Mr. President, we are going to have a series of stacked votes at 4 o'clock. I want to spend a few minutes on three or four amendments and clarify some of the things I have heard rumbling.

One is that we have an amendment that will, in fact, take away unemployment insurance for millionaires. Mr. President, 2,840 households who reported an income of greater than $1 million or more on tax returns were paid $18.6 million in unemployment insurance benefits in 2008. That number is higher in 2009. We don't have the final numbers yet. This included over 800 earning over $2 million and 17 with excess income of $10 million collecting unemployment benefits. We have an amendment that will prohibit that.

There has been some concern to say that the costs associated with that, the way it was scored by CBO, would neutralize it; the savings versus the cost

to eliminate that would be even. Even if that is true—and we have done a calculation, and we think it costs about $900,000 a year to have people applying for unemployment sign a statement that their income is not above $1 million. But even if it costs the same as what we are spending, we should not be giving unemployment benefits to people who are earning $1 million a year. It is foolish, and it exacerbates the tendency of enriching those who are already there versus what unemployment insurance is for—so those who are truly dependent on it can survive. I wanted to clarify that point.

Regarding the second amendment, in March the GAO, in response to an amendment I put on the last debt limit, issued a report listing what they think are billions of dollars in savings in terms of duplication. I would be remiss to not say that our President embraced that. In his State of the Union speech, one of the goals of his administration is to eliminate duplication and consolidate.

So we have two amendments that are going to be on the Senate floor. One is mine and one is the amendment of the chairman of the Appropriations Committee, Senator INOUYE. They are both designed to save us $5 billion, but there are two big differences between those amendments.

My amendment tells OMB to have the study, find the $5 billion, report to us what they can do themselves and what they need us to do to help them. Senator INOUYE's amendment waits 6 months from the time we pass the bill—5 months for the study to come back, and then for us to do it, which means we won't have any savings at all until we are well into fiscal year 2013. Every year we waste $5 billion on something we shouldn't is a year we are borrowing $2 billion of it just to pay the bill.

So I understand it is a cover vote, but what it means is we will never get the $5 billion in savings, whereas my amendment will get us $5 billion worth of savings this year. The way we get rid of a $1.6 trillion deficit is $1 billion or $2 billion or $5 billion at a time.

Everybody recognizes the duplication. What we are asking the administration to do is take the very low-hanging fruit they can recognize right now, do the rescission, recommend to us, and then we act on it, rather than waiting 2½ years to get that done.

So it is very straightforward. We know there is significant duplication in the Federal Government. Let me just give some of the findings of the GAO report. Remember, this isn't TOM COBURN's report; this is a GAO report, and they only looked at one-third of the Federal Government—the first third. They have two more reports to come to us, with the second and third, and then yearly. We will get this report yearly on the problems of duplication in the Federal Government.

We have 47 job-training programs across 9 different agencies that we spend $18 billion on, and not one of them has a metric on it to see if it is effective. We are doing a study now in the Permanent Subcommittee on Investigations on what were the reports of the people who have been through this as to where it is helpful and where it is not because in our legislation, where we pass these job-training programs, we didn't ask for metrics to see if they were effective. So this is an area where we can consolidate one or two. Only three of those have charges that are totally separate from the others. The rest of them overlap one another.

There are five departments, eight agencies, and over two dozen Presidential nominees overseeing bioterrorism. We know we can consolidate that. We will actually be much better when we do in terms of our efficiency and communication between agencies. That is $6.48 billion a year.

We have 20 agencies, 56 programs dedicated to financial literacy, and we don't even know what they cost. The GAO couldn't determine what they cost. So 56 different programs on financial literacy, and we are teaching people? We have a $1.6 trillion deficit, and we are teaching Americans financial literacy? If we should teach them that, which is not a bad goal, why do we need 56 programs to do that?

We have 80 economic development programs across 4 different agencies. We are spending $6.5 billion. Just consolidating administrative costs across those agencies could save $100 million, $200 million, $300 million.

We have 15 agencies for more than 30 food-related laws. Even the President mentioned salmon. If they are in saltwater, they have one agency; if they are in fresh water, they have another agency. That is foolish. Why duplicate the work of one agency with another?

We have 18 nutrition programs—they are very important to our kids and those who are dependent on them—at $62.5 billion. Do we need 18 programs to do that? Could we do it with 10, 8, 2, 3? The questions haven't been asked, but let's ask the OMB to look at the low-hanging fruit and to take the $5 billion out and work with Congress to get it done in the next appropriations cycle.

There are 20 homeless programs across 7 agencies at $2.9 billion; 82 teacher quality programs, 16 agencies and $4 billion. Why would we have 82 teacher training programs? It just shows the magnitude of the problem that we have in terms of getting our budget under control, not managing effectively, and not doing the oversight we should.

We have 52 programs for entrepreneurial efforts. I don't have any problem with that, but why do we need 52? We have 35 programs to oversee infrastructure. Overseeing infrastructure is important, but why do we need that many programs? There are 28 programs to oversee new markets—28 different programs funded by the Federal Government across 6 different agencies to oversee new markets. We could consolidate a lot of that.

So the President has said he wants to do this. We ought to give him the tools that will help him do it more quickly because every day we wait it costs us more money.

Finally, we will have a vote ultimately on the ethanol blenders' credit. I have been remiss not to give the No. 1 leader on that—who has a bill of her own—Senator FEINSTEIN, credit because she has led on this for a long time. Her bill is slightly different than the one we are going to offer, but she has led on that issue. She understands the importance of the environmental impact of burning ethanol, when we are actually burning more fuel and putting out more CO_2 than we would with pure gasoline because of the inefficiency of ethanol.

So I wanted to recognize her, and when we come to the vote on the blenders' credit I will ask her to speak on that, if she would.

Finally, I would say in regards to that issue, for people who don't understand, we are going to spend $5 billion this year paying the major oil companies 45 cents a gallon to blend ethanol into gasoline. There is a Federal law that requires a mandate. It is called the renewable fuels mandate. Last year it was 12.5 billion gallons; this year it is 13.2. It is over 22 billion gallons 5 years from now that have to be blended.

We have a letter from the people who receive this tax credit—who are going to receive this $5 billion—who say they do not want the $5 billion; they do not need the $5 billion. Yet we are going to have some resistance around here of not stopping a payment to those who receive it, and who don't want it, for something that is already mandated by law. They have put it in a letter saying they do not want it. It is already in the record.

Now, why would we continue to spend $5 billion of our kids' money on something they do not want, that isn't going to change the outcome, and that we will have to borrow 40 percent of to make the payment? It is beyond me that we would do that, and so it is my hope we will be successful in overturning that.

With that, 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. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of Colorado. Before the Senator from Oklahoma leaves the floor, I wanted to join him in supporting the commonsense amendment he just outlined. The Coburn-Udall amendment would fix what I think most Americans, if not every single

American, would be shocked to discover; that is, millionaires and billionaires have been drawing unemployment benefits.

Now, unemployment insurance is a critical temporary safety net for Americans who need help to get by when they fall on tough times, but providing unemployment insurance for millionaires, much less billionaires, who do not need it for their basic necessities is fiscally irresponsible, to put it mildly. Frankly, it doesn't make much sense.

I think Senator COBURN put it best when he said it is foolish. We all recall that for months last year we struggled to find ways to put unemployment benefits in the hands of Americans who were really struggling in the face of this tough economic downturn. It was controversial and we worked hard on that in the Senate. It was drawn out because unemployment benefits are expensive, but I supported extending those benefits for out-of-work Americans because they help. We found a way, ultimately, to pay for them. But little did we know, in taking care of these good Americans, it was made even harder because literally—and this number astonishes me—thousands of millionaires and billionaires were abusing the system to draw extra payments for themselves. So it increased the price tag for all the rest.

In the end, we are talking about values. We are talking about hard work and playing by the rules. That is how most Americans operate. But there are a few folks always looking to game the system, and I can't believe that some of the most well-off among us have been asking for a government paycheck while out-of-work Americans, day in and day out, look for jobs. They want to provide for themselves, and they want to do it in an honest way. They don't want to draw those unemployment benefits. That is a decision and action of last resort.

We have had 13 straight months of private sector growth. We have added almost 2 million jobs. But our economy is still fragile, and too many Coloradans and too many Americans are looking for work. Families in my State, and I know in the neighboring State of Oklahoma, are working to balance their budgets and find a way to set aside money for college, taking care of their kids. Asking them to pay for unemployment insurance for millionaires is unbelievable.

So I am truly honored to work with my colleague from Oklahoma. This would save $100 million. As the Senator said, every day we wait, we waste money. Every day we don't take an opportunity to save money, we are doing a disservice to the taxpayers.

So I ask my colleagues to support this amendment. It is a smart change, and it avoids tarnishing an otherwise worthy and critical way to temporarily assist Americans who have fallen on tough times.

Mr. COBURN. Mr. President, will the Senator yield?

Mr. UDALL of Colorado. I will be glad to yield.

Mr. COBURN. I thank the Senator for his cosponsorship and support on this amendment. I haven't had a chance to share this with the Senator—because I just received it—but I have a breakdown from the IRS of the 22 States that don't have any millionaires because they screen for it. Actually, it is not millionaires, it is those earning more than $1 million a year. In other words, these are people who actually have incomes of greater than $1 million a year in terms of adjusted gross income.

There are probably many more who have less than that, but we are saying here is a cutoff. It is a legitimate cutoff. So there are 22 States that don't allow this right now in their process.

I was wrong in my statement on the $600,000 or $800,000. The calculation of the cost of putting this in is $200,000 a year. So for a very minimal cost, we will save $20 million a year, at minimum. We are also going to create a system that will do what it is designed to do—not to help those who are already very comfortable but to help those struggling to make ends meet and find themselves out of a job.

Mr. President, I ask unanimous consent to have printed in the RECORD the report of unemployment compensation and adjusted gross income of $1 million or more.

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

FILERS REPORTING UNEMPLOYMENT COMPENSATION AND ADJUSTED GROSS INCOME OF $1M OR MORE

State reported on F1040	Tax year			
	2006	2007	2008	2009
Alabama	*	*	*	*
Alaska	*	*	*	*
Arizona	17	*	15	12
Arkansas	*	*	*	*
California	454	526	569	494
Colorado	20	18	18	19
Connecticut	72	79	143	148
Delaware	*	*	*	*
District of Columbia	*	*	*	*
Florida	87	87	72	90
Georgia	13	20	18	17
Hawaii	*	*	*	*
Idaho	*	*	*	*
Illinois	91	136	161	141
Indiana	14	15	16	14
Iowa	*	13	*	*
Kansas	*	*	11	13
Kentucky	*	10	*	*
Louisiana	14	*	*	*
Maine	*	*	*	*
Maryland	28	19	21	19
Massachusetts	114	130	110	143
Michigan	19	32	22	26
Minnesota	22	22	25	25
Mississippi	10	*	*	*
Missouri	*	*	21	*
Montana	*	*	*	*
Nebraska	*	*	*	*
Nevada	11	17	21	12
New Hampshire	*	*	*	10
New Jersey	164	217	328	251
New Mexico	*	*	*	*
New York	263	375	661	493
North Carolina	11	32	20	19
North Dakota	*	*	*	*
Ohio	21	21	37	12
Oklahoma	*	*	*	*
Oregon	13	12	18	17
Pennsylvania	100	114	126	125
Rhode Island	21	17	*	12
South Carolina	*	*	10	10
South Dakota	*	*	*	*
Tennessee	14	19	10	20
Texas	70	67	60	74
Utah	*	*	*	12
Vermont	*	*	*	*
Virginia	20	16	13	18

FILERS REPORTING UNEMPLOYMENT COMPENSATION AND ADJUSTED GROSS INCOME OF $1M OR MORE—Continued

State reported on F1040	Tax year			
	2006	2007	2008	2009
Washington	34	42	46	42
West Virginia	*	*	*	*
Wisconsin	44	21	27	16
Wyoming	*	*	*	*
Other/Blank	*	*	11	12
Total Number of Filers	1,850	2,182	2,695	2,383

Notes: IRS does not report data where the number of Taxpayers is less than 10. Cells with less than 10 observations are represented with an asterisk. The above data are for taxpayers filing a Tax Year 2009 Tax Return.

Mr. UDALL of Colorado. Mr. President, the Senator makes important points, and it is a small investment, if you will, the $200,000, in saving the taxpayers significant amounts of money. As the Senator points out, the important outcome is that the integrity of the unemployment insurance system is maintained.

I also would note, as the Senator from Oklahoma did, the point that it is $1 million in income or more, not whether an individual has assets or something in that amount—in other words, a rancher who is fortunate enough to have lands valued at significant enough levels but who is illiquid and may be struggling to make ends meet. This applies to people, as the Senator points out, who have incomes of over $1 million annually. That makes sense.

This is an important amendment. I urge all our colleagues to support it. We have a chance to vote for it later today.

Mr. President, it is my understanding that I was speaking on Senator COBURN's time, and I ask unanimous consent that the agreement reflect such allocation.

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

Mr. UDALL of Colorado. Mr. President, 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. LAUTENBERG. 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.

Mr. LAUTENBERG. Mr. President, this afternoon, this Chamber is going to face a clear question: What matters more, children's health or polluters' profits? We will be voting on amendments that would cripple the government's ability to enforce the Clean Air Act.

This is a landmark law that protects our children from toxic chemicals in the air and illnesses such as asthma and lung cancer. In 2010, the Clean Air Act prevented 1.7 million cases of childhood asthma and more than 160,000 premature deaths. The numbers are big, but numbers do not mean much unless it is your child. If it is your child, there is no number that is too large to take care of that child's health.

If you want to know the real value of clean air to American families, talk to parents who live in fear of their child's next asthma attack. It is a fear my family knows very well. I have a grandson who is a terrific athlete, who is very energetic. He suffers from asthma. He is an athletic child. Every time he goes to play soccer, my daughter—his mother—will check first to see where the nearest emergency room is. She knows very well that if he starts wheezing, she has to get him to a clinic in a hurry. No parent should have to worry about letting their children play outside.

The fact is, the Clean Air Act has improved life for millions of young people. The Supreme Court and scientists agree that the Clean Air Act is a tool we must use to stop dangerous pollution.

This picture demonstrates so clearly what it is like with smog in the air, and it permits us to imagine what it looks like inside a child's lung. This picture shows what toxic skies look like. It is an ugly scene, but it is much uglier when it is inside the child's lungs or a child's body or anybody who is sensitive to polluted air. That is the picture coming out of the smokestacks, and the picture turns into reality when it is in the lungs or the body of an individual.

Allowing companies to reduce pollution, they say, would cost too much for polluters. Too bad. What is a life worth? What does it mean to someone who is sensitive to polluted air not to be able to get out or stop coughing or stop wheezing?

Allowing companies to continue polluting does not eliminate the costs. It simply shifts the costs to our families, our children, and all of us who breathe that air.

The American Lung Association and five other health groups sent a letter opposing all of these amendments. They say:

> The Clean Air Act protects public health and reduces health care costs for all by preventing thousands of adverse health outcomes, including: cancer, asthma attacks, heart attacks, strokes, emergency room visits, hospitalizations, and premature deaths.

I am aware of the threat asthma can be. I had a sister who was a victim of asthma. If our families traveled together, she would have a little respirator that could be plugged into the cigarette lighter hole and enable her to breathe more comfortably. One day she was at a school board meeting in Rye, NY, where she was a member of the school board. She felt an attack coming on. Her instinct was to try to run to her car so she could plug in the machine to the lighter hole. She collapsed in the parking lot, and she died 3 days later. We saw it upfront and personal. It was a terrible family tragedy. She had four children at the time.

When we hear talk about how threatening it is to control pollution, we say, no, the threat is to family health and to our well-being. That is what we are about in families with young people across this country and across the world.

It does not matter what the cost is. There is not a family in the world that would not dispose of all of their assets to protect and continue the life of a child.

History shows that the cost of cleaner air is very low compared to its enormous benefits. Thanks to the Clean Air Act, fewer parents miss work to take care of children suffering from asthma. More families avoid the crushing health care costs associated with a heart attack or stroke. People live longer, more comfortably, and have more productive lives. Simply put, weakening the Clean Air Act puts the profits of polluters ahead of the health of our children.

To see what the United States would look like without the Clean Air Act, we only need to look at China. On a visit there, I was scolded by the minister of environment that the United States was using too much of the world's oil, creating difficulties in the air. When I was in the minister's office, I invited him to join me at the window 23 stories up in the air. We looked outside and we could not see the sidewalk. That is how thick the polluted air was. The air in China is so polluted that many people wear masks when they walk outside. We do not want to be doing that in America.

This poison must not be the future. I do not want it for my grandchildren, and I do not want it for anybody else's children or grandchildren.

In our Senate, in our Congress, our goal must be to take care of our obligations to protect our families. And the strongest obligation anyone has, anybody we know who has children does not want to endanger their health. I ask all of my colleagues: Stand up. Vote down these dangerous efforts to destroy the Clean Air Act. It belongs as part of our environment. It protects our children, it protects the environment, and we must not let this opportunity be misunderstood and say: We have to vote no to give polluters a preference before our children.

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.

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

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

AMENDMENT NO. 183

Ms. CANTWELL. Mr. President, I rise today to speak against the radical McConnell-Inhofe amendment and in opposition to the efforts to overturn the Supreme Court. We should not be gutting the Clean Air Act and public health and environmental protections that are important to every American.

These anti-environmental, anti-public health, anti-economic riders, I believe, do not belong on a small business bill. When we boil it down, what is at stake is pretty straightforward. It is about the common good versus the special interests. The facts speak for themselves. According to some comprehensive reports, the Clean Air Act will save our economy $2 trillion through the year 2020. And even more importantly, the Clean Air Act will cumulatively save 4.2 million lives by 2020.

Those are striking numbers, and that is why it is so important that we protect the Clean Air Act and turn down these radical amendments that would effectively overturn it.

Congress has stopped other radical attempts to overturn laws that are about protecting our environment and protecting the safety of American people. I remember the debate on MTBE, in 2003, on the Senate floor. MTBE was a highly toxic fuel additive, and very small amounts of it could severely contaminate water supplies. Yet MTBE manufacturers who were on the hook for billions of dollars of cleanup wanted a free pass. They wanted immunity. They came to the Senate hoping to get that. Yet a bipartisan group of Senators stood up to that proposal, and the proposal to let MTBE manufacturers off the hook was turned down.

There have been other attempts to overturn the Clean Water Act, the Endangered Species Act, the Superfund Cleanup Act. Sometimes they get only as far as draft bills or a committee hearing. Sometimes we have votes on them. But these issues all have one thing in common—it is about the greater good versus special interests. Time and time again, Congress has wisely come down on the correct side of the issue and has rejected these proposals by special interests.

The environmental protections that we have continue in force today because we have consistently stood up to fight for them. Passing an anti-EPA amendment would hurt our economy. That certainly is the case with the McConnell-Inhofe amendment. It would overturn hard-won gains from the 2007 Energy bill that put CAFE standards in place to improve fuel economy standards for American consumers. These standards were passed with bipartisan support and save consumers as much as $3,000 over the life of a car through higher fuel efficiency. The proposed McConnell-Inhofe legislation seeks to overturn these advancements.

It is these fuel economy standards, which passed with bipartisan support in 2007, that are helping us to wean ourselves from dependence on foreign oil—not more domestic drilling. We could drill in every pristine, untouched corner of the United States—and sometimes it seems like the backers of those interests would like us to do just that—but in response to these calls, I would suggest you look at a recent letter Senator BINGAMAN and I received from the Energy Information Administration.

I ask unanimous consent to have the letter printed in the RECORD.

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

DEPARTMENT OF ENERGY,
Washington, DC, Mar. 25, 2011.

Hon. MARIA CANTWELL,
Chairman, Subcommittee on Energy, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CANTWELL: This is in response to your letter of March 15, 2011, which seeks a better understanding of some of the long term impacts of the Energy Independence and Security Act of 2007 (EISA).

As noted in your letter, the long-term energy outlook which the Energy Information Administration (EIA) released just before EISA was signed into law (Annual Energy Outlook 2008 Early Release) projected a significant increase in U.S. dependence on imported petroleum through 2030. This finding is reversed in EIA's latest Annual Energy Outlook (AEO2011 Early Release), which projects a decline in U.S. dependence on imported petroleum over a forecast horizon that extends through 2035. Furthermore, over the 2008 to 2030 period, the cumulative reduction in net petroleum imports between the two sets of projections is about 26 billion barrels.

The policies enacted in EISA are responsible for much of the change in projected U.S. oil use. In particular, EISA mandated significant strengthening of both the corporate average fuel economy (CAFE) standards for cars and light trucks and the Renewable Fuel Standard (RFS) that was first enacted in the Energy Policy Act of 2005. However, other changes that have occurred since the AEO2008 Early Release was issued, including the outlook for oil prices and economic growth, have also influenced the more recent projections presented in the AEO2011 Early Release.

Following enactment of EISA, EIA conducted sensitivity analyses starting from the AEO2008 Reference case to estimate the effect of its key provisions. From these calculations, it is clear that EISA alone is responsible for a major reduction in projected oil consumption, which in turn reduces oil imports on an almost 1-for-1 basis. By 2030, the fuel economy standards provisions in EISA were estimated to reduce light-duty vehicle gasoline-equivalent fuel consumption by between 2.1 and 2.2 million barrels per day relative to a scenario where vehicle efficiency did not improve above the floor set by standards in effect at the time of enactment. Relative to a baseline that included projected market-driven improvements in fuel economy, the savings in fuel consumption due to the fuel economy provisions were still estimated at 1.2 to 1.4 million barrels per day. Furthermore, the RFS provisions of EISA were estimated to further reduce petroleum consumption by 0.3 to 0.6 million barrels per day in 2030.

The AEO2011 Early Release, which reflects current laws and regulations, does not include a further increase in fuel economy standards for model years 2017 through 2025 that is now under consideration in the regulatory process. The forthcoming release of the full AEO2011 will include alternative scenarios of increased light-duty vehicle fuel efficiency to illustrate how further actions by policymakers in this area could affect projected U.S. oil use and imports over the next 25 years.

Finally, while there are a variety of ways to place the major change in projected net petroleum imports resulting from EISA into perspective, comparisons to the level of U.S. proven crude oil reserves can be clarified by explicitly recognizing that reserves are only a subset of available domestic resources. As discussed in my recent testimony before the House Committee on Natural Resources, additions to crude oil reserves replaced over 93 percent of cumulative U.S. crude oil production of 19.6 billion barrels from 2000 through 2009. For this reason, total U.S. crude oil reserves declined only modestly over that decade, decreasing from 22.0 billion barrels at the start of 2000 to 20.7 billion barrels at the start of 2010.

I hope that this information is responsive to your inquiry. Please do not hesitate to contact me if you have any further questions or concerns.

Sincerely,

RICHARD G. NEWELL,
Administrator, Energy Information Administration.

Ms. CANTWELL. In 2007, the Energy Information Administration was predicting that our foreign dependency was going to continue to increase in the coming decades. I should note that after the 2005 Energy bill, I heard some of my colleagues on the other side say that that EIA forecast was the great predictor and that it was going to help us reduce our dependence on foreign oil. But the truth is, the subsequent EIA analysis made after we passed the 2007 Energy bill says just two policies in that landmark bill—the increase in CAFE standards and the renewable fuel standards—are responsible for a downward revision of projected U.S. dependence on foreign oil.

So the things that have made us less dependent on foreign oil are the very things people are trying to gut from important legislation that is already on the books. It is not the case that additional drilling, drilling, drilling and saying to the EPA: ''Ignore the Supreme Court on the Clean Air Act,'' is going to help us. Reducing demand is going to reduce prices at the pump. Look at the example of the U.K., which produces almost all of its own oil from the North Sea. They still got hammered in 2008 when oil prices peaked at $147 a barrel because there is a world market price for oil. So to refute the notion that we should skirt our environmental responsibilities and drill, drill, drill to protect ourselves from high oil prices, we need to look no further than the U.K. example.

I don't understand why the minority leader wants us to increase our Nation's reliance on foreign oil. I think we should be getting off foreign oil and not allowing polluters to addict another generation to that product. I think we should be getting off foreign oil, rather than have future U.S. generations compete with the Chinese for every last remaining supply of ever more expensive oil.

I agree it would be better if Congress acted to address our need to diversify our Nation's energy sources. I am anxious to work with my colleagues on the other side of the aisle to develop legislation that would use the power of the free market to do that and protect consumers at the same time. I am certain there is a bipartisan solution we can all agree to. But we can do this and solve our carbon pollution problem by working together, not by burying our heads in the sand and saying we can ignore the Supreme Court's edict to enforce the Clean Air Act.

There is a way to reduce carbon pollution and transition to a 21st century economy and we can and should work together to achieve these goals. It does not have to be about picking winners and losers, and we can protect consumers in the process. I want to work with my colleagues on a framework that embodies these principles. But, until then, I urge my colleagues to vote against these amendments that will undermine our Clean Air Act; that will actually increase our dependence on foreign oil, force consumers to buy more gasoline, and make our air dirtier.

We can do better and I hope we will.

Mr. President, I ask unanimous consent that Senator BOXER, the chair of the Environment and Public Works Committee, be the next Democratic speaker and that she have up to 10 minutes.

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

Ms. CANTWELL. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. INHOFE. I ask unanimous consent that at the conclusion of the remarks of Senator BOXER, who I understand wants to speak for 10 minutes, I be recognized for about 10 minutes. That will be about the timeframe we have.

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

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

(The remarks of Mrs. HUTCHISON are printed in today's RECORD under ''Morning Business.'')

Mrs. HUTCHISON. Mr. President, I wanted to speak on the McConnell amendment that Senator INHOFE has worked so hard to bring up, and also LISA MURKOWSKI from Alaska. We all know what is happening to gasoline prices in the United States right now. They have gone up now and the average is about $3.60 a gallon. What we are looking at are more increases in those gasoline prices if the EPA is allowed to take an authority it does not have and regulate greenhouse gasses.

Some of the other amendments offered on this subject are well intentioned, but they do fall short of actually making a difference. The amendment before us repeals EPA's effort. It is very simple and very clean. Small businesses are struggling to survive, struggling to keep workers, and trying to make it in very small margins in this economic time.

Families are facing higher energy costs. We are all suffering. I have a pickup truck which I love to drive. I filled it up a couple of weekends ago. It was about $60. That is a pickup truck. That is a basic form of transportation for many Americans. Farmers depend on affordable energy prices. They must put gasoline in their trucks, diesel in their harvesters, use energy-intensive fertilizer.

Higher costs for farmers means higher costs for food. You are talking about now an inflation we cannot afford in this kind of economic environment. During all of this, the EPA now wants to impose a new gas tax on America in the form of greenhouse gas regulation.

Last Congress I issued a report that documented how the Kerry-Lieberman climate legislation would impose a $3.6 trillion gas tax on the American people. Using the data from EPA and the Energy Information Administration, we calculated that climate legislation would impose a $2 trillion gasoline tax, a $1.3 trillion diesel fuel tax, and a $330 billion jet fuel tax.

According to the EPA and the senior Obama administration officials, regulations would be even worse than legislation. That was one of the main arguments they used in support of climate legislation, that the regulations would be even worse than cap-and-trade legislation.

But that is exactly what we are getting with the EPA now trying to regulate what we could not pass in the legislature, for good reason. The Baucus amendment could shield small businesses and farmers from EPA permit requirements, but it codifies the requirements for energy and fuel producers, meaning everyone in America will still pay higher energy prices.

The Stabenow and Rockefeller amendment only delays the higher energy costs and job losses for 2 years. That is not good enough. I hope my colleagues will see that this is our time to tell the EPA we will determine what we want them to regulate. That is the responsibility of the Congress. We are to make the laws, they are to implement them. They are not to reinvent them in their own model of what they have the authority to do, and we have not given them the authority to regulate greenhouse gases. The refineries say this added amount of regulation is going to cost so much that they will have to raise their prices in their factories, and that assuredly will raise the price of oil and gasoline through its use in our country.

This is an amendment. There is only one amendment of all the amendments on this subject that will do the job. It is simple and clear. It would eliminate the EPA's ability to make regulations in an area that Congress has not authorized it to do. That is what we need to do. Congress needs to take the reins and halt the overregulation that is hurting our small businesses and hurting our economic recovery.

I hope my colleagues will join me in supporting the McConnell-Inhofe-Murkowski amendment.

Mr. REED. Mr. President, today, we are in the midst of another rapid increase in the price of oil and gas at the pump faced by our constituents. Rather than address this issue in a positive manner, we are once again debating an amendment whose authors believe that they have the expertise to determine that the EPA was wrong to conclude that greenhouse gases are pollutants, despite the preponderance of scientific evidence.

The McConnell amendment disregards the advice of leading scientists, doctors, and public health experts by not only overturning EPA's scientific endangerment finding but also telling EPA that it must continue to ignore what America's science experts are telling us about the dangerous impacts of carbon pollution.

The Supreme Court concluded in 2007 that the Clean Air Act's definition of air pollutant includes greenhouse gas emissions, rejecting the Bush administration's refusal to determine whether that pollution endangers Americans' health and welfare. The Senate should similarly reject this amendment, which would overturn that science-based decision.

There are many far-reaching consequences of this amendment, but I want to focus my attention on how it will disrupt the broadly supported and partnership-driven fuel efficiency standards for new cars and light trucks, thereby forfeiting many hundreds of millions of barrels of oil savings, including savings for the American consumer, and potentially reopening the debate to contentious litigation.

This would be a major step backwards in our efforts to decrease the cost of fueling at the pump. The price of gas weighs heavily on the budgets of American families, currently $3.56 per gallon in Rhode Island and an increase of 27 percent over the same time last year. The cheapest gallon of gas is the one that you do not need to buy, which is why I have long championed improved fuel efficiency.

Last year's vehicle efficiency and emissions standards will save consumers more than $3,000 in fuel costs over the lifetime of new vehicles. Increasing the standard to 60 mpg by 2025 could result in $7,000 in savings. Our competitors in China and Europe already have higher efficiency standards. It is time that we create manufacturing jobs here in America by producing cars that save consumers money at the pump. I have been heartened to see our auto industry begin to do just that, but we need to go further.

The McConnell amendment would accomplish the opposite by creating business uncertainty for our existing standards and stopping the development of future efforts to save more oil and money.

This amendment is part of the ongoing concern over how we will reduce carbon pollution, and there will always be the need to balance the needs for business development and environmental protection. But it does not have to be an either or position. A healthy environment is important for a strong economy, and the 40-year track record of the Clean Air Act has shown us that the two can work well in concert.

We need to define our energy future, one that ends our dependence on foreign oil and confronts the challenges of climate change. This amendment accomplishes neither and I urge my colleagues to reject it.

Mr. LEVIN. Mr. President, there are various proposals before us that would impact efforts by the U.S. Environmental Protection Agency to address greenhouse gas emissions that contribute to global climate change.

While I have concerns regarding EPA's regulatory efforts in this regard, Senator MCCONNELL's amendment not only restricts EPA's regulatory work, but it would explicitly overturn an important science based EPA finding that greenhouse gas emissions may endanger the public health and welfare of current and future generations. Further, the McConnell amendment would repeal the mandatory reporting of emission levels of greenhouse gases, which began in 2009. The results of that reporting will help inform important policy decisions regarding how to reduce greenhouse gas emissions.

Senator ROCKEFELLER's amendment would establish a 2-year delay on any EPA action pertaining to greenhouse gas emissions from stationary sources, with the hope that Congress will act to reach a legislative solution to reduce greenhouse gas emissions economy-wide. I could support that because I prefer comprehensive climate legislation with targets and timetables that are technologically achievable instead of a regulatory regime administered by the EPA to address greenhouse gas emissions.

However, I cannot support the Rockefeller amendment because of its impact on the regulation of vehicle greenhouse gas emissions. The amendment would explicitly allow regulation of vehicle greenhouse gas emissions by EPA to go forward under the Clean Air Act, which leaves intact the authority for the EPA to grant a waiver to the State of California to regulate vehicle greenhouse gas emissions. The stated goal of the Obama administration, one I strongly support and have fought for, is to have a single national standard for vehicle fuel economy and greenhouse gas emissions, as is currently the case for model years 2012–2016. That

goal is defeated, however, if states can individually regulate these emissions, because the result is a patchwork of overlapping and conflicting regulations.

Senator STABENOW's amendment has many provisions I support. For instance, unlike the McConnell amendment, it would not nullify the EPA finding based on science that greenhouse gas emissions may endanger public health and the environment. It would also allow EPA to move forward with its reporting requirements, which will help inform policy makers as to how to best reduce greenhouse gas emissions. The Stabenow amendment would also allow the EPA to move forward with its planning to reduce greenhouse gases from stationary sources. Emissions of greenhouse gas emissions from agricultural sources would also be excluded from EPA regulation related to global climate change.

However, the Stabenow amendment would also leave intact EPA's authority under the Clean Air Act to issue vehicle greenhouse gas emissions standards and authority for EPA to grant a waiver to the State of California. I support the EPA and the Department of Transportation together developing a single national standard. If there is going to be a single national standard for 2017–2025, then logically there must also be preemption of state authority in this area. I cannot support an amendment that addresses EPA authority but leaves in place its authority to grant a waiver that is so problematic for our manufacturing sector.

I particularly regret that I cannot support the Stabenow amendment because it also includes an extension of the so-called section 48C advanced energy manufacturing tax credit, which I support. This tax credit—enacted as part of the American Recovery and Reinvestment Act—provides an important incentive for energy manufacturers to continue to invest in facilities in the U.S. I very much support extension of this tax credit and will work with my colleagues to try to extend it.

Mr. LEAHY. Mr. Presdient, I urge rejection of all of the amendments offered today that would gut the Environmental Protection Agency's ability to enforce our Clean Air Act.

It has been proven time and time again that we can have both a clean environment and grow our economy. In fact without a clean environment, it is more difficult for us to grow the economy. Without the Clean Air Act we would be spending trillions of dollars more on health care costs and lost work days. Over its 40 years the Clean Air Act has been one of the world's most successful environmental and health protection laws reducing exposure to pollutants such as lead, ozone, sulfur dioxide, smog-forming gases, and mercury and other heavy metals and toxics.

Thanks to the Clean Air Act millions of lives have been saved by preventing premature deaths, heart attacks, cancer, asthma, and other life-threatening illnesses. But even after 40 years of action, pollution in many areas of the country still violates basic health standards, putting tens of millions of Americans' lives at risk.

In Vermont, while we don't have any coal-fired powerplants, we are still the victims of their pollution as it travels by wind across our borders into the Green Mountain State. Throughout the Nation, hundreds of thousands of Americans suffer every year from illnesses linked to emissions from powerplants, refineries and other large sources of air pollution and greenhouse gases.

Yet there are some powerful special interests and some Members of this body who would like to strip the EPA of its authorities to enforce the Clean Air Act because they reject the notion that greenhouse gases are air pollutants and harmful to public health, or they believe that we just cannot afford clean air. Methane, nitrous oxide, carbon dioxide, hydrofluorocarbons and other compounds are the ingredients of a pollutant cocktail forced on many millions of Americans.

The Supreme Court has determined that the Clean Air Act is ''unambiguous'' and that greenhouse gases, such as those I just mentioned, are ''without a doubt'' air pollutants under the Clean Air Act. As such, EPA is required to regulate these emissions since they endanger public health. The Supreme Court has given the EPA little choice, and the science is clear they must act.

The McConnell amendment would have politics, not science, decide which pollutants are hazardous and which pollutants should be regulated. If politics had been allowed to trump the compelling scientific evidence, we may have never phased lead out of gasoline, or reduced ozone-depleting chemicals, or tackled acid rain. Over the years powerful special interests have sought to block EPA's actions on all of these issues, arguing that the science was weak and the costs unjustified. Once again they are crying wolf and trotting out the same discredited arguments to fight greenhouse gas regulations today.

In enforcing the Clean Air Act, EPA is doing the job that Congress mandated decades ago. These amendments that attack the Clean Air Act would force the EPA to turn a blind eye toward polluters, the same polluters that are spending millions of dollars to lobby against the Clean Air Act.

I urge every Senator to talk to the parents and grandparents of children in their home States who suffer from asthma. Take the time to hear about the trips they have had to take to the emergency room and about the countless hospital stays because of the air they breathe, something so many of us take for granted. These attacks on the Clean Air Act would also lead to more heart attacks, more strokes, more cancer, and shorter lives.

I arrived in the Senate just 5 years after the Clean Air Act of 1970 was introduced and unanimously passed by the Senate. I have supported efforts to reduce life-threatening pollutants, such as lead and mercury. And I will support efforts to reduce hazardous greenhouse gases, just as a majority of Americans do.

The truth is that the McConnell amendment and the other EPA amendments we will vote on today would hurt public health, cost consumers more, stifle the invention of new pollution prevention technologies which grow the U.S. economy and jobs, and further slow our transition to renewable energy sources. Since passage of the Clean Air Act, the benefits have proved to be 42 times greater than the estimated costs of cleaning our air. Our GDP has tripled since the Clean Air Act was passed.

In Vermont we are fortunate to have two of the preeminent innovation companies in the world, IBM and GE. These corporations and others like them rely on regulatory certainty when deciding what investments to make in research, technology, and expansion into new markets. These attempts to strip EPA of its authority under the Clean Air Act to regulate greenhouse gas emissions would send the wrong market signals to our innovators.

Myths are myths and facts are facts, and the fact is that pollution standards are by law both achievable and affordable.

They encourage energy efficiency, which reduces energy demand, reduces fuel consumption, drives down our dependency on fossil fuels and foreign oil, reduces operating costs, and lowers energy prices. In fact the most prevalent compliance response to EPA's carbon regulations will be using current and newly developed technologies to increase a plant's energy efficiency.

The McConnell amendment would render meaningless the progress that we have already made to invent new products that consume less fuel, pollute less, and create American jobs—jobs that cannot be sent overseas. The McConnell amendment would penalize those pioneering facilities that have already taken steps to clean up industry, and reward those who have seen these new standards coming for years, but have chosen to do nothing to protect the public. Instead they now pressure Congress to let them off the hook and to pass the long term health costs along to the public.

The evidence in favor of embracing a cleaner future is clear. We have an opportunity to encourage our innovative companies to be global leaders in new clean energy technologies that will create jobs here in America. We must stop supporting the dirty, outdated and inefficient technologies of the past.

By eliminating EPA's ability to impose scientific, health-based limits on carbon pollution from the Nation's largest polluters, the McConnell amendment and the other amendments that attack the EPA would only end up taking a hefty toll in Americans'

health and costing consumers more by increasing oil consumption and forcing them to pay higher fuel costs.

We need to support efforts for clean air and to reduce our dependence on fossil fuels. Lives are at stake. In 2010, in just 1 year, the Clean Air Act prevented 160,000 cases of premature death. By 2020, that number is projected to rise to 230,000.

The air we breathe is the heritage of the American people, not the property of the big polluters.

The people of this great country deserve better, and they want clean air as well for their children and grandchildren. That is why I urge defeat of these amendments to gut enforcement of the Clean Air Act. Stand up for a future with clean energy and economic growth that depends on a clean environment. Take a stand for the American innovation that will create more American jobs and technology to protect the public's health and the environment. And help more Americans live longer lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am here because I want to urge a no vote on all these amendments that essentially stop the Environmental Protection Agency from doing their work as it relates to air pollution.

I am here to do that because never before have we ever interfered in the enforcement of the Clean Air Act. It has worked because we have seen tremendous advances in our clean air. Pollutants cause or contribute to asthma, emphysema, heart disease, and other potentially lethal respiratory ailments.

We know from the work of the Bush administration and that of the Obama administration that the endangerment finding that said greenhouse gases were dangerous for our health predicted that ground-level ozone would increase if we did nothing, and we would have more cases of asthma and coughing, and people staying home from school, and staying home from work.

The EPA's endangerment finding is key. Here is what they told us:

> Severe heat waves are projected to intensify, which can increase heat-related deaths and sickness.

Remember, this is relating to carbon pollution, greenhouse gases, exactly what my colleagues are trying to either slow down cleaning up or stop cleaning up, in an unprecedented assault on our nation's health—unprecedented assault on our nation's health.

We even had a Senator stand up here and say, EPA does not have the right to regulate carbon pollution, greenhouse gas emissions. I would urge that person, and everyone else saying it, to read the Clean Air Act. It is so clear. And, by the way, the Bush administration did not want to enforce the Clean Air Act, and they went all the way to the Supreme Court, and the Supreme Court said no.

It is very clear in the Clean Air Act that, yes, Congress meant we should control this type of dangerous pollution once an endangerment finding is made. And that was made. What the McConnell amendment does—and my friend Senator INHOFE was actually the author of the full bill, the same thing—is essentially say that the EPA is overridden. They repeal the endangerment finding. That is like my coming here and saying, I want to repeal science that says that smoking causes lung cancer. Okay? I want to play doctor. I want to play scientist. It is absolutely a dangerous precedent because it involves our people. Climate change is expected to worsen regional smog pollution, which can cause decreased lung function, aggravated asthma, increased emergency room visits, and premature deaths.

Why on Earth do my colleagues want to repeal an endangerment finding—by the way, Senator MURKOWSKI tried and it failed, and it is going to fail here today. But the fact is, why should we play doctor? I know some of us have a great elevation of ourselves; a couple have doctorate degrees, but most of us are not scientists and doctors. We act as if we are. I am too humble to repeal science. That is what they do here.

Let's look at the health successes of the Clean Air Act. In 2010 alone, the act prevented 160,000 premature deaths, 1.7 million asthma attacks, 130,000 heart attacks, and 3.2 million lost days of school. I am telling you, the Clean Air Act has been a great success. The number of smog-related health advisories in Southern California has dropped from 166 days in 1976 to zero days in 2010.

Why on Earth would we want to mess with a law that has been working? It has been working. I defy anyone to point out a law that has worked as well as this one. We went from 166 days in Los Angeles, where people were told not to go outdoors, to zero days in 2010, because the EPA—by the way, created by a Republican President, Richard Nixon—does its job.

Look at the bipartisan support for the Clean Air Act. First of all, it passed the Senate 73 to 0, the House 375 to 1. The conference report was approved unanimously, and now, suddenly, I cannot find a Republican to say they fully support the Clean Air Act. What has happened to my friends on the other side of the aisle? This was a bipartisan issue. It certainly is with the people.

In 1990, we had a bipartisan vote signed by President George Herbert Walker Bush: Senate, 89 to 10; House, 401 to 25. That is why so many people in this country still support the Clean Air Act. Let's look at the results of that bipartisan poll we have. Bipartisan support.

It was created, the EPA, by Richard Nixon. Republican President George Herbert Walker Bush signed the reauthorization, and 60 percent of the people in this Nation—and this is a poll that was taken February 14 of this year—say that the Environmental Protection Agency should update Clean Air Act standards with stricter air pollution limits. Listen. Stricter air pollution limits.

The polluters do not like it. They are crying all the way to the bank. They had the biggest profits they ever had, the oil companies. They do not want the EPA enforcing the law. By the way, my colleagues name this amendment something like The Gas Reduction Price Act or something like that.

They say this is going to help us stop gas prices from rising. It has nothing to do with that. Every time we move forward with Clean Air Act authorities, there are predictions from all the polluters about how horrible it will be, and we never had such a period of prosperity since Richard Nixon signed the Clean Air Act.

Sixty-eight percent say: Congress, stay out of the Clean Air Act standards. Leave them alone. Don't change them. The McConnell amendment and the others, all interfere.

Sixty-nine percent say EPA scientists, not Congress, should set pollution standards. This McConnell amendment and the others all put Congress in the middle.

The people are smart. They don't want politicians deciding what to do about their health. They don't come to us when they have asthma. They don't come to us when they get cancer. They rely on physicians. They rely on scientists. But we are playing doctor today. We are going to repeal or try to repeal the endangerment finding that went along with the EPA deciding to move forward and enforce decreases in carbon pollution.

On March 14 the Washington Post had a very interesting article, an op-ed piece signed by Christie Todd Whitman, EPA Administrator from 2001 and 2003, and William Ruckelshaus, EPA Administrator from 1970 to 1973, two Republican former heads of the EPA. They wrote:

> Today the agency President Richard Nixon created in response to the public outcry over visible air pollution and flammable rivers is under siege. The Senate is poised to vote on a bill that would, for the first time, disapprove of a scientifically based finding, in this case that greenhouse gases endanger public health and welfare.

This is signed by two Republican former heads of the Environmental Protection Agency. The McConnell amendment is radical in the extreme. We have never before played doctor around here and repealed a scientific finding that said a certain type of pollution is a problem.

They also said:

> It is easy to forget how far we have come in the past 40 years. We should take heart from all the progress and not, as some in Congress have suggested, seek to tear down the agency that the president and Congress created to protect America's health and environment.

If we are interested in bipartisanship, why don't we look at the facts. The

fact is, the American public supports EPA and the Clean Air Act. The fact is, Richard Nixon created the EPA. The fact is, George Herbert Walker Bush signed the Clean Air Act amendments. The fact is, it is very clear in the Clean Air Act that carbon pollution, any pollution related to climate change, is covered.

This is a reality check from someone who believes we should not go down this dangerous path of playing doctor, playing scientist, overturning the Environmental Protection Agency, which enjoys almost 70 percent support among the people of this greatest of all nations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I agree in one respect with the Senator from California. Actually, we agree on a lot of points. We agree on infrastructure and things that we know the country needs. But in the area of the Clean Air Act, she said: Show me one Republican who supported it. I supported the Clean Air Act. It has been a tremendous success.

Stop and look at the real pollution. I am not talking about greenhouse gases. I am talking about the six real pollutants and what has happened. It is amazing the success of the Clean Air Act. I agree with that.

I remind everyone, though, that the Clean Air Act would not be regulating CO_2 except the court said: If you want to do it, you can. They did not mandate that it be done. That is worth considering.

Since I have the time until we will be voting on the first of three cover votes before they get to my amendment, I wish to correct my good friend from California. She referred to it as the McConnell amendment. It is the McConnell-Inhofe amendment. In fact, it came from my bill that I introduced with FRED UPTON sometime ago, a bill that is going to be voted on in the House Representatives today. So it is appropriate that we take it up now. This amendment has been postponed six or seven times. I applaud the majority leader for letting us have these votes. It is important that we do this.

This is what I believe is important. People need to understand a couple of things: First, this is all about, starting in the 1990s when they had the Kyoto convention that we were supposed to ratify, President Clinton never did submit it to the Senate for ratification. Nonetheless, it was one that regulated greenhouse gases. I remember at that time the Wharton School did an analysis that asked: What if the United States were to ratify the Kyoto treaty and live by its requirements? What would the costs be?

It came out somewhere in the neighborhood of between $300 and $400 billion. We never ratified it because the President never submitted it for ratification. Then in 2003, there came a number of votes. Almost every year we had legislation introduced that would do essentially what the Kyoto treaty would have done, which would have been cap and trade. We had MIT and others look at it to see what in fact would be the cost if we were to do this.

I can remember when my good friend, the junior Senator from California, Mrs. BOXER, and I talked on the Senate floor the last time we defeated her bill—I think this might have been the Waxman-Markey bill, but it doesn't matter because they are all the same—I stipulated to the science. I said: All right. Let's assume the science is right. It isn't, but let's assume it is so we don't have to talk about that. Assuming it is, let's talk about the economics. That is where we developed what it would cost.

In my State of Oklahoma, I have a policy that when we talk about billions and trillions of dollars I try to put it into context as to how it will affect taxpayers in my State. I have a very simple thing I do. I take the total number of families who file tax returns and then I do the math. If I divide that, say, $350 billion a year, that means the average taxpayer in my State would have to pay $3,100 a year in additional taxes in order to pay for the cap-and-trade regime that comes with any type of legislation. We talked about that. Continually, we defeated each bill that came along.

This is the key. The Obama administration is very beholden to some of the far leftwing people. He had a commitment to try to pass some kind of cap and trade. He said: If we can't do it legislatively, we will do it through regulation. So we had all these regulations that EPA started coming down with.

I have to mention, of these regulations, one was very significant because I remember when she was before our Environment and Public Works Committee, I said to her—this is right before going to the big U.N. party in Copenhagen about 18 months ago—I have a feeling, Madam Director, that you are going to come up with an endangerment finding. When you do, it has to be based on science. What science will you base it on?

She said: Primarily on the IPCC.

To make sure everybody understands, the IPCC is the United Nations. They are the ones who came up with this whole thing and said this is what the end of the world is going to be.

I said: If you are going to have an endangerment finding that CO_2 is an endangerment to health, then it has to be based on science. What science will it be based on?

The answer was, the United Nations. It is going to be based on the science of the IPCC, the Intergovernmental Panel on Climate Change. That is the United Nations.

Coincidentally, right after that is when climategate came, and they found that they had been cooking the science for about 10 years and that the legitimate interests and input of real scientists were rejected. So the science just flat wasn't there.

That is why I said at the time that we had this bill up, I will stipulate to the science, even though the science is not there. I know it is not there, but what is there is the economics.

Here we were, faced with a situation where we were looking at the possibility of the Environmental Protection Agency regulating CO_2. I contend that they can do it if they have an endangerment finding, but they don't have to do it. The economic punishment to America would be tremendous. However, it wouldn't do any good.

Here is the big question: What if I am wrong? People have asked me: INHOFE, what if you are wrong? You have been leading this fight for 9 years. What if CO_2 does endanger health and cause global warming and all these scary stories we hear?

My response to that is, if that is the case, it is not going to make any difference because even the EPA director admits if we unilaterally pass some type of regulation that stops the regulation of greenhouse gases, it is not going to affect the overall release of CO_2 emissions.

The reason is simple. If we do it only in the United States, we would argue that is not where the problem is. The problem is in China, Mexico, India, and Third World countries that don't have any emission controls at all. So I think everyone agrees if we pass something like these regulations of the EPA unilaterally, it would not reduce emissions at all. Consequently, we would be incurring economic punishment to achieve nothing.

I would take it one step further. As we chase away our manufacturing base, as they say would happen, we would be in a position where they would go to countries where there is no emission controls. It would actually have the result of increasing emissions.

Even if Senator BOXER is right in everything she says, she is wrong in the respect that if we pass it, it will not lower emissions. That is the fact.

We are running out of time, but I have the time right up to 4 o'clock. I will go over four things that will happen, finalizing the vote that is going to be at 4.

Mr. BAUCUS. Will the Senator yield?

Mr. INHOFE. Let me finish because I am going to need all the time.

Mr. BAUCUS. I ask unanimous consent to speak for 2 minutes prior to the vote on my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, is the Senator talking about doing it after 4 o'clock?

Mr. BAUCUS. Before the vote, yes.

Mr. INHOFE. If he would include me to speak for 1 minute at that time, I have no objection.

Mr. BAUCUS. That would be fine.

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

Mr. INHOFE. Senator BAUCUS will have an amendment up. I think it is interesting. I refer to these three amendments as cover amendments. In other

words, there are a lot of Democrats who don't want to vote to take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases, so they have offered other amendments. The Baucus amendment is one that is going to exempt certain small people, some small farmers and all that. But that doesn't exempt them from having their electricity rates escalate.

The American Farm Bureau says: We don't want any of the cover votes. We don't want the Baucus bill. We don't want Stabenow, and we don't want Rockefeller. Stabenow would also have a delay in certain parts of the regulation. The Rockefeller vote, which is going to be the third vote, is one that would have a 2-year delay. In other words, it says we can go ahead and do the regulation, but we will kind of put it off for 2 years.

The real vote and the one that is critical—and if there is anyone out there who doesn't want to go home and say: I am responsible for passing the largest tax increase in the history of America by defeating the Inhofe-McConnell amendment, then go ahead and vote that way. That is going to be a serious problem—not for me but for the Senators who might vote the wrong way.

The McConnell-Inhofe amendment will be the fourth vote. This is the critical one. The rest are cover votes.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent that in addition to my being able to speak for 2 minutes and Senator INHOFE 1 minute, that Senator BOXER also be allowed to speak for 1 minute on this amendment.

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

AMENDMENT NO. 236

Mr. BAUCUS. Mr. President, I have a very commonsense amendment. It basically says: The general rule makes sense, but there should be a couple exceptions. The general rule is that we should have regulations on greenhouse gas emissions, but not for agriculture. I am talking about agricultural producers, not processors, the regulations which would still apply to processors.

We are talking about producers, agricultural producers. They should be exempt. Currently, there are not regulations. EPA may or may not pass regulations that affect agricultural producers. I think we should make clear to agriculture they are exempt. They are not the big greenhouse gas polluters.

Second, this amendment puts in place and codifies EPA's attempt to deal with small business with its tailoring rule. It may or may not be upheld in the courts. Passage of this amendment would allow this to be upheld in the courts.

Essentially, there are 15,000 emitters of greenhouse gas emissions that are the big ones. The other 6 million basically are the very small ones. What about the big ones, the 15,000? Those are large plants run by big corporations. They essentially produce most of the greenhouse gas emissions. Ninety-six percent of these 15,000—the big ones—are already subject to EPA criteria. They have to get permits. Moreover, they emit 70 percent of the greenhouse gas emissions.

So I am just saying, for small businesses—there are a lot of them—it is very important they be exempt from EPA regulations. It is common sense. In general, it is OK, but it exempts agriculture and it exempts small business.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Montana has consumed his 2 minutes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, a point of inquiry, not to be taken from the time I have. The inquiry is, When we get into the four votes, are we going to have additional time arguing for and against the amendments?

The PRESIDING OFFICER. There is 2 minutes of debate, equally divided, between the stacked votes.

Mr. INHOFE. OK. I would ask the Chair, these 2 minutes are having to do with the Baucus amendment, the first one we will vote on; is that correct?

The PRESIDING OFFICER. Senator BOXER and Senator INHOFE each have 1 minute.

Mr. INHOFE. On the Baucus amendment?

The PRESIDING OFFICER. Yes.

Mr. INHOFE. OK. I thank the Chair very much.

Let me go first. In deference to my good friend, Senator BOXER, I said I would go first and she can go last.

Let me mention, this is only on the Baucus amendment. Yes, the Senator is right in presenting his amendment that it does exempt farmers and some small businesses from the higher costs and all that. But here is the problem with that: All we have to do is read the statement by the American Farm Bureau where they say: Look, all of our farmers across America—even if this only affects the refiners and the manufacturers, that increases the cost of fuel and the cost of fuel is going to go higher and we do not get anything for it. For that reason, they oppose the Baucus amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, when Senator BAUCUS talked to me about his amendment, it sounded quite reasonable to make sure we codify the tailoring rule of the EPA, which exempts broad swaths of American businesses from their work on enforcing carbon pollution reductions. But as it came out—and I discussed this with him—it goes further. It harms the promotion of clean, renewable biomass, effectively stopping EPA's ability to use the Clean Air Act to encourage this kind of alternative energy.

It also undermines the Clean Air Act's New Source Review Program for carbon pollution, which ensures that the biggest polluters use modern pollution control technologies. It basically says the EPA cannot go and enforce it using the New Source Review unless there is another pollutant involved.

So as the chairman of the Environment and Public Works Committee, I have deep concerns. The Baucus amendment is opposed by leading public health organizations: the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, Physicians for Social Responsibility, and the Trust for America's Health, as well as clean energy business, environment, and conservation organizations.

For that reason—although I fully understood the initial intent, and I thought it was laudable—this has transformed into an amendment that I do not support and the leading public health organizations do not support. So I would urge a ''no'' vote on the Baucus amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to Baucus amendment No. 236.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 7, nays 93, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—7

Baucus	Hagan	Levin
Begich	Johnson (SD)	
Conrad	Klobuchar	

NAYS—93

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

The PRESIDING OFFICER. On this vote, the yeas are 7, the nays are 93. Under the previous order, requiring 60

votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 277

There will now be 2 minutes of debate on the Stabenow amendment. Who yields time?

The Senator from Michigan.

Ms. STABENOW. For years, I have consistently and repeatedly said that we need to have a balanced and comprehensive American energy policy.

We can't just impose regulations; we need smart incentives to create the technology for a clean energy economy.

The Stabenow-Brown amendment is based on the framework developed on a bipartisan basis for the past 2 years to develop a truly comprehensive policy that would allow us to phase in regulations.

This amendment would allow the EPA to do its work but would have the enforcement of that work be done in 2 years. We would build on the successful advanced energy manufacturing tax credit, known as 48C, which has created jobs at 183 businesses in 43 States.

We have put the right incentives into place because we know when we do that we help businesses create good-paying jobs, and we can reduce carbon pollution at the same time.

Our amendment also follows what the EPA has indicated is its intention toward agriculture by giving our producers the certainty they need.

This amendment is a commonsense approach to addressing the issue of clean energy.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, parliamentary inquiry: Senator INHOFE and I will speak for 30 seconds each. Is that in compliance?

The PRESIDING OFFICER. The Senators have that right. The Senator from California.

Mrs. BOXER. Madam President, the Stabenow amendment suspends full implementation of the Clean Air Act as it relates to carbon pollution for 2 years, which is going to cost jobs and harm America's competitiveness. Worse than that, I think around here ''delay'' is sometimes a code word for ''never.''

A 2-year delay could become a long-term delay. It becomes more expensive, and in the meantime our air gets dirtier.

I will close with this: 68 percent of the people believe Congress should not stop EPA from enforcing Clean Air Act standards. Yet this amendment, and all of the others, do just that.

Let's stand with the people, with the American Lung Association, with the physicians who have taken a stand against all of these amendments, and allow EPA to do its job.

I yield to the Senator from Oklahoma.

Mr. INHOFE. Madam President, let me join my friend from California and say that the Stabenow amendment is similar to the one we voted on before. It admits that the EPA will harm manufacturers, but it doesn't do anything to protect anybody from the higher price of energy. The farmers will tell you that, and everybody else will. With the 2-year delay, EPA can drop its regulatory hammer on farmers and businesses. I urge your vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 277.

Mr. INOUYE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 7, nays 93, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—7

Brown (OH)	Johnson (SD)	Stabenow
Casey	Klobuchar	
Conrad	Pryor	

NAYS—93

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

The PRESIDING OFFICER. The yeas are 7, the nays are 93. Under the previous order requiring 60 votes for the adoption of this amendment, this amendment is rejected.

AMENDMENT NO. 215

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 215, offered by the Senator from West Virginia.

The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, my plan would put EPA on hold for 2 years and no more, but not on hold from many of its other duties, for example, CAFE standards.

Many of our colleagues do not realize—and certainly the ones who are going to support the McConnell amendment do not realize—that 31 percent of all greenhouse gas emissions in this country come from the backs of trucks and cars. I do not stop them from going ahead and doing that. But I want breathing space so we can take 2 years—yes, there is a lot of frustration in my State about EPA and permits, and I understand that very well. But I want to take 2 years so we can think as a body and actually come up with an energy policy. I am ready for that.

I am not the same person I was 2 or 3 years ago on this subject. But we need that time. I ask my colleagues respectfully to support my amendment. It stops at the end of 2 years, which continues the use of CAFE standards, allowing EPA to set those standards. I ask my colleagues to vote against the McConnell amendment, which I think is truly a stunning aberration.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I will take 30 seconds and yield to my friend Senator INHOFE.

For the reasons we already said about public health or the protection of our Clean Air Act, I urge my colleagues to defeat the Rockefeller amendment.

Let me add one other point. The American renewable energy industry has written to us and told us that the uncertainty of a 2-year delay is more than 2 years. It causes American renewable energy companies to be at a disadvantage with foreign energy companies, costing Americans jobs. Uncertainty adds to job loss in America.

For the sake of the public health of Americans, for the sake of our economy, I urge my colleagues to reject the Rockefeller amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, the 2-year delay encourages bureaucrats to stall new permits. It does not accomplish anything. It delays new construction, and it delays new jobs.

One of the interesting points about all three of these amendments is that everyone agrees EPA should not be regulating greenhouse gases. If you are going to have a root canal, does it help to wait 2 years?

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 215.

Mr. ROCKEFELLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 12, nays 88, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—12

Brown (MA)	Johnson (SD)	Nelson (NE)
Collins	Landrieu	Pryor
Conrad	Manchin	Rockefeller
Graham	McCaskill	Webb

NAYS—88

Akaka	Baucus	Blumenthal
Alexander	Begich	Blunt
Ayotte	Bennet	Boozman
Barrasso	Bingaman	Boxer

Brown (OH)
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coats
Coburn
Cochran
Coons
Corker
Cornyn
Crapo
DeMint
Durbin
Ensign
Enzi
Feinstein
Franken
Gillibrand
Grassley
Hagan
Harkin
Hatch
Hoeven
Hutchison
Inhofe
Inouye
Isakson
Johanns
Johnson (WI)
Kerry
Kirk
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Lee
Levin
Lieberman
Lugar
McCain
McConnell
Menendez
Merkley
Mikulski
Moran
Murkowski
Murray
Nelson (FL)
Paul
Portman
Reed
Reid
Risch
Roberts
Rubio
Sanders
Schumer
Sessions
Shaheen
Shelby
Snowe
Stabenow
Tester
Thune
Toomey
Udall (CO)
Udall (NM)
Vitter
Warner
Whitehouse
Wicker
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 12, the nays are 88. Under the previous order requiring 60 votes for the adoption of this amendment, this amendment is rejected.

The Senator from Delaware.

AMENDMENTS NOS. 244 AND 161 WITHDRAWN

Mr. CARPER. Madam President, I ask unanimous consent to withdraw the pending Landrieu second-degree amendment No. 244 and the Johanns amendment No. 161.

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

AMENDMENT NO. 183

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 183 authored by the Senator from Kentucky.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think we learned something just in the last half hour, and that is that 90 percent of the Members of this body, of the Senate, do not think the EPA is qualified to regulate greenhouse gases. They voted against the Baucus amendment, the Stabenow amendment, and the Rockefeller amendment. I have referred to those as cover amendments. You don't get much cover when they get less than 10 percent of the vote.

So now is the chance to really do something. If you really want to do something that is going to stop the overregulation we get that is so offensive to the majority of people, we can do it with the Inhofe-McConnell amendment.

First of all, we know what the cost of this will be. The cost will be somewhere in the neighborhood of $300 billion a year. It will be the largest tax increase in the history of this country.

Secondly, what do you get? People have asked: INHOFE, what if you are wrong? What if these greenhouse gases are going to destroy this country?

If we are wrong, let's look at the response we received from the Administrator of the Environmental Protection Agency, Lisa Jackson. When we asked her at a public meeting, if we were to pass these regulations or any of these cap-and-trade bills, would this have the effect of lowering the greenhouse gases, the answer was no because it would only affect the United States of America.

This is your chance to vote against a major tax increase to the American people.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President and colleagues, the question is simple: Can we protect our environment and grow our economy? And the answer is yes.

Forty years ago, naysayers claimed the Clean Air Act, signed into law by then-President Richard Nixon, was too costly and would doom our economy. They were wrong. We heard the same doom-and-gloom predictions in 1990 when President George Herbert Walker Bush led the effort to strengthen the Clean Air Act. They were wrong again. Since 1970, the efforts of the Clean Air Act have outweighed the cost 30 to 1, and the GDP has grown by more than 200 percent. The Clean Air Act has saved hundreds of thousands of lives, trillions in health care costs, and grown our economy. Now the naysayers warn that reducing carbon pollution will doom our economy. Ronald Reagan might say: Well, there they go again. But history and science say they are wrong.

If we don't take action, here is what it will mean: higher health care costs in America, destroyed coastlines, and an ever-growing dependence on foreign oil. That is not a recipe for economic success; it is a recipe for failure.

Let's keep America on the right course—one that saves lives and grows our economy. Please join me in voting against the McConnell amendment.

I thank my colleagues.

Mr. WICKER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 183. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—50

Alexander
Ayotte
Barrasso
Blunt
Boozman
Brown (MA)
Burr
Chambliss
Coats
Coburn
Cochran
Corker
Cornyn
Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Hatch
Hoeven
Hutchison
Inhofe
Isakson
Johanns
Johnson (WI)
Kirk
Kyl
Landrieu
Lee
Lugar
Manchin
McCain
McConnell
Moran
Murkowski
Nelson (NE)
Paul
Portman
Pryor
Risch
Roberts
Rubio
Sessions
Shelby
Snowe
Thune
Toomey
Vitter
Wicker

NAYS—50

Akaka
Baucus
Begich
Bennet
Bingaman
Blumenthal
Boxer
Brown (OH)
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Coons
Durbin
Feinstein
Franken
Gillibrand
Hagan
Harkin
Inouye
Johnson (SD)
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCaskill
Menendez
Merkley
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

The PRESIDING OFFICER (Mr. WHITEHOUSE). On this vote, the yeas are 50, the nays are 50. Under the previous order requiring 60 votes for adoption of the amendment, the amendment is rejected.

AMENDMENT NO. 281

Under the previous order there are now 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 281, offered by the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Mr. President, this is a straightforward amendment that eliminates individuals who have adjusted gross incomes of greater than $1 million per year from receiving unemployment benefits. Last year, we had 2,383 people who received unemployment benefits and also had an income tax return that had adjusted gross incomes above $1 million. We had 40 that had adjusted gross incomes above $10 million per year. It is a very straightforward amendment. I hope we would support it.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending $100 million a year providing unemployment insurance for people who make over 1 million a year. It doesn't make any sense. It undercuts the integrity of the unemployment insurance program and it would save $100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let's save the taxpayers some money.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—100

Akaka
Alexander
Ayotte
Barrasso
Baucus
Begich
Bennet
Bingaman
Blumenthal
Blunt
Boozman
Boxer
Brown (MA)
Brown (OH)
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coats
Coburn
Cochran
Collins
Conrad
Coons
Corker
Cornyn
Crapo
DeMint
Durbin
Ensign
Enzi

Feinstein
Franken
Gillibrand
Graham
Grassley
Hagan
Harkin
Hatch
Hoeven
Hutchison
Inhofe
Inouye
Isakson
Johanns
Johnson (SD)
Johnson (WI)
Kerry
Kirk
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lee
Levin
Lieberman
Lugar
Manchin
McCain
McCaskill
McConnell
Menendez
Merkley
Mikulski
Moran
Murkowski
Murray
Nelson (NE)
Nelson (FL)
Paul
Portman
Pryor
Reed
Reid
Risch
Roberts
Rockefeller
Rubio
Sanders
Schumer
Sessions
Shaheen
Shelby
Snowe
Stabenow
Tester
Thune
Toomey
Udall (CO)
Udall (NM)
Vitter
Warner
Webb
Whitehouse
Wicker
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are zero. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is agreed to.

AMENDMENT NO. 286

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to Amendment No. 286 offered by the Senator from Hawaii, Mr. INOUYE.

Mr. INOUYE. Mr. President, my amendment addresses the concerns raised by the Coburn amendment, but it does so by using existing authorities established by the Impoundment Control Act of 1974. My amendment accomplishes the same objectives, but it maintains the proper deference to Congress on matters of appropriations.

The Coburn amendment simply duplicates that existing authority but removes the checks and balances. I urge a yes vote on the Inouye amendment and a no vote on the Coburn amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. COBURN. I was looking for Senator WARNER in the Chamber.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to urge adoption of the Coburn amendment. I believe the Coburn amendment actually adds teeth. We have a study here of duplicative programs from GAO. We have got to make sure we are, as we debate closing down the Federal Government, attacking real programs.

We ought to be able to save $5 billion of administrative duplication within the 82 programs that were given in this guideline in the GAO report. I would urge adoption of the Coburn amendment after the Inouye amendment.

The PRESIDING OFFICER. The question is on agreeing to the Inouye amendment.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—57

Akaka
Baucus
Begich
Bennet
Bingaman
Blumenthal
Boxer
Brown (MA)
Brown (OH)
Cantwell
Cardin
Carper
Casey
Cochran
Collins
Conrad
Coons
Durbin
Feinstein
Franken
Gillibrand
Hagan
Harkin
Hutchison
Inouye
Johnson (SD)
Kerry
Kirk
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Manchin
McCaskill
Menendez
Merkley
Mikulski
Murkowski
Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Stabenow
Tester
Udall (NM)
Webb
Whitehouse
Wyden

NAYS—43

Alexander
Ayotte
Barrasso
Blunt
Boozman
Burr
Chambliss
Coats
Coburn
Corker
Cornyn
Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Hatch
Hoeven
Inhofe
Isakson
Johanns
Johnson (WI)
Kyl
Lee
Lugar
McCain
McConnell
Moran
Paul
Portman
Risch
Roberts
Rubio
Sessions
Shelby
Snowe
Thune
Toomey
Udall (CO)
Vitter
Warner
Wicker

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 43. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 273

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 273 offered by the Senator from Oklahoma, Mr. COBURN.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have one more vote in this series of votes. This will be the last vote tonight. We are now going to continue working on this piece of legislation. People should talk to the manager of the bill if they have other amendments. We have quite a few we have to work through, but I think we have had a lot of success today.

We are still working on seeing if we can get a budget deal, everybody. I have a meeting at the White House at a quarter to 9 tonight with Speaker BOEHNER.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to speak in favor of the Coburn-Warner amendment. Refreshing everyone on the point I made just a couple moments ago, the GAO created a study that gives us a guidepost of where we can start eliminating some of the duplication and replication in Federal programs. This does not go to the heart of service delivery. It does go to anybody who has been a Governor or mayor in this body, who knows you can find, in moments of tough times, savings at the administrative level. This is a guideline. If we cannot find $5 billion in administrative savings from this guidepost, then this study will go, along with many others, to sit on a shelf.

So I urge my colleagues to vote in favor of the Coburn-Warner amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, since 1974, there has been a law on our books that does exactly what this amendment proposes to do. It does so without taking away the checks and balances we have in the government. It also does so in a proper way. It goes through the Congress of the United States.

This is an appropriations matter. So, therefore, I hope all of us can vote no on the Coburn amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 64, nays 36, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—64

Alexander
Ayotte
Barrasso
Baucus
Begich
Bennet
Blumenthal
Blunt
Boozman
Brown (MA)
Burr
Carper
Casey
Chambliss
Coats
Coburn
Collins
Corker
Cornyn
Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Hagan
Hatch
Hoeven
Hutchison
Inhofe
Isakson
Johanns
Johnson (WI)
Kerry
Kirk
Klobuchar
Kohl
Kyl
Lee
Lugar
Manchin
McCain
McCaskill
McConnell
Moran
Murkowski
Nelson (NE)
Nelson (FL)
Paul
Portman
Risch
Roberts
Rubio
Sessions
Shaheen
Shelby
Snowe
Tester
Thune
Toomey
Udall (CO)
Vitter
Warner
Wicker

NAYS—36

Akaka
Bingaman
Boxer
Brown (OH)
Cantwell
Cardin
Cochran
Conrad
Coons
Durbin
Feinstein
Franken
Gillibrand
Harkin
Inouye
Johnson (SD)
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Menendez
Merkley
Mikulski
Murray
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Stabenow
Udall (NM)
Webb
Whitehouse
Wyden

The PRESIDING OFFICER (Mr. BENNET). On this vote, the yeas are 64, the nays are 36. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NOS. 184 AND 217

Under the previous order, amendments Nos. 217 and 184 offered by the Senator from Oklahoma are agreed to.

Mr. GRASSLEY. Mr. President, I would like to briefly explain my vote in favor of amendment No. 273, offered by Senator COBURN. The amendment seeks to save at least $5 billion by consolidating duplicative and overlapping

government programs. I wholeheartedly support efforts to save taxpayer money by eliminating waste, fraud, abuse and inefficiency within the Federal Government. A congressional responsibility that I take very seriously is our day to conduct oversight of Federal agencies.

I recognize that Senator COBURN's amendment is based on a Government Accountability Office report to Congress which identified programs and initiatives that have duplicative goals or activities. The report included 34 areas where billions of dollars could be saved. It included seven areas within Defense Department programs. It proposes saving millions by consolidating Federal data centers that today are spread across 24 Federal agencies. It identifies duplication in 44 separate employment and training programs, which could save millions of dollars. I also understand that the blender's credit for ethanol was singled out in the report.

In voting in favor of the amendment, I want to make clear that I do not consider the ethanol blender's credit to be a duplicative program, nor do I believe it should simply be eliminated. I would also like to make clear that the GAO report suggested a number of policy options that Congress could consider when revising the tax incentive. My colleagues should know that I, along with other Members of the Senate, are currently working to reform and restructure the tax incentives for ethanol production and consumption. Many of the reforms we are exploring are the same options suggested by the GAO report.

It is my hope then, that the Senate will consider thoughtful, constructive reforms to the ethanol tax incentive, rather than the proposal put forth by Senator COBURN with amendment No. 220 that would end the incentive immediately.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to 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.

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, this budget we have spent so much time talking about is really about making tough choices, hard choices, difficult choices. The American people understand this. They understand tough choices. They have to make them every day, especially now with the economy being in the shape it is in. So should their representatives in Congress make tough choices.

We are being honest with ourselves over here. We know we can't get 100 percent of what we want. That is what this negotiation is all about. That is why this is a negotiation. It is not a winner-take-all situation.

Democrats have made tough choices because we want to get this agreement finished. We want it completed. We want to keep the country running and keep the momentum in the economy that is now creating jobs. We want to avoid a shutdown and the terrible consequences that would follow.

The only thing Republicans are trying to avoid is making the tough choices we need to make. We have been more than reasonable. We have been more than fair. We meet them halfway, and they say no. We meet them more than halfway, and they still say no. We meet them all the way, and they still say no. If Republicans were serious about keeping the country running, all they would have to do is say yes.

Now we learn House Republicans are going to make another excuse, create another diversion, and avoid another tough choice. Instead of solving the crisis the way we should, instead of saying yes, they say, in fact, what they are going to do is pass what they will call another short-term stopgap measure. They will say it is short term, but what that really means is it is a short cut—a short cut around doing our jobs. Instead of solving problems, they are stalling. They are procrastinating. That is not just bad policy, it is a fantasy.

We all heard the President of the United States say yesterday that he won't accept anything short of a full solution. And why should he? We are 6 months into the fiscal year now. President Obama is right. We can't keep funding our great country with one stopgap after another. The United States of America, this great country of ours, shouldn't have to live paycheck to paycheck. We are not going to give up. We are going to keep talking and keep trying to find middle ground. The Speaker and I will go back to the White House tonight in 2 hours and 20 minutes to meet with him again to continue the conversation we have been having for weeks with this administration.

We know the Republicans are afraid of the tea party. That has been established. Now it looks as though they are also afraid of making the tough choices we have to make. But tough choices are what governing is all about. They are what leadership is all about. It is time for my friends in the House of Representatives to stop campaigning and start governing.

And remember what one of the greatest Speakers of all time said. In fact, he was Speaker three times. He was from the State of Kentucky. Henry Clay. He was known as the ''great compromiser.'' He said that all legislation is based on mutual consensus. That is what this is all about. But remember, let's focus on the word ''mutual.'' It takes both of us.

Mr. President, it is time to lead.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

GOOD FAITH NEGOTIATIONS

Mr. CARDIN. Mr. President, I wish to spend a moment or two talking about how devastating it would be for our country and for the people of our country if, in fact, we have a government shutdown.

I represent Maryland, and there are a lot of Federal workers in Maryland. They are very concerned because it will affect them. A government shutdown will affect everyone in this country. It will affect people who depend upon their government being there to serve them.

If you are depending upon a timely IRS refund check and the government is shut down and you need that money and are counting on it—it is your money—you may find out, if the government is shut down, there is no one to talk to and that check will be delayed.

If you are a person who is entitled to Social Security disability payments and you have a case that is pending, there will not be people there to resolve that case and you will have to wait. That could also very well affect your ability to literally pay your bills.

If you are doing research at NIH—cutting-edge research—which depends upon the continuity of the work in order to discover the answers to many of the problems we face in health care, that will be disrupted if we have a shutdown of the government.

The bottom line is, everyone loses if we have a shutdown of our governmental body. The taxpayers lose. Study after study shows that a shutdown of the government will actually cost the taxpayers more money. It makes no sense at all. Yet there are some in the House who say: Look, bring on a shutdown. They are not negotiating in good faith. They are saying it is our way or the highway. Basically, they want to shut down the government.

We need to negotiate in good faith. It is not going to be what the Democrats or the Republicans want. That is how the system works. You have to negotiate in good faith. I know our leaders are doing that. I urge all of us to understand the consequences of a shutdown and make sure we take steps to negotiate in good faith and have a budget agreement completed by Friday of this week.

I want my colleagues to understand why people in my State should be very concerned about the budget that passed the House of Representatives—the Republican budget. It would hurt children

on Head Start. In Maryland, 1,795 children who are on Head Start would lose their ability to go to that program. You know how important that is. For students in Maryland, they would find that their Pell grants would be reduced by almost $700. Women would be hurt by the loss of essential preventive health services. Families would be at risk with the lack of enforcement of our regulatory bills that protect us on public health issues. The list goes on.

It has been estimated that 700,000 jobs would be lost if the House budget became real. That would jeopardize our recovery. As you know, we are just starting to see job growth. We certainly don't want to take counterproductive steps in that recovery.

As we pointed out many times, the budget the House sent over is concentrating on 12 percent of Federal spending. We need to broaden this discussion, and we all understand that. It starts with allowing the political system to work and for us to get together and reach an agreement for the budget that is already 6 months—we are talking about the last 6 month's budget.

In Maryland, if the House budget were to pass, Metro would lose $150 million. This is the Nation's transit system. People would find that if the transit system can't operate, the roads will be more congested and it will take a lot longer to commute.

My point is this: The House budget—the Republican budget—is not going to become law. It is not what the Republicans want or what the Democrats want. We have to come together, and we are doing that. But let's not allow a minority in the House to tell us we are not going to let the system work for the best interests of the American people.

I think, though, we should be very concerned about whether this is part of a plan with the Republicans, when we look at their budget for next year, the 2012 budget, which was released this week. There are disturbing signs as to what their intentions are. We saw it with the budget for this year and now we see that continued for their budget for next year. They literally want to turn the Medicare system into a voucher program, where seniors have to rely on private insurance companies. We tried that before Medicare. In the early 1960s, the number of seniors who could not get health care insurance was staggering. Why? Because private insurance companies are not interested in insuring people who make claims. The older you are, the more you will make claims on our health care system. If seniors are at the mercy of private insurance companies, it will be much more expensive for them, and they will not get adequate protection.

We should all be concerned about the budget that was brought out this week. The Medicaid system that protects our most vulnerable, our seniors, who rely, in large part, on the Medicare system to deal with long-term care and nursing care—the Republican budget would transfer that to the States with a block grant, making it unlikely to see the continuation of the program that is critically important, not just to people who are vulnerable, but if they have to rely on the use of emergency rooms to get care, it will be more expensive for all of us.

These short-term so-called budget savings will turn into long-term costs for our country. The Republican budget continues to do these domestic discretionary cuts—well beyond what we need as a nation to grow—taking, again, our most vulnerable, those who depend on government, making a college education more expensive and denying young people the opportunities they need.

Guess what is missing in the Republican budget. There is no effort to deal with the revenue problems of America. I say there is a better way to do this, and there are 64 Senators who have come together and said: Look, we have to deal with our national debt with a credible budget plan—a credible budget plan that starts with discretionary spending cuts, and we all agree to that. We have to reduce military spending and deal with mandatory spending, but we have to also deal with the revenue side. Thirty-two Democrats and 32 Republican Senators said that.

The Republican budget in the House doesn't take us down that path. It is not a credible plan for dealing with the budget deficit that can pass and be enacted and give confidence not only to the financial markets in America but around the world and tell the American people it puts their interests first.

I want my colleagues to understand we don't want to jeopardize the recovery. We want to get our budget into balance, and we have to get this year's budget behind us. We have to deal with that. President Obama is right when he said in the State of the Union Address that we have to beat our competition. We have to outeducate, outinnovate and outbuild them and we have to do it in a fiscally responsible way. We can do that now if we work together and deal with the budget we are currently in, which ends September 30 of this year, in a fiscally responsible way. Let's get this done and move on and work together for the sake of our Nation.

I am convinced that if we work together, we can have a responsible plan and we certainly should not allow a minority in the House to block a budget resolution for this year, causing the government shutdown. That is the worst case for the American people.

I urge my colleagues to continue to work together so we can keep the government operating, reduce the deficit, and allow America to grow and compete and meet the challenges of the future.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SBIR/STTR REAUTHORIZATION ACT OF 2011—Continued

AMENDMENTS NOS. 240 AND 253

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 493 and set aside the pending amendments so that I may call up the following two amendments en bloc. They are Cardin amendment No. 240 and Snowe amendment No. 253.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes en bloc amendments numbered 240 and 253.

The amendments are as follows:

AMENDMENT NO. 240

(Purpose: To reinstate the increase in the surety bond guarantee limits for the Small Business Administration)

At the end, add the following:

SEC. _____. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking ''(1)'' and all that follows and inserting the following: ''(1)(A) The Administration may, upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

''(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.''.

(b) DENIAL OF LIABILITY.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

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

''(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

''(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation;

''(2) the total contract amount at the time of execution of the bond or bonds exceeds $5,000,000;

''(3) the surety has breached a material term or condition of such guarantee agreement; or

''(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).'';

(2) by striking subsection (k); and

(3) by adding after subsection (i) the following:

''(j) DENIAL OF LIABILITY.—For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guaranty application.''.

(c) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended—

(1) by striking paragraph (9); and

(2) adding after paragraph (8) the following:

''(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.''.

AMENDMENT NO. 253

(Purpose: To prevent fraud in small business contracting)

(The amendment is printed in the RECORD of March 28, 2011, under ''Text of Amendments.'')

Ms. LANDRIEU. Mr. President, I thank Senator CARDIN for his patience and Senator SNOWE as we have worked up through the last hour or two on their two proposals. Both have to do with perfecting our contracting programs. While not specific to the SBIR Program and STTR Program, they are very relevant to the work we do on the Small Business Committee.

I appreciate all the Members who allowed these two amendments to go forward. They are pending and hopefully tomorrow we can get some agreement on some additional votes. We have had a very busy day today on the underlying bill, the SBIR bill. We voted on seven amendments. We had heated discussions on issues that are not related to this bill but are very important to this body.

I thank the Senators for working in good faith as we try to move through the many amendments that have been filed, most of which are not germane to the issue at hand but are important to be discussed on the floor of the Senate and in Congress.

I thank particularly Senator CARDIN. I notice he is on the floor. He may want to say a word now about his amendment briefly. I commit to the Senator that we will discuss his amendment and Senator SNOWE's amendment as soon as we can tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator LANDRIEU for her extraordinary work and patience. She gives us credit. We give her credit for patience in the manner this legislation has been considered.

This bill is very important not just to the small business community but to our economy. We are talking about providing the wherewithal for innovation in America. Small businesses will produce the largest amount of innovation in this country and the largest job growth. This bill gives them some degree of predictability on getting the types of resources so they can innovate.

I do applaud the Senator. I am proud to be part of the committee. This has been a very bipartisan bill. I thank her. I thank her for accommodating the amendment that she was helpful in getting passed initially, along with Senator SNOWE, that increases the size of surety bonds from $2 million to $5 million, which makes a difference for a small construction company getting government procurement. It is critically important. It has worked much more successfully than we thought when we first put the increase into effect. We actually had a lot more contracts than we thought when we originally suggested this.

I am pleased to tell the chairman that it has no scores as far as cost. There is no taxpayer cost involved. This is a win-win situation to help small businesses get construction work, adding to our economy and job growth.

I look forward to talking about this amendment tomorrow. Hopefully, we will be able to get a vote. I again thank the Senator for her attention.

Mr. President, I yield the floor.

Ms. LANDRIEU. Mr. President, I wish to speak for 2 minutes in general wrapup. There may be other Senators coming to the floor. I am hopeful we can lock in a time to vote on Cardin amendment No. 240 and the Snowe amendment No. 253. There are other amendments, a few amendments that are pending. Many others have been filed. The Senators are working together to see what kind of accommodations we can make.

Again I remind everyone, while we are working hard behind the scenes in many rooms and meetings today to try to keep our government open and operating while reducing spending where we can in an effective and a smart and constructive way, I remind our Senators how important this bill is because it will be reauthorizing a program that actually creates jobs in America by the small businesses that are represented on all of our Main Streets in our States and our communities.

This is the Federal Government's largest program for research and development. We do not believe that only big business, only international corporations have the best technology, the best approaches, or the best methods. We actually believe there are small businesses, some quite tiny, just one scientist and an assistant who can come up with cutting-edge technology, an engineer or an assistant, or a doctor and an assistant, who can come up with cutting-edge technologies that can cure a disease of the time or create a new mechanical system or technology system that helps not only our Federal agencies to cut spending, operate more efficiently, but can be commercialized in a way that creates manufacturing jobs and service jobs in America.

There are many ways to get to a balanced budget. We have heard a lot about cutting spending. Yes, we need to do that. But we also need to create jobs which generate income to close that budget gap. If we can get a more robust economy underway, this program most certainly is one of the ones.

I am proud of the new economic data that has come out. We are not where we need to be. Unemployment is still too high, but it is coming down. We are not creating enough jobs, but we are creating more and more every month. In large measure, it is because of some of the work our Committee on Small Business has done, both in the stimulus package and in our last small business bill opening up lending, getting credit lines started in partnership with community banks. Part of it is smart programs such as this. There are some government programs that do not work. This is not one of them.

I thank our Members for being patient. We now have the Cardin-Snowe amendments pending. We will hopefully lock in a time to vote on those and a few others we are considering as well.

Tomorrow, hopefully, we will start at an early hour and will continue to work on this important bill.

MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Ms. LANDRIEU. Mr. President, I yield the floor.

INTERCHANGE FEE REFORM

Mr. DURBIN. Mr. President, I continue to receive letters weighing in on the issue of interchange fee reform. I ask unanimous consent to have printed in the RECORD letters or statements from the following organizations: the Rainbow PUSH Coalition, the Main Street Alliance, Consumer Federation of America, and the National Black Church Initiative.

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

APRIL 1, 2011.

DEAR SENATOR: The Rainbow PUSH Coalition expresses its views on the Durbin swipe fee reform amendment now being debated in the Congress. Rainbow PUSH is a strong advocate of the Dodd-Frank financial reform legislation which provides critical consumer protections and safeguards against predatory lending.

The Durbin swipe fee reform amendment should be implemented as scheduled. It will usher in needed reform to bring competition, transparency and choice to the interchange system, and provide incentives for the retail sector to pass on interchange savings to lower the price of products for consumers. Numerous consumer rights organizations, civil rights groups, universities, unions, and other constituencies have weighed in to support swipe fee reform.

We respect the concerns that some groups have raised about the provision, but are unconvinced that a delay in its implementation as proposed by Sen. Tester and the American Banking Association (representing the financial services industry) will be beneficial to consumers and students, and small businesses. It appears that their interest is to maintain a deregulated environment to continue the virtual monopoly status of the credit card transaction process, and to protect their massive profits derived from debit interchange fees.

Deregulation, greed and lack of congressional oversight led to the most severe economic collapse since the great depression. But Wall Street got billions in public funds because they were deemed too big to fail—they've been bailed out and are once again recording record profits and issuing millions

in executive bonuses, while homeowners and working families are still left out. The big banks are already charging consumers higher interest rates and raising consumer fees to record levels in virtually every dimension of banking and credit card use. We stand ready to meet with all concerned to ensure the implementation of a sustainable debit card system going forward.

The Durbin credit card swipe fee amendment will afford the protections and regulations that consumers need.

Sincerely,

REVEREND JESSE L. JACKSON, SR.,
President and Founder,
Rainbow PUSH Coalition.

MARCH 31, 2011.

Senator DICK DURBIN,
Assistant Majority Leader, Hart Senate Bldg., Washington, DC.

DEAR SENATOR DURBIN: We write to express the National Black Church Initiative's continued support for the Durbin swipe fee amendment which we supported and was included in the Dodd-Frank Wall Street Reform and Consumer Protection Act. The current interchange system is uncompetitive, non-transparent and harmful to consumers. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card or banking system to pay for excessive debit interchange fees that are passed through to the costs of goods and services. As a result, NBCI does not support Congressional delay of implementation of the new law.

As you may know, The National Black Church Initiative (NBCI) is a faith-based coalition of 34,000 churches comprised of 15 denominations and 15.7 million African Americans committed to eradicating racial disparities and improving the lives of African Americans nationwide.

We oppose efforts to delay implementation of the Durbin amendment through Congressional action. The new law gives the Federal Reserve adequate authority it can use without delay to make sure that the debit interchange reimbursement financial institutions receive covers their legitimate, incremental costs for providing debit card services. We know that there are banks, like BB&T for example, who would like to delay this process. Their continued profit off the backs of low income African Americans will no longer be tolerated and we will continue to advocate on behalf of laws that support our agenda.

From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans, generally cash customers, are required to subsidize at the store and at the pump.

Thank you for your consideration of our views. Please contact us directly to discuss these important issues.

Sincerely,

REV. ANTHONY EVANS,
President, National Black Church Initiative.

MARCH 31, 2011.

To: U.S. Senators and Representatives.

Re Main Street Alliance support for implementing debit interchange protections for small businesses in the Restoring American Financial Stability Act of 2010.

DEAR SENATOR DURBIN: The Main Street Alliance, a national network of small business coalitions representing small business owners across America, writes to express our strong support for the provision of the Restoring American Financial Stability Act of 2010 that set out to ensure that debit card interchange fees are reasonable and proportional. This provision is an important step toward putting small businesses back on stable footing by limiting burdensome fees on small businesses when we process debit transactions.

Small businesses have faced ever-rising fees on debit card transactions over the years. For some businesses, these interchange fees have grown to the point that they represent some of the highest operating costs, rivaling the costs of labor and utilities. There is no such thing as fair competition in this market: the card companies have a duopoly. Limiting fees to twelve cents per transaction, as proposed in new rules, will free small businesses from disproportionate and burdensome costs, allowing economic growth.

The new rules are a step forward, a step toward parity and a reasonable balance. We ask that these rules not be delayed further. Implementing them as planned this summer will provide a shot in the arm for small businesses and our local economies. Small businesses are better off with these protections; we urge you not to allow the lobbying tactics of the big banks deter the enactment of rules that protect small business.

The country is counting on small businesses to serve as an engine of economic recovery and create the jobs we need to get people back to work across America. The debit interchange provisions enacted in the financial overhaul last year and codified in the new rules support these aims. We urge you to fight efforts to delay or derail the implementation of these rules.

Mike Craighill, Soup and Such, Billings, MT; Garry Owen Ault, All Makes Vacuum, Boise, ID; Nancie Koerber, Champions Real Time Training, Central Point, OR; David Borris, Hel's Kitchen Catering, Northbrook, IL; Carson Lynch, Gorham Grind, Gorham, ME; Tammy Rostov, Rostov's Coffee & Tea, Richmond, VA.

Kelly Conklin, Foley-Waite Associates, Bloomfield, NJ; Melanie Collins, Melanie's Home Childcare, Falmouth, ME; Rashonda Young, Alpha Express, Inc., Waterloo, IA; Jose Gozalez, Tu Casa Real Estate, Salem, OR; Rosario Reyes, Las Americas Business Center, Lynnwood, WA.

CONSUMER FEDERATION OF AMERICA,
Washington, DC.

POSITION OF THE CONSUMER FEDERATION OF AMERICA ON DEBIT CARD ''INTERCHANGE'' FEE LEGISLATION AND RULES

NO POSITION ON DEBIT INTERCHANGE LAW OR ON LEGISLATION TO DELAY IT

CFA did not take a position on the ''Durbin Amendment'' to the Dodd-Frank Wall Street Reform and Consumer Protection Act and has also not supported or opposed legislation introduced in Congress to delay the interchange law.

FEDERAL RESERVE SHOULD ALTER PROPOSED RULE IMPLEMENTING DEBIT INTERCHANGE LAW

CFA filed comments with the Federal Reserve in February (http://www.consumerfed.org/pdfs/debit-cards-FRB-interchange-rule-comments–2–22–11.pdf) that came to the following conclusions:

The current interchange system is uncompetitive, non-transparent and harmful to consumers. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans are required to subsidize. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card system to pay excessive fees that are passed through to the cost of goods and services.

The Federal Reserve should ensure that financial institutions are reimbursed for legitimate, incremental debit card costs as it finalizes rules that implement the new interchange requirements. In particular, the Federal Reserve should increase proposed interchange price standards as allowed under law to include several specific expenses incurred by financial institutions when processing debit card transactions. If such compensation does not occur, these institutions could increase debit card and other related banking charges on their least desirable and most financially vulnerable consumers: low-to-moderate income account holders.

Once it is implemented, the Federal Reserve should pay close attention to how it affects the financial viability of small depository institutions, especially credit unions, which often provide safe, lower-cost financial services to millions of Americans.

The Federal Reserve should launch a broad, balanced study upon implementation of the effects of the rule on consumers.

CONGRATULATION TEXAS A&M LADY AGGIES

Mrs. HUTCHISON. Mr. President, something happened last night, and I feel compelled to say on the floor of the Senate that I am very proud of the Texas Aggies women who won the NCAA national basketball championship.

It is so important, I want to say a couple of words about that, because this is the first national championship that the Lady Aggies have ever won. It was a great game last night. I certainly congratulate the Notre Dame Fighting Irish as well. But the Texas Aggies played with spirit. They came from behind at the half, and 76 to 70, they defeated Notre Dame.

I congratulate the Texas Aggie ladies, but I also want to say that Texas A&M's coach, Gary Blair, became the oldest coach to ever win a national women's championship. He has turned the Lady Aggies basketball team into this national championship team.

I mention Danielle Adams. Her All American performance last night was incredible. It is a great day. I am a Texas Longhorn, and most days I am for all of our Texas teams, and I love to say ''Gig 'Em Aggies.'' There is one day that I cannot say that. That is Thanksgiving Day. But 364 days a year, I am all for the Aggies when they are playing. And when they played like they did last night in any sport, all America should recognize it.

With that, I wish to say that my colleague Senator CORNYN and I are going to ask unanimous consent to offer a resolution congratulating the Lady Aggies of Texas A&M on winning the 2011 National Collegiate Athletic Association women's basketball championship.

Mr. CORNYN. Mr. President, congratulations to the Texas A&M Women's Basketball team for their NCAA Women's Division I Basketball Championship victory against Notre Dame. The game was an exciting and hard fought victory, and a fitting end to a championship season.

Thanks to the Aggies's hard work, determination and tireless work ethic, they have finished out the 2010–2011 season with a strong 33–5 record, second place finish in the Big 12 Conference and a National Championship title.

I salute head coach Gary Blair for coaching the Aggies to their first NCAA Women's Division I Basketball Championship after 38 years of helping young women compete and reach their full potential. Associate head coaches Vic Schaefer and Kelly Bond, and assistant coach Johnnie Harris also worked to lead the team to this fine achievement. And the Lady Aggies's success would be incomplete without great athletes such as MVP and All-American, Danielle Adams and her teammates: Kelsey Assarian, Maryann Baker, Kristi Bellock, Kelsey Bone, Sydney Carter, Skylar Collins, Sydney Colson, Adaora Elonu, Karla Gilbert, Kristen Grant, Adrienne Pratcher, Catherine Snow, Tyra White, and Cierra Windham.

Today, it is my honor to join with the entire Texas A&M University family and the State of Texas to honor the Aggies. This team has learned what it takes to become national leaders. The experience that each of these athletes has gained in this endeavor is invaluable, and it will surely lead to future success in life.

The following article written by Dawn Lee Wakefield for the Examiner.com describes Coach Blair's and the Aggies's persistent and positive approach to the game and this exciting championship series:

[From the Texas A&M University Arts Examiner, Apr. 6, 2011]

TEXAS A&M WOMEN'S BASKETBALL, NCAA CHAMPIONS WIN IT FOR THE AGGIE FAMILY

(By Dawn Lee Wakefield)

BRYAN-COLLEGE STATION.—Texas A&M University sports fans around the world celebrated another important first tonight, their very first NCAA Women's Basketball Championship. For almost as long as TAMU Women have been competing in NCAA athletic competition, the road has been long, and the ability to gain respect for the team has been tough. A real battleground in fact. Even as recently as four months ago, you couldn't get a crowd into Reed Arena to see the Lady Aggies play basketball. But that all changed tonight, in 40 short minutes of play, in the heart of Indianapolis, Indiana, seen around the world on ESPN.

On-campus support for TAMU Athletic teams, by the Aggie student body is legendary, for that trademarked 12th Man Spirit. Even more in the forefront of all sports is the 12th Man Foundation (formerly the Aggie Club), whose mission it is to garner funds and endowments by which to support Texas A&M Athletics. And yet, it was not all that long ago that a few hundred stalwart fans would arrive at Reed Arena (there was no charge to park as in men's games, because they really didn't expect much of a crowd), that Coach Blair himself would walk up and down the steps of Reed Arena, carrying bags of candy, tossing them to fans and thanking them for coming.

Never one to be subtle, Coach Blair would work the crowd by saying, ''bring a friend next time, bring two friends; let's fill this place!'' After each game, the Lady Aggies didn't head to the locker rooms to rest after a hard-fought game right away. Instead, they would come up into the stands and thank people for coming. Week after week, game by game, it simply mystified the Aggie faithful in attendance as to ''what are they thinking'' about why the TAMU Athletic Ticket office wasn't being pushed for ticket sales. Every game the Lady Aggies gained style, grace, accuracy, and stature and yet, the only crowds of Aggies lined up to camp out for ticket-pulls for student tickets were for the men's games.

They didn't know what they were missing, the ones who weren't there. They were missing the faithful Aggie Yell Leaders leading the crowd, the Hullaballoo band doing a rendition of ''Sweet Caroline'' that would make Neil Diamond proud, and the crowd responding, ''Aggies Ball!'' every time PA announcer Mark Edwards would identify ball possession for the team. Mike Wright and Tap Bentz, with their radio play-by-play, kept those in touch who couldn't get there in person, and local TV KBTX did their best to show highlights. And yet, the second deck of Reed was filled only once, when Baylor came calling. With a solid loss at the hands of the Greiner-Mulkey-driven offense, those who'd come to see the game left, and some didn't come back. That didn't faze the Lady Aggies or the coaching staff.

As part of Coach Blair's and Coach Schaefer's mandate, the Lady Aggies participate in a multitude of community charity events. One night last October, the starting players and waiting-in-line players crowded into a Double Dave's to participate in a pepperoni-roll making contest against the men's team, and then stayed to visit with the crowd, thank them for coming out to support them, by contributing to United Way, and once again, they went home to study. They're some of the hardest-working kids in town, and yet the words ''national champions'' were never spoken, or expected by those who loved them 'anyway'.

It is surreal to some to think that, the newly crowned national champions, Texas Aggie Women's Basketball, has for years remained the best kept secret on campus. Until tonight.

Throughout the NCAA championship series, the Lady Aggie basketball team overcame naysayers, doubters, and brutal physical competition in the most exciting display of Aggie spirit shown in years. They did it by creating a sense of family, with whomever embraced their love of basketball, the coaching staff, and Texas A&M University. Never was the spirit of Aggieland greater than after each game, seeing President Loftin (easily recognizable in his signature bow tie) in the middle of a long line of Aggies, ''sawing varsity's horns off'' as they sang the Texas Aggie fight song after each victory. Local business sponsors paid countless thousands of dollars to create ''jewelry cam'', ''kiss cam'', ''know your Aggie players—what's on their iPod'', ''the berney cam'' and flying blimps to make each game an event, an exciting event, and share the love of family Aggie basketball style.

The prelude to the national championship was nothing short of high-octane spectacular. Almost 500 Aggie fans waited in the basement of Reed Arena in the Aggie practice room 3 weeks ago, to find out what the NCAA draw would be, and where they were to begin their journey to the Sweet Sixteen. When the announcement came on ESPN, ''Shreveport'', the cheers were deafening as Aggie fans knew they were within driving distance to watch the first, and hopefully second, round of play as the bracket opened, and the race was on, the only goal at the time, to make the Sweet 16, out of the Superb 64.

Just being in the NCAA championship was enough, almost, for most Aggie fans. It was an unprecedented thrill to think that this year's team had the perfect combination of talent, strategy, coaching staff, and the hearts and minds of players who refused to let go of one goal, and one goal only: Victory. Getting that W. The girls studied in buses, on planes, at 2 a.m. when the rest of Aggieland was fast asleep. The Lady Aggies knew how important it was to stay true to the title ''student-athletes''.

On March 20th in Shreveport, the CenturyTel Center still had plenty of room in the stands for Aggie fans, but the faithful alumni, friends, and fans of the Lady Aggies made the pilgrimage with joy and great expectation to watch them defeat McNeese State by the score of 87 to 47. The crowd reaction was joyful, and yet people were just thrilled to be there, not thinking much about the next game to come against Rutgers. When the Lady Aggies made short work of Rutgers with a score of 70 to 48, the Aggie family was again surprised, if not thrilled, to be going to the Sweet 16, at last.

Advancing to the NCAA 3rd round on March 27th, again, Aggie fans picked up numbers, if not their speed, as they gassed up their cars and planes for the short hop to Dallas, to the American Airlines center to watch their team face Georgia's Lady Bulldogs. Georgia was at first an 'unknown quantity with potential and power,' but the Lady Aggies came to play, making short work of their solid opponent, 79 to 38, in a game that looked much like a 3-point shooting clinic. The work of the Big D, defense, proved to be a powerful force meeting an immovable object.

Not only was Tuesday, March 29th the occasion of the 4th round of the NCAA finals, that Elite 8 night, it marked the 4th matchup between Texas A&M and the highly advertised Baylor Bears. Three times, the Aggies had met them; three times they had fallen, as hard as Kim Mulkey's snakeskin jacket hit the ground in disgust one night when she didn't like the referee calls.

Although 11,000+ fans crowded into Dallas' American Airlines Center to watch ''The 4th time's (hopefully) a Charm'' matchup, the gold and green far outweighed the maroon and white in the seats. And yet, the Aggies gathered, the faithful, were loud, proud, and the happiest people in the state of Texas with a victory that was hard fought, in a night where the Lady Aggies refused, again, to give in to negative expectations. Instead, they focused mentally on the ''+'' sign that Coach Blair draws on the back of his left hand, self-created to remind him to stay positive throughout the game.

''They're kids, 18–22, and this is just a game'' as he announced as a reminder to all that sports were about sportsmen and sportswomen, in the spirit of competition. Lessons well taught. Lessons well learned. Every after-game interview, you'd hear one word above the rest. ''TEAM''. No stars, even among the player of the game. It was ''my team, our team, this team''. The class possessed by the Lady Aggies spoke for itself, loud and clear.

The chant went up, ''Final Four, Final Four'' after the Lady Aggies stunned Baylor, 58 to 46. The Aggie faithful didn't want to leave the American Airlines center as they stood and swayed to the Aggie war hymn, and watched each member of the team, the yell leaders, Lady Aggie Dance Team, Hullaballoo band, staff, and the sports announcers each cut down a piece of the winning game net. Coach Blair thanked everyone for coming and encouraged people who could to make that trip to Indianapolis to root on their team in the Final Four.

Outside the arena in the hallways of the American Airlines center, Aggie faithful

made new friends among those who'd lingered to absorb the joy of the Elite Eight to Final Four pathway. With tears in their eyes and joy shining from their countenance, three women introduced themselves to the BCS fans, saying ''that's our Coach, that's our Coach'' about Blair. Turns out they'd been his players at South Oak Cliff High School. And, true to form, Coach Blair had mentioned each and every team he'd been a part of in his thank-you speech following the game. A man who's never forgotten who brung him to the dance, was now ''going to the dance'' in Indianapolis.

Though the distance was longer, those who could afford the charter planes, the buses, or the time and gas to drive made their plans to attend the Final Four in Indianapolis. The Final Four was in store, and all eyes were only on the prize of eliminating the Stanford Cardinal. No other goal was announced. Stanford was considered in the same light as the Aggies. A number 2 seed. Overlooked. Relegated to the category of ''nice, but not a contender''.

How wrong the rankings can be in predicting who is the champion of the day. The oft-used expression, ''any given day'' was never more true than when the Lady Aggies went back to work, and walked out of Conseco Field House with a 63 to 62 win, thanks to Sydney Colson's pass to Tyra White for the layup, and 39 minutes and 45 seconds of defense, defense, defense, and the hot shooting arms of every player who made their play a key' play. Fans were stunned. It seemed too good to be true.

The Championship game was in sight, and the Championship title was at stake. Could it be, that same team, who 16 short weeks ago couldn't find a crowd had emerged as a national powerhouse, a force to be reckoned with, was now the darling of ESPN up-close interviews, sound bytes by Blair, and the contemplation of Vic Schaefer's 'drawing board' where he'd drive that defense to excellence each and every game of the way. Blair and Schaefer, together with Associate Head Coach Kelly Bond and Assistant Head Coach, Johnnie Harris, are not to be overlooked. Team. Family. United. Aggies. Spirit personified filled each player with a sense of family such that even the motto printed on the tickets at the beginning of the season read, ''This is Home''.

So, tonight, as Texas A&M set out to prove their worth outside the walls of their hometown, they were taking on a first-class team with a second-tier rating in Notre Dame. It was the Fighting Texas Aggies vs. the Fighting Irish. How appropriate. For 40 minutes of regulation play, all these players did was fight, not against each other as much as against misperceptions, being overlooked, disregarded, and essentially underappreciated as the true champions each team came to be realized before the game started.

Aggie fans throughout the Brazos Valley jammed the restaurants, bars, and homes of their friends, anywhere there was a TV powered 'on', it was tuned to ESPN from 6 p.m. central until at least midnight, as the Women's Basketball team pulled out all the stops on offense and defense.

With a ''never-say-die'' spirit, the can-do Aggies, led by America's favorite new coach, Gary Blair, and King of Defense, Vic Schaefer, let loose and held forth as the Aggies pulled out a 76–70 victory that still seems unreal, unless you saw it yourself. Never. Say. Die. The Lady Aggies, per Coach Blair's pre-game speech, stayed on the bus, to come out winners. Said Blair, ''if you don't plan on winning tonight, then get off the bus. There's only one thing that counts. Winning''. Taking his words to heed, each team member committed to that outcome, and emerged the first national champions in Texas A&M Women's basketball. History was made.

Throughout the NCAA series the team: MVP Danielle Adams, Tyra White, Sydney Carter, Sydney Colson, Adora Elonu, Maryann Baker, Adrienne Pratcher, Kelsey Assarian, Karla Gilbert, Kristi Bellock—battered, bruised, in visible pain, tossed and slammed onto the floors of field houses, arenas, and stadiums, play after play, time after time, just got back up and showed America what it meant to be a proud 'Fightin' Texas Aggie'.

''Some may boast of prowess bold, of the school they think so grand, but there's a spirit that's ne'er been told. It's the Spirit of Aggieland. We are the Aggies, the Aggies are We, true to each other as Aggies can be. We've got to fight boys (old traditions die hard), we've got to fight, we've got to fight for maroon and white. After they've boosted all the rest, they will come and join the best, for we are the Aggies, the Aggies are we. We're from Texas AMC''. The words to the school song never sounded sweeter as they did to those who witnessed history in the making, in a fieldhouse in Indianapolis.

Wednesday, April 6th at 2 p.m., history will be made once again. The Lady Aggies will be at Reed Arena to be greeted by their Texas Aggie family, the Aggie Nation, and at last their time has come. Word to the wise: get there early if you're going. For the first time in the history of Women's basketball, there's going to be a parking problem to welcome home the champions.

The Lady Aggies have brought honor, dignity, and joy to those who call TAMU their team. Sunday night, TV audiences were treated to a one-shot of a little fellow holding up a cardboard sign saying, ''Coach Blair is my hero''. That went viral across Facebook and Twitter. Turns out, it was the coach's grandson, Logan. His sign tonight, shown to the nation, said, ''after we win Coach Blair is taking me to Disneyland''. That only seems fair, as Coach Blair took Aggies everywhere to the top of the college sports world tonight. And it was the ride of a lifetime, and sheer joy every minute of every game of every season. Gig em, Aggies, for tonight you are indeed the NCAA Champions.

NONPROLIFERATION BUDGET

Mr. CASEY. Mr. President, I rise today to discuss the proposed cuts to nuclear nonproliferation programs in the continuing resolution, which I believe seriously endangers our Nation's security. When the Senate was presented with H.R. 1, the House's fiscal year 2011 appropriations bill, we all knew that sacrifices were needed. We knew that we needed to examine programs and determine which were broken, which were redundant, and which needed to be eliminated. Likewise, we also had a responsibility to determine which programs worked and provided positive returns on investments for our security and economic stability.

I would assert that the National Nuclear Security Administration's, NNSA, nonproliferation programs fall into this category. For the past decade, one threat has dominated our national security agenda: the threat of a nuclear weapon in the hands of a terrorist.

Yet when H.R. 1 passed in February, the House proposed a 24-percent cut to the President's request for NNSA nonproliferation programs. These cuts would endanger programs that have removed a total of 120 bombs' worth of highly enriched uranium, HEU, and nuclear material from six countries since April 2009. This past November, enough HEU to make 775 nuclear weapons was removed from Kazakhstan. I would consider these outcomes an underreported, yet remarkable success. I question why such highly effective programs, vital to our national security interests, were targeted in the first place.

I would contend that should a terrorist set off a nuclear or radiological explosion, the physical, psychological and economic consequences would far exceed the money saved by these shortsighted cuts.

The Congressional Commission on the Strategic Posture of the United States stated that ''the surest way to prevent nuclear terrorism is to deny acquisitions of nuclear weapons or fissile material,'' and that the United States should ''accelerate'' not decelerate the process of securing nuclear material. In the Commission's opinion this should be ''the top priority'' for the United States, especially in light of al-Qaida's expressed desire to obtain nuclear material or weapons.

H.R. 1 cuts more than $600 million from the Global Threat Reduction Initiative, which seeks to secure nuclear material before it ends up in terrorist hands. These program cuts are not only irresponsible, they are negligent.

Nonproliferation programs are a vital part of our Nation's security and should be treated as such. This view is shared by former Presidents and national security experts and has been included in our National Security Strategy that was developed by various agencies, including the Departments of Defense, State and Energy, as well as the National Security Council. In a July 14, 2010 letter to the chairman and ranking member of the Senate Foreign Relations Committee, former Secretary of State George Shultz and former Chair of the Senate Armed Services Committee Sam Nunn wrote that they ''believe the threat of nuclear terrorism remains urgent, fueled by the spread of nuclear weapons, materials and technology around the world.'' They further concluded that it ''is absolutely essential'' for the United States and Russia to lead these efforts.

I urge my colleagues today for their support in ensuring that we do all we can to limit the ability of terrorists to get their hands on fissile material. We all recognize and have referred to this threat. And now we have an opportunity to do something about it. Nuclear proliferation is a top concern and we as a nation can effectively lead the world in nuclear security and decrease the threat posed by nuclear terrorism.

ADDITIONAL STATEMENTS

FREDDIE AND ERNEST TAVARES

• Mr. AKAKA. Mr. President, I congratulate Hawaiian music legends Frederick ''Freddie'' and Ernest Tavares for receiving the Lifetime Achievement Award from the Hawaii Academy of Recording Arts in recognition of their contributions to the music industry.

Born and raised on the island of Maui, Freddie and Ernest Tavares exhibited musical talent at an early age. Both men enjoyed long careers in music and played important roles in popularizing Hawaiian music across the United States.

As a musician, Ernest did it all. He was a singer-songwriter, arranger, and inventor. His innovations led to the creation of the modern pedal steel guitar, which he played with the Harry Owens Royal Hawaiian Orchestra, Paul Page's South Sea Serenade, and T. Texas Tyler & His Western Dance Band. He also played the electric bass, ukulele, flute, clarinet, saxophone, piano, and Hawaiian & Tahitian drums.

Freddie Tavares, Ernest's younger brother, shared this love of music and innovation. Collaborating with guitar legend Leo Fender, Freddie played an important role in designing the Fender Stratocaster, a guitar that is the standard for many rock musicians. His work and dedication earned him induction into the Steel Guitar Hall of Fame and the Fender Hall of Fame. Freddie also performed with many notable artists, such as Bing Crosby, Elvis Presley, Dean Martin, the Andrews Sisters, and Henry Mancini.

Throughout their musical careers, Freddie and Ernest Tavares performed in many record albums and movie soundtracks. Both brothers also collaborated in numerous performances and shows. Their many talents and innovations had a great impact on the music industry and made Hawaii proud.

Long before being elected to Congress, I taught music and band in Hawaii's schools, and I am honored to recognize Freddie and Ernest for their numerous and invaluable accomplishments in the music business. Although both brothers are no longer with us, I extend my aloha and sincere thanks to the Tavares family for keeping the legacy of Freddie and Ernest Tavares alive.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:09 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4. An act to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

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 Ms. STABENOW:

S. 734. A bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Education; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 735. A bill to reauthorize the Belarus Democracy Act of 2004; to the Committee on Foreign Relations.

By Mr. BROWN of Ohio:

S. 736. A bill to improve the Fugitive Safe Surrender Program; to the Committee on the Judiciary.

By Mr. MORAN (for himself and Mr. CRAPO):

S. 737. A bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau into the regular appropriations process, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself and Ms. COLLINS):

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; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. SCHUMER, Mr. ALEXANDER, Mr. KERRY, Ms. MURKOWSKI, Mr. BINGAMAN, Mr. MERKLEY, and Ms. STABENOW):

S. 739. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government; to the Committee on Rules and Administration.

By Mr. REED (for himself, Ms. MURKOWSKI, Mr. DURBIN, and Mr. UDALL of New Mexico):

S. 740. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Mr. BENNET, Mr. CARDIN, Mr. KERRY, Mr. MENENDEZ, Mr. MERKLEY, Mr. SANDERS, Mr. WHITEHOUSE, and Ms. KLOBUCHAR):

S. 741. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio:

S. 742. A bill to amend chapters 83 and 84 of title 5, United States Code, to set the age at which Members of Congress are eligible for an annuity to the same age as the retirement age under the Social Security Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, Mr. LEAHY, Mr. HARKIN, Mr. PRYOR, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. TESTER, Mr. BEGICH, and Mr. CARDIN):

S. 743. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, Mr. LIEBERMAN, and Mr. KERRY):

S. 744. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to access relevant information in Federal, State, and other records and databases, for the purpose of verifying the identity of a passport applicant and detecting passport fraud, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 745. A bill to amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHELBY (for himself, Mr. DEMINT, Mr. ALEXANDER, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. KYL, Mr. LEE, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. RISCH, Mr. SESSIONS, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S. 746. A bill to repeal provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAPO (for himself, Mr. KOHL, Ms. COLLINS, and Mr. PORTMAN):

S. 747. A bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. BINGAMAN, and Mr. KERRY):

S. 748. A bill to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms.

KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 749. A bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 750. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. BROWN of Ohio (for himself and Mr. KIRK):

S. 751. A bill to require the Secretary of Commerce to develop a comprehensive national manufacturing strategy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Mr. ISAKSON, and Mr. KERRY):

S. 752. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 753. A bill to require the Assistant Secretary of Commerce for Economic Development to establish an early-stage business investment and incubation grant program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. NELSON of Nebraska (for himself, Mr. DURBIN, Ms. CANTWELL, and Mrs. MURRAY):

S. Res. 132. A resolution recognizing and honoring the zoos and aquariums of the United States; to the Committee on Environment and Public Works.

By Mr. FRANKEN:

S. Res. 133. A resolution to require that new war funding be offset; to the Committee on the Budget.

By Ms. STABENOW (for herself, Mr. ISAKSON, Mr. UDALL of Colorado, Mr. JOHANNS, and Mrs. HUTCHISON):

S. Res. 134. A resolution supporting the designation of April as Parkinson's Awareness Month; considered and agreed to.

By Mr. INHOFE:

S. Con. Res. 11. A concurrent resolution expressing the sense of Congress with respect to the Obama administration's discontinuing to defend the Defense of Marriage Act; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) 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.

S. 227

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

S. 339

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 398

At the request of Mr. BINGAMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 578

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

S. 595

At the request of Mrs. MURRAY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 668

At the request of Mr. CORNYN, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 671

At the request of Mr. SESSIONS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. 691

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 691, a bill to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes.

S. 705

At the request of Mr. CARPER, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 712

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 712, a bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 720

At the request of Mr. THUNE, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. 724

At the request of Mrs. HUTCHISON, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Ohio (Mr. PORTMAN), the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. JOHANNS), the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. KYL), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from Utah (Mr. LEE), the Senator from South Dakota (Mr. THUNE), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Michigan (Ms. STABENOW), the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. ROBERTS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mr. RUBIO), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from

Idaho (Mr. RISCH), the Senator from Kansas (Mr. MORAN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Indiana (Mr. COATS) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 724, a bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel 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 nonemergency personnel and the curtailment of Government activities and services.

S. RES. 80

At the request of Mr. KIRK, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 86

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 86, a resolution recognizing the Defense Intelligence Agency on its 50th Anniversary.

S. RES. 99

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

S. RES. 125

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 125, a resolution supporting the goals and ideals of National Public Health Week.

AMENDMENT NO. 207

At the request of Mr. SANDERS, the names of the Senator from Nevada (Mr. REID), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. HARKIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 207 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 281

At the request of Mr. COBURN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 281 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 285

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 285 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. SCHUMER, Mr. ALEXANDER, Mr. KERRY, Ms. MURKOWSKI, Mr. BINGAMAN, Mr. MERKLEY, and Mrs. STABENOW):

S. 739. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government; to the Committee on Rules and Administration.

Mr. LEVIN. Mr. President, today a bipartisan group of Senators has introduced legislation that would allow the Senate to continue its leadership of our country toward a clean-energy future. Senators SCHUMER, ALEXANDER, KERRY, MURKOWSKI, BINGAMAN, and I have introduced a bill that would authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government.

Among the most successful job-creation efforts we have undertaken since the financial crisis devastated our economy is our attempt to help American manufacturers create the batteries and other components that will power the next generation of electric-powered vehicles. In my State of Michigan and in other places around the country, the grant program we enacted as part of the Recovery Act has sparked a boom of manufacturing job creation. Given a choice between watching our global competitors create those jobs and creating them in the United States, we have chosen the wiser course.

This has been part of a larger, and largely successful, effort to support the electric revolution in transportation. President Obama's goal of 1 million electric vehicles on the road by 2015 is one part of that effort. He announced last week that by 2015, the government will buy only alternative-energy vehicles for its fleets as part of a strategy to cut U.S. oil imports by 1/3. Such a strategy would help our country economically, protect our environment and enhance our national security.

The legislation we introduce today is another, though smaller, part of that effort. It would ensure that the Senate leads by example as we transition to a clean-energy future. It would establish—at no net cost to the taxpayer—charging stations to power plug-in hybrid electric vehicles. While these vehicles are an important part of our future, they will bring changes in how we think about cars and driving. Instead of looking for gas stations, drivers will need charging stations where they can replenish the batteries that power their vehicles.

The President and others have proposed plans to help encourage the creation of that infrastructure in communities around the country. So should the Senate. This bill would ensure that Senate employees have available the infrastructure to support next-generation vehicles. It would be an important statement of leadership from the Senate. It would provide an example to other employers of how they can support both the needs of their employees and our national interest in energy security.

I am thankful for the support of Senators SCHUMER, ALEXANDER, KERRY, MURKOWSKI, and BINGAMAN on this bill, and for the assistance of the staffs of Senators SCHUMER and ALEXANDER on the Rules Committee. These Senators have recognized the value of Senate leadership in moving our nation toward a future liberated from imported oil, and I hope our other colleagues will as well.

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. 739

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

SECTION 1. BATTERY RECHARGING STATIONS FOR PRIVATELY OWNED VEHICLES IN PARKING AREAS UNDER THE JURISDICTION OF THE SENATE AT NO NET COST TO THE FEDERAL GOVERNMENT.

(a) DEFINITION.—In this Act, the term ''covered employee'' means—

(1) an employee whose pay is disbursed by the Secretary of the Senate; or

(2) any other individual who is authorized to park in any parking area under the jurisdiction of the Senate on Capitol Grounds.

(b) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (3), funds appropriated to the Architect of the Capitol under the heading ''CAPITOL POWER PLANT'' under the heading ''ARCHITECT OF THE CAPITOL'' in any fiscal year are available to construct, operate, and maintain on a reimbursable basis battery recharging stations in parking areas under the jurisdiction

of the Senate on Capitol Grounds for use by privately owned vehicles used by Senators or covered employees.

(2) VENDORS AUTHORIZED.—In carrying out paragraph (1), the Architect of the Capitol may use 1 or more vendors on a commission basis.

(3) APPROVAL OF CONSTRUCTION.—The Architect of the Capitol may construct or direct the construction of battery recharging stations described under paragraph (1) after—

(A) submission of written notice detailing the numbers and locations of the battery recharging stations to the Committee on Rules and Administration of the Senate; and

(B) approval by that Committee.

(c) FEES AND CHARGES.—

(1) IN GENERAL.—Subject to paragraph (2), the Architect of the Capitol shall charge fees or charges for electricity provided to Senators and covered employees sufficient to cover the costs to the Architect of the Capitol to carry out this section, including costs to any vendors or other costs associated with maintaining the battery recharging stations.

(2) APPROVAL OF FEES OR CHARGES.—The Architect of the Capitol may establish and adjust fees or charges under paragraph (1) after—

(A) submission of written notice detailing the amount of the fee or charge to be established or adjusted to the Committee on Rules and Administration of the Senate; and

(B) approval by that Committee.

(d) DEPOSIT AND AVAILABILITY OF FEES, CHARGES, AND COMMISSIONS.—Any fees, charges, or commissions collected by the Architect of the Capitol under this section shall be—

(1) deposited in the Treasury to the credit of the appropriations account described under subsection (b); and

(2) available for obligation without further appropriation during—

(A) the fiscal year collected; and

(B) the fiscal year following the fiscal year collected.

(e) ANNUAL REPORTS.—Not later than 30 days after the end of each fiscal year, the Architect of the Capitol shall submit a report on the financial administration and cost recovery of activities under this section with respect to that fiscal year to the Committee on Rules and Administration of the Senate.

(f) EFFECTIVE DATE.—This Act shall apply with respect to fiscal year 2011 and each fiscal year thereafter.

By Mr. REED (for himself, Ms. MURKOWSKI, Mr. DURBIN, and Mr. UDALL of New Mexico):

S. 740. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. I am pleased to be joined by Senators MURKOWSKI, DURBIN, and TOM UDALL in the introduction of the Garrett Lee Smith Memorial Act Reauthorization.

This legislation continues the important work of my former colleague Senator Gordon Smith, who authored the original law, which was named for his 22-year old son, Garrett, who was a student at Utah Valley University when he took his own life. I want to once again recognize Gordon Smith for his work to champion suicide prevention and mental health initiatives.

Currently, this law supports 35 States, 16 Tribes and Tribal organizations, and 38 colleges and universities in their efforts to prevent youth suicide. Indeed, with the help of these important programs, we have made real progress since the 2004 passage of this law in identifying at-risk youth and young adults, providing proven mental health and substance use disorder treatments, and educating the public about youth suicide prevention efforts.

Unfortunately, suicide remains the third leading cause of death for adolescents and young adults age 10 to 24, and results in 4,400 lives lost each year. According to the Centers for Disease Control and Prevention, approximately 150,000 individuals in this age group annually receive medical care for self-inflicted injuries at Emergency Departments across the U.S.

Suicide is particularly prevalent among college-age students as it is the second leading cause of death, resulting in approximately 1,100 deaths each year. The 2010 National Survey of Counseling Center Directors at colleges and universities found that 10.8 percent of students seek counseling each year, an increase of nearly 1 percent from 2009. At the same time, the average ratio of counselors to students has remained constant at one to 1,786.

Many young people who commit suicide have a treatable mental illness, but they don't get the help they need. The legislation we introduced today provides critical resources for prevention and outreach programs to reach at risk youth before it is too late.

It would increase the authorized grant level to States, tribes, and college campuses for the implementation of proven programs and initiatives designed to address mental health and wellness and reduce youth suicide.

Additionally, I am particularly pleased that the bill would enable college counseling centers to have greater flexibility in their use of Federal resources. Counseling centers will continue to be able to apply for funds to operate suicide prevention hotlines and organize educational and awareness efforts about youth suicide prevention; however, with this bill they will also be able to use funds for the provision of counseling services to students and the hiring of appropriately trained personnel. These two components are integral to identifying and treating students who may be at risk with the goal of preventing suicide and attempted suicide on campuses.

Our bipartisan legislation is supported by 43 coalition members of the Mental Health Liaison Group and the American Council on Education.

Mr. President, I unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

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

S. 740

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 ''Garrett Lee Smith Memorial Act Reauthorization of 2011''.

SEC. 2. SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.

(a) REPEAL.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb–34) is repealed.

(b) SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) (as amended by subsection (a)) is amended by inserting after section 520B the following:

''SEC. 520C. SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.

''(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall establish a research, training, and technical assistance resource center to provide appropriate information, training, and technical assistance to States, political subdivisions of States, federally recognized Indian tribes, tribal organizations, institutions of higher education, public organizations, or private nonprofit organizations concerning the prevention of suicide among all ages, particularly among groups that are at high risk for suicide.

''(b) RESPONSIBILITIES OF THE CENTER.—The center established under subsection (a) shall—

''(1) assist in the development or continuation of statewide and tribal suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide;

''(2) ensure the surveillance of suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide;

''(3) study the costs and effectiveness of statewide and tribal suicide early intervention and prevention strategies in order to provide information concerning relevant issues of importance to State, tribal, and national policymakers;

''(4) further identify and understand causes and associated risk factors for suicide for all ages, particularly among groups that are at high risk for suicide;

''(5) analyze the efficacy of new and existing suicide early intervention and prevention techniques and technology for all ages, particularly among groups that are at high risk for suicide;

''(6) ensure the surveillance of suicidal behaviors and nonfatal suicidal attempts;

''(7) study the effectiveness of State-sponsored statewide and tribal suicide early intervention and prevention strategies for all ages particularly among groups that are at high risk for suicide on the overall wellness and health promotion strategies related to suicide attempts;

''(8) promote the sharing of data regarding suicide with Federal agencies involved with suicide early intervention and prevention, and State-sponsored statewide and tribal suicide early intervention and prevention strategies for the purpose of identifying previously unknown mental health causes and associated risk factors for suicide among all ages particularly among groups that are at high risk for suicide;

''(9) evaluate and disseminate outcomes and best practices of mental health and substance use disorder services at institutions of higher education; and

''(10) conduct other activities determined appropriate by the Secretary.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for each of the fiscal years 2012 through 2016.''.

SEC. 3. YOUTH SUICIDE INTERVENTION AND PREVENTION STRATEGIES.

Section 520E of the Public Health Service Act (42 U.S.C. 290bb–36) is amended to read as follows:

"SEC. 520E. YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants or cooperative agreements to eligible entities to—

''(1) develop and implement State-sponsored statewide or tribal youth suicide early intervention and prevention strategies in schools, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations;

''(2) support public organizations and private nonprofit organizations actively involved in State-sponsored statewide or tribal youth suicide early intervention and prevention strategies and in the development and continuation of State-sponsored statewide youth suicide early intervention and prevention strategies;

''(3) provide grants to institutions of higher education to coordinate the implementation of State-sponsored statewide or tribal youth suicide early intervention and prevention strategies;

''(4) collect and analyze data on State-sponsored statewide or tribal youth suicide early intervention and prevention services that can be used to monitor the effectiveness of such services and for research, technical assistance, and policy development; and

''(5) assist eligible entities, through State-sponsored statewide or tribal youth suicide early intervention and prevention strategies, in achieving targets for youth suicide reductions under title V of the Social Security Act.

''(b) ELIGIBLE ENTITY.—

''(1) DEFINITION.—In this section, the term 'eligible entity' means—

''(A) a State;

''(B) a public organization or private nonprofit organization designated by a State to develop or direct the State-sponsored statewide youth suicide early intervention and prevention strategy; or

''(C) a federally recognized Indian tribe or tribal organization (as defined in the Indian Self-Determination and Education Assistance Act) or an urban Indian organization (as defined in the Indian Health Care Improvement Act) that is actively involved in the development and continuation of a tribal youth suicide early intervention and prevention strategy.

''(2) LIMITATION.—In carrying out this section, the Secretary shall ensure that a State does not receive more than one grant or cooperative agreement under this section at any one time. For purposes of the preceding sentence, a State shall be considered to have received a grant or cooperative agreement if the eligible entity involved is the State or an entity designated by the State under paragraph (1)(B). Nothing in this paragraph shall be constructed to apply to entities described in paragraph (1)(C).

''(c) PREFERENCE.—In providing assistance under a grant or cooperative agreement under this section, an eligible entity shall give preference to public organizations, private nonprofit organizations, political subdivisions, institutions of higher education, and tribal organizations actively involved with the State-sponsored statewide or tribal youth suicide early intervention and prevention strategy that—

''(1) provide early intervention and assessment services, including screening programs, to youth who are at risk for mental or emotional disorders that may lead to a suicide attempt, and that are integrated with school systems, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations;

''(2) demonstrate collaboration among early intervention and prevention services or certify that entities will engage in future collaboration;

''(3) employ or include in their applications a commitment to evaluate youth suicide early intervention and prevention practices and strategies adapted to the local community;

''(4) provide timely referrals for appropriate community-based mental health care and treatment of youth who are at risk for suicide in child-serving settings and agencies;

''(5) provide immediate support and information resources to families of youth who are at risk for suicide;

''(6) offer access to services and care to youth with diverse linguistic and cultural backgrounds;

''(7) offer appropriate postsuicide intervention services, care, and information to families, friends, schools, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations of youth who recently completed suicide;

''(8) offer continuous and up-to-date information and awareness campaigns that target parents, family members, child care professionals, community care providers, and the general public and highlight the risk factors associated with youth suicide and the lifesaving help and care available from early intervention and prevention services;

''(9) ensure that information and awareness campaigns on youth suicide risk factors, and early intervention and prevention services, use effective communication mechanisms that are targeted to and reach youth, families, schools, educational institutions, and youth organizations;

''(10) provide a timely response system to ensure that child-serving professionals and providers are properly trained in youth suicide early intervention and prevention strategies and that child-serving professionals and providers involved in early intervention and prevention services are properly trained in effectively identifying youth who are at risk for suicide;

''(11) provide continuous training activities for child care professionals and community care providers on the latest youth suicide early intervention and prevention services practices and strategies;

''(12) conduct annual self-evaluations of outcomes and activities, including consulting with interested families and advocacy organizations;

''(13) provide services in areas or regions with rates of youth suicide that exceed the national average as determined by the Centers for Disease Control and Prevention; and

''(14) obtain informed written consent from a parent or legal guardian of an at-risk child before involving the child in a youth suicide early intervention and prevention program.

''(d) REQUIREMENT FOR DIRECT SERVICES.—Not less than 85 percent of grant funds received under this section shall be used to provide direct services, of which not less than 5 percent shall be used for activities authorized under subsection (a)(3).

''(e) CONSULTATION AND POLICY DEVELOPMENT.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall collaborate with relevant Federal agencies and suicide working groups responsible for early intervention and prevention services relating to youth suicide.

''(2) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

''(A) State and local agencies, including agencies responsible for early intervention and prevention services under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of the Social Security Act, and programs funded by grants under title V of the Social Security Act;

''(B) local and national organizations that serve youth at risk for suicide and their families;

''(C) relevant national medical and other health and education specialty organizations;

''(D) youth who are at risk for suicide, who have survived suicide attempts, or who are currently receiving care from early intervention services;

''(E) families and friends of youth who are at risk for suicide, who have survived suicide attempts, who are currently receiving care from early intervention and prevention services, or who have completed suicide;

''(F) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve youth at risk for suicide and their families; and

''(G) third-party payers, managed care organizations, and related commercial industries.

''(3) POLICY DEVELOPMENT.—In carrying out this section, the Secretary shall—

''(A) coordinate and collaborate on policy development at the Federal level with the relevant Department of Health and Human Services agencies and suicide working groups; and

''(B) consult on policy development at the Federal level with the private sector, including consumer, medical, suicide prevention advocacy groups, and other health and education professional-based organizations, with respect to State-sponsored statewide or tribal youth suicide early intervention and prevention strategies.

''(f) RULE OF CONSTRUCTION; RELIGIOUS AND MORAL ACCOMMODATION.—Nothing in this section shall be construed to require suicide assessment, early intervention, or treatment services for youth whose parents or legal guardians object based on the parents' or legal guardians' religious beliefs or moral objections.

''(g) EVALUATIONS AND REPORT.—

''(1) EVALUATIONS BY ELIGIBLE ENTITIES.—Not later than 18 months after receiving a grant or cooperative agreement under this section, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

''(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

''(A) the evaluations conducted under paragraph (1); and

''(B) an evaluation conducted by the Secretary to analyze the effectiveness and efficacy of the activities conducted with grants, collaborations, and consultations under this section.

''(h) RULE OF CONSTRUCTION; STUDENT MEDICATION.—Nothing in this section shall be construed to allow school personnel to require that a student obtain any medication as a condition of attending school or receiving services.

''(i) PROHIBITION.—Funds appropriated to carry out this section, section 527, or section 529 shall not be used to pay for or refer for abortion.

''(j) PARENTAL CONSENT.—States and entities receiving funding under this section shall obtain prior written, informed consent

from the child's parent or legal guardian for assessment services, school-sponsored programs, and treatment involving medication related to youth suicide conducted in elementary and secondary schools. The requirement of the preceding sentence does not apply in the following cases:

''(1) In an emergency, where it is necessary to protect the immediate health and safety of the student or other students.

''(2) Other instances, as defined by the State, where parental consent cannot reasonably be obtained.

''(k) RELATION TO EDUCATION PROVISIONS.—Nothing in this section shall be construed to supersede section 444 of the General Education Provisions Act, including the requirement of prior parental consent for the disclosure of any education records. Nothing in this section shall be construed to modify or affect parental notification requirements for programs authorized under the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001; Public Law 107–110).

''(l) DEFINITIONS.—In this section:

''(1) EARLY INTERVENTION.—The term 'early intervention' means a strategy or approach that is intended to prevent an outcome or to alter the course of an existing condition.

''(2) EDUCATIONAL INSTITUTION; INSTITUTION OF HIGHER EDUCATION; SCHOOL.—The term—

''(A) 'educational institution' means a school or institution of higher education;

''(B) 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965; and

''(C) 'school' means an elementary or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965).

''(3) PREVENTION.—The term 'prevention' means a strategy or approach that reduces the likelihood or risk of onset, or delays the onset, of adverse health problems that have been known to lead to suicide.

''(4) YOUTH.—The term 'youth' means individuals who are between 10 and 24 years of age.

''(m) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $32,000,000 for each of the fiscal years 2012 through 2016.''.

SEC. 4. MENTAL HEALTH AND SUBSTANCE USE DISORDERS SERVICES AND OUTREACH ON CAMPUS.

Section 520E–2 of the Public Health Service Act (42 U.S.C. 290bb–36b) is amended to read as follows:

''SEC. 520E–2. MENTAL HEALTH AND SUBSTANCE USE DISORDERS SERVICES ON CAMPUS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services and in consultation with the Secretary of Education, shall award grants on a competitive basis to institutions of higher education to enhance services for students with mental health or substance use disorders and to develop best practices for the delivery of such services.

''(b) USES OF FUNDS.—Amounts received under a grant under this section shall be used for 1 or more of the following activities:

''(1) The provision of mental health and substance use disorder services to students, including prevention, promotion of mental health, voluntary screening, early intervention, voluntary assessment, treatment, and management of mental health and substance abuse disorder issues.

''(2) The provision of outreach services to notify students about the existence of mental health and substance use disorder services.

''(3) Educating students, families, faculty, staff, and communities to increase awareness of mental health and substance use disorders.

''(4) The employment of appropriately trained staff, including administrative staff.

''(5) The provision of training to students, faculty, and staff to respond effectively to students with mental health and substance use disorders.

''(6) The creation of a networking infrastructure to link colleges and universities with providers who can treat mental health and substance use disorders.

''(7) Developing, supporting, evaluating, and disseminating evidence-based and emerging best practices.

''(c) IMPLEMENTATION OF ACTIVITIES USING GRANT FUNDS.—An institution of higher education that receives a grant under this section may carry out activities under the grant through—

''(1) college counseling centers;

''(2) college and university psychological service centers;

''(3) mental health centers;

''(4) psychology training clinics;

''(5) institution of higher education supported, evidence-based, mental health and substance use disorder programs; or

''(6) any other entity that provides mental health and substance use disorder services at an institution of higher education.

''(d) APPLICATION.—To be eligible to receive a grant under this section, an institution of higher education shall prepare and submit to the Secretary an application at such time and in such manner as the Secretary may require. At a minimum, such application shall include the following:

''(1) A description of identified mental health and substance use disorder needs of students at the institution of higher education.

''(2) A description of Federal, State, local, private, and institutional resources currently available to address the needs described in paragraph (1) at the institution of higher education.

''(3) A description of the outreach strategies of the institution of higher education for promoting access to services, including a proposed plan for reaching those students most in need of mental health services.

''(4) A plan, when applicable, to meet the specific mental health and substance use disorder needs of veterans attending institutions of higher education.

''(5) A plan to seek input from community mental health providers, when available, community groups and other public and private entities in carrying out the program under the grant.

''(6) A plan to evaluate program outcomes, including a description of the proposed use of funds, the program objectives, and how the objectives will be met.

''(7) An assurance that the institution will submit a report to the Secretary each fiscal year concerning the activities carried out with the grant and the results achieved through those activities.

''(e) SPECIAL CONSIDERATIONS.—In awarding grants under this section, the Secretary shall give special consideration to applications that describe programs to be carried out under the grant that—

''(1) demonstrate the greatest need for new or additional mental and substance use disorder services, in part by providing information on current ratios of students to mental health and substance use disorder health professionals and

''(2) demonstrate the greatest potential for replication.

''(f) REQUIREMENT OF MATCHING FUNDS.—

''(1) IN GENERAL.—The Secretary may make a grant under this section to an institution of higher education only if the institution agrees to make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than $1 for each $1 of Federal funds provided under the grant, toward the costs of activities carried out with the grant (as described in subsection (b)) and other activities by the institution to reduce student mental health and substance use disorders.

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(3) WAIVER.—The Secretary may waive the application of paragraph (1) with respect to an institution of higher education if the Secretary determines that extraordinary need at the institution justifies the waiver.

''(g) REPORTS.—For each fiscal year that grants are awarded under this section, the Secretary shall conduct a study on the results of the grants and submit to the Congress a report on such results that includes the following:

''(1) An evaluation of the grant program outcomes, including a summary of activities carried out with the grant and the results achieved through those activities.

''(2) Recommendations on how to improve access to mental health and substance use disorder services at institutions of higher education, including efforts to reduce the incidence of suicide and substance use disorders.

''(h) DEFINITIONS.—In this section, the term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965.

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $7,000,000 for each of the fiscal years 2012 through 2016.''.

MENTAL HEALTH LIAISON GROUP,
APRIL 5, 2011.

Hon. JACK REED,
U.S. Senate, Washington, DC.
Hon. RICHARD J. DURBIN,
U.S. Senate, Washington, DC.
Hon. LISA MURKOWSKI,
U.S. Senate, Washington, DC.
Hon. TOM UDALL,
U.S. Senate, Washington, DC.

DEAR SENATORS: The undersigned organizations in the Mental Health Liaison Group are pleased to write in support of the legislation you will soon introduce, the Garrett Lee Smith Memorial Act Reauthorization of 2011. This legislation renews the commitment to critically important youth and college suicide prevention programs administered by the Substance Abuse and Mental Health Services Administration, as well as strengthens those programs, ensuring they are best designed to meet the needs of those they are intended to serve.

The Garrett Lee Smith Memorial Act (GLSMA) currently supports grants in 35 States and 16 Tribes or Tribal organizations as part of the State/Tribal Youth Suicide Prevention and Early Intervention Program as well as funds programs at 38 institutions of higher education through the Campus Suicide Prevention program. While much has been achieved thanks to the successful grants supported by the GLSMA, there remains much to do. In 2007, suicide was the third leading cause of death for young people ages 15–24 years and the second leading cause of death among college students. According to the Center for Disease Control and Prevention, ''a nationwide survey of youth in

grades 9–12 in public and private schools in the United States (U.S.) found that 15% of students reported seriously considering suicide, 11% reported creating a plan, and 7% reporting trying to take their own life in the 12 months preceding the survey.'' The 2010 American College Health Association's National College Health Assessment II noted that 45.6% of students surveyed reported feeling that things were hopeless and 30.7% reported feeling so depressed it was difficult to function during the past 12 months.

Since its creation in 2004, the Garrett Lee Smith Memorial Act has provided resources to communities and college campuses all across the country, and supported needed technical assistance to develop and disseminate effective strategies and best practices related to youth suicide prevention.

Our organizations support all three elements of the GLSMA, which provide a comprehensive approach to addressing the national problem of youth suicide. Specifically, the State and Tribal program fosters the creation of public-private collaborations and the development of critically needed prevention and early intervention strategies. Next, the Campus Suicide Prevention Program enhances services, outreach and education for students with mental health or substance use disorders and calls for the development of best practice for the delivery of such services. Finally, the Suicide Prevention Resource Center provides information and training to States, Tribes, and tribal organizations, institutions of higher education, and public organizations or private non-profit groups in an effort to prevent suicide among all ages, particularly among high risk groups, such as youth.

We are especially pleased that you have included modest but needed growth in the authorization levels for these programs. This measured increase acknowledges the important efforts that have come from the development of these programs as well as the significant work that remains to build suicide prevention capacity across the country.

Our organizations are grateful to you and your colleagues for your strong bipartisan approach regarding this program. We thank Senators Murkowski, Durbin and Tom Udall for joining with you in support of this effort and demonstrating extraordinary leadership on youth suicide prevention.

We are most grateful to you and your staff for your tireless work on this legislation over the past years. Your unwavering leadership and commitment to youth suicide prevention undoubtedly has important implications for the current and future health and wellbeing of our nation's youth. We welcome the opportunity to work with you and your staff to ensure that the Garrett Lee Smith Memorial Act is promptly reauthorized.

Sincerely,

American Academy of Child and Adolescent Psychiatry, American Art Therapy Association, American Association for Geriatric Psychiatry, American Association for Marriage and Family Therapy, American Association for Psychoanalysis in Clinical Social Work, American Association of Pastoral Counselors, American Association on Health and Disability*, American Counseling Association, American Dance Therapy Association, American Foundation for Suicide Prevention/SPAN USA, American Group Psychotherapy Association, American Orthopsychiatric Association, American Psychiatric Association, American Psychoanalytic Association, American Psychological Association.

American Psychotherapy Association, Association for Ambulatory Behavioral Healthcare, Association for the Advancement of Psychology, American Psychiatric Nurses Association, Anxiety Disorders Association of America, Bazelon Center for Mental Health Law, Center for Clinical Social Work, Clinical Social Work Association, Depression and Bipolar Support Alliance, Eating Disorders Coalition for Research, Policy & Action, Mental Health America, NAADAC, the Association for Addiction Professionals, National Association of County Behavioral Health and Developmental Disability Directors, National Association of State Mental Health Program Directors, National Alliance on Mental Illness.

National Association for Children's Behavioral Health, National Association for Rural Mental Health, National Association of Mental Health Planning & Advisory Councils, National Association of Psychiatric Health Systems, National Association of School Psychologists, National Association of Social Workers, National Coalition for Mental Health Recovery, National Council for Community Behavioral Healthcare, National Council on Problem Gambling, School Social Work Association of America, Therapeutic Communities of America, Tourette Syndrome Association, U.S. Psychiatric Rehabilitation Association, Witness Justice.

* not a MHLG member

Mr. DURBIN. Mr. President, three years ago, a mentally disturbed gunman walked into a campus lecture hall at Northern Illinois University and shot 22 students, killing 5 of them. Northern Illinois University is not the first college to experience this kind of tragedy. We all remember the horrific events at Virginia Tech in 2007 where 32 lives were taken by a gunman.

In the aftermath of these shootings, we asked what could have been done to prevent it. And years later, we are still trying to make sense of it. Some believe nothing can be done to stop a disturbed person from committing acts of violence. But I believe we can and should do more.

For a long time, we have overlooked the mental health needs of students on college campuses. We know now that many mental illnesses start to manifest in this period when young people leave the security of home and regular medical care. The responsibility for the students' well-being often shifts from parents to students, and the students aren't always completely prepared. It is easier for a young person's problems to go unnoticed when he or she is away at college than when they are at home, in the company of parents, old friends, and high school teachers. College also provides a new opportunity for young people to experiment with drugs or alcohol.

The consequences of not detecting or addressing mental health needs among students are real. Suicide remains the third leading cause of death for adolescents and young adults between ages 10–24. Suicide takes the lives of more young adults than AIDS, cancer, heart disease, pneumonia, birth defects, and influenza combined. Forty-five percent of college students report having felt so depressed that it was difficult to function. Ten percent have contemplated suicide. There are over 1,000 suicides on college campus each year. These heartbreaking and traumatic incidents demonstrate the tragic consequences of mental instability and help us recognize we need to do more to support students during what can be very tough years.

Fortunately, many students can succeed in college if they have appropriate counseling services and access to needed medications. These services make a real impact. Students who seek help are six times less likely to kill themselves. Colleges are welcoming students today who 10 or 20 years ago would not have been able to attend school due to mental illness, but who can today because of advances in treatment.

But while the needs for mental health services on campus are rising, colleges are facing financial pressures and having trouble meeting this demand. As I have travelled around my State, I have learned just how thin colleges and universities are stretched when it comes to providing counseling and other support services to students.

Take Southern Illinois University in Carbondale. SIUC has 8 full-time counselors for 20,000 students. That is 1 counselor for every 2,500 students. The recommended ratio is 1 counselor for every 1,500 students. And there is another problem. Like many rural communities, Carbondale only has one community mental health agency. That agency is overwhelmed by the mental health needs of the community and refuses to serve students from SIUC. The campus counseling center is the only mental health option for students. The eight hard-working counselors at SIUC do their best under impossible conditions. They triage students who come in seeking help so that the ones who might be a threat to themselves or others are seen first. The waitlist of students seeking services has reached 45 students.

The story is the same across the country. Colleges are trying to fill in the gaps, but because of the shortage of counselors, students' needs are overlooked. A recent survey of college counseling centers indicates that the average ratio of professional-staff-to-students is 1 to 1,900. Although interest in mental health services is high, the recession has put pressure on administrators to cut budgets wherever they can. At times, counseling centers are in the crosshairs. Ten percent of survey respondents said their budgets were cut during the 2007–8 academic year, half said their budgets stayed the same, and nearly a quarter reported that their funds increased by 3 percent or less.

With so many students looking for help and so few counselors to see them, counseling centers have to cut back on outreach. Without outreach, the chances of finding students who need help but don't ask for it goes down. This is a serious problem. We know that some students exhibit warning signs of a tortured mental state and four out of five young adults show warning signs before attempting suicide. But faculty and students don't always know how or where to express their concerns. Outreach efforts by

campus counseling centers can help educate the community about warning signs to look for as well as how to intervene. Of the students who committed suicide across the country in 2007, only 22 percent had received counseling on campus. That means that of the 1,000 college students who took their own lives, 800 may never have looked for help. How many of those young lives could have been saved if our college counseling centers had the resources they needed to identify those students and help them? Our students deserve better.

We need to help schools meet the needs of their students, and that is why I am an original cosponsor of the Garrett Lee Smith Memorial Act Reauthorization. This bill includes an important provision of the Mental Health on Campus Improvement Act, which I introduced last Congress that would increase funding for colleges and universities to improve their mental health services. Colleges could use the funding to hire personnel, increase outreach, and educate the campus community about mental health. The Garrett Lee Smith Memorial Act Reauthorization would provide States, tribes/tribal organizations, and universities with much needed resources to prevent suicide.

Reflecting on the loss of his own son, the well-known minister Rev. William Sloan Coffin once said, ''When parents die, they take with them a portion of the past. But when children die, they take away the future as well.'' I hope the Garrett Lee Smith Memorial Act will help prevent the unnecessary loss of more young lives and bright futures.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, Mr. LEAHY, Mr. HARKIN, Mr. PRYOR, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. TESTER, Mr. BEGICH, and Mr. CARDIN):

S. 743. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I rise to reintroduce the whistleblower Protection Enhancement Act. I am pleased that Senators COLLINS, GRASSLEY, LIEBERMAN, LEVIN, CARPER, LEAHY, HARKIN, PRYOR, LANDRIEU, MCCASKILL, TESTER, BEGICH, and CARDIN have joined as cosponsors of this bill.

The need for stronger whistleblower protections is clear. As we slowly recover from the deepest recession since the Great Depression, and grapple with unsustainable budget deficits, we cannot wait to act on measures to make sure the government uses taxpayer money efficiently and effectively.

This legislation will help us hold those who manage the public's dollars accountable by strengthening protections for Federal employees who shed light on government waste, fraud, and abuse. Studies have shown that employee whistleblowers are responsible for uncovering more fraud than auditors, internal compliance officers, and law enforcement officials combined. As an example of the type of disclosures we need to encourage, in one of the few cases in which a whistleblower prevailed, an Internal Revenue Service manager disclosed alleged fraud and preferential treatment of certain wealthy and influential taxpayers. The Merit Systems Protection Board denied his claim, but five years after the whistleblower retaliation occurred, the Court of Appeals reversed. Ensuring that dedicated civil servants can come forward and report wrongdoing without facing retaliation is an important step for saving taxpayer dollars, reducing the deficit, and improving our country's long-term economic health.

Our bill also will contribute to public health and safety, civil rights and civil liberties, national security, and other critical interests. Federal employees may be the only people in the position to observe a problem with a drug safety trial, a cover up of violations during a food inspection, overreach in Federal law enforcement, or safety concerns at a nuclear plant. But few employees will have the courage to disclose Federal Government wrongdoing, which can affect every aspect of government operations, without meaningful whistleblower protections.

The Whistleblower Protection Act, WPA, was intended to shield Federal whistleblowers from retaliation, but the Court of Appeals or the Federal Circuit and the Merit Systems Protection Board repeatedly have issued decisions that misconstrue the WPA and scale back its protections. Federal whistleblowers have prevailed on the merits of their claims before the Federal Circuit which has sole jurisdiction over Federal employee whistleblower appeals, only three times in hundreds of cases since 1994. correction is urgently needed.

Our bill would eliminate a number of restrictions that the Federal Circuit has read into the law regarding when disclosures are covered by the WPA. Because of the Federal Circuit's restrictive reading of the WPA, it would establish a pilot program to allow multi-circuit review for 5 years, and would require a Government Accountability Office review of that change 40 months after enactment. This bill would also bar agencies from revoking an employee's security clearance in retaliation for whistleblowing.

Additionally, this bill expands coverage to new groups of whistleblowers. This bill would expand the coverage of the Whistleblower Protection Act to include employees of the Transportation Security Administration. Intelligence Community employees for the first time would be protected as well, with an administrative process modeled on the protections for Federal Bureau of Investigations employees. Moreover, it would make clear that whistleblowers who disclose censorship of scientific information that could lead to gross government waste or mismanagement, danger to public health or safety, or a violation of law are protected.

I have been a long-time proponent of strengthening oversight by protecting Federal whistleblowers. Last Congress, my Whistleblower Protection Enhancement Act, S. 372, passed both the Senate and the House of Representatives by unanimous consent in December 2010. In the 110th Congress, my bill, the Federal Employee Protection of Disclosures Act, S. 274, passed the Senate by unanimous consent in December 2007, and a similar bill, H.R. 985, also passed in the House of Representatives in March 2008. Unfortunately, both times, we were not able to reconcile the two bills and enact whistleblower protections before the Congress adjourned. I intend to finish the job this Congress. Whistleblowers simply cannot wait any longer.

Congress has a duty to provide strong protections for Federal whistleblowers. Only when Federal employees are confident that they will not face retaliation will they feel comfortable coming forward to disclose information that can be used to improve government operations, our national security, and the health of our citizens. I urge my colleagues to support this legislation.

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. 743

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 ''Whistleblower Protection Enhancement Act of 2011''.

TITLE I—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 101. CLARIFICATION OF DISCLOSURES COVERED.

(a) IN GENERAL.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)(i), by striking ''a violation'' and inserting ''any violation''; and

(2) in subparagraph (B)(i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''.

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—

(1) TECHNICAL AND CONFORMING AMENDMENTS.—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214, in subsections (a), (e)(1), and (i) of section 1221, and in subsection (a)(2)(C)(i) of section 2302, by inserting ''or section 2302(b)(9) (A)(i), (B), (C), or

(D)'' after ''section 2302(b)(8)'' or ''(b)(8)'' each place it appears.

(2) OTHER REFERENCES.—(A) Title 5, United States Code, is amended in subsection (b)(4)(B)(i) of section 1214 and in subsection (e)(1) of section 1221, by inserting ''or protected activity'' after ''disclosure'' each place it appears.

(B) Section 2302(b)(9) of title 5, United States Code, is amended—

(i) by striking subparagraph (A)and inserting the following:

''(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

''(i) with regard to remedying a violation of paragraph (8); or

''(ii) with regard to remedying a violation of any other law, rule, or regulation;''; and

(ii) in subparagraph (B), by inserting ''(i) or (ii)'' after ''subparagraph (A)''.

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) A disclosure shall not be excluded from subsection (b)(8) because—

''(A) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(ii);

''(B) the disclosure revealed information that had been previously disclosed;

''(C) of the employee's or applicant's motive for making the disclosure;

''(D) the disclosure was not made in writing;

''(E) the disclosure was made while the employee was off duty; or

''(F) of the amount of time which has passed since the occurrence of the events described in the disclosure.

''(2) If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from subsection (b)(8) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.''.

SEC. 102. DEFINITIONAL AMENDMENTS.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

SEC. 103. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under subsection (a)(2)(D) may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

SEC. 104. PERSONNEL ACTIONS AND PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking ''and'' after the semicolon; and

(2) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and''.

(b) PROHIBITED PERSONNEL PRACTICE.—

(1) IN GENERAL.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting ''; or''; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.' ''.

(2) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE DATE OF ENACTMENT.—A nondisclosure policy, form, or agreement that was in effect before the date of enactment of this Act, but that does not contain the statement required under section 2302(b)(13) of title 5, United States Code, (as added by this Act) for implementation or enforcement—

(A) may be enforced with regard to a current employee if the agency gives such employee notice of the statement; and

(B) may continue to be enforced after the effective date of this Act with regard to a former employee if the agency posts notice of the statement on the agency website for the 1-year period following that effective date.

(c) RETALIATORY INVESTIGATIONS.—

(1) AGENCY INVESTIGATION.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

''(h) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.''.

(2) DAMAGES.—Section 1221(g) of title 5, United States Code, is amended by adding at the end the following:

''(4) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.''.

SEC. 105. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or''.

SEC. 106. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case brought under paragraph (1) in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D), the Board may impose disciplinary action if the Board finds that the activity protected under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

SEC. 107. REMEDIES.

(a) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party was employed or had applied for employment at the time of the events giving rise to the case''.

(b) DAMAGES.—Sections 1214(g)(2) and 1221(g)(1)(A)(ii) of title 5, United States Code,

are amended by striking all after ''travel expenses,'' and inserting ''any other reasonable and foreseeable consequential damages, and compensatory damages (including interest, reasonable expert witness fees, and costs).'' each place it appears.

SEC. 108. JUDICIAL REVIEW.

(a) IN GENERAL.—Section 7703(b) of title 5, United States Code, is amended by striking the matter preceding paragraph (2) and inserting the following:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2011, a petition to review a final order or final decision of the Board that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under paragraph (2).''.

(b) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2011, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D). The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.''.

SEC. 109. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303 the following:

''§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

''(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

''(1) the provisions of section 2302(b) (1), (8), and (9);

''(2) any provision of law implementing section 2302(b) (1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

''(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and by inserting the following:

''2304. Prohibited personnel practices affecting the Transportation Security Administration.
''2305. Responsibility of the Government Accountability Office.
''2306. Coordination with certain other provisions of law.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section.

SEC. 110. DISCLOSURE OF CENSORSHIP RELATED TO RESEARCH, ANALYSIS, OR TECHNICAL INFORMATION.

(a) DEFINITIONS.—In this subsection—

(1) the term ''agency'' has the meaning given under section 2302(a)(2)(C) of title 5, United States Code;

(2) the term ''applicant'' means an applicant for a covered position;

(3) the term ''censorship related to research, analysis, or technical information'' means any effort to distort, misrepresent, or suppress research, analysis, or technical information;

(4) the term ''covered position'' has the meaning given under section 2302(a)(2)(B) of title 5, United States Code;

(5) the term ''employee'' means an employee in a covered position in an agency; and

(6) the term ''disclosure'' has the meaning given under section 2302(a)(2)(D) of title 5, United States Code.

(b) PROTECTED DISCLOSURE.—

(1) IN GENERAL.—Any disclosure of information by an employee or applicant for employment that the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information—

(A) shall come within the protections of section 2302(b)(8)(A) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) such disclosure is not specifically prohibited by law or such information is not specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs; and

(B) shall come within the protections of section 2302(b)(8)(B) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) the disclosure is made to the Special Counsel, or to the Inspector General of an agency or another person designated by the head of the agency to receive such disclosures, consistent with the protection of sources and methods.

(2) DISCLOSURES NOT EXCLUDED.—A disclosure shall not be excluded from paragraph (1) for any reason described under section 2302(f)(1) or (2) of title 5, United States Code.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply any limitation on the protections of employees and applicants afforded by any other provision of law, including protections with respect to any disclosure of information believed to be evidence of censorship related to research, analysis, or technical information.

SEC. 111. CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.

Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

SEC. 112. ADVISING EMPLOYEES OF RIGHTS.

Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

SEC. 113. SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described under subsection (a).''.

SEC. 114. SCOPE OF DUE PROCESS.

(a) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(b) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

SEC. 115. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) IN GENERAL.—

(1) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''.

(2) ENFORCEABILITY.—

(A) IN GENERAL.—Any nondisclosure policy, form, or agreement described under paragraph (1) that does not contain the statement required under paragraph (1) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(B) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE DATE OF ENACTMENT.—A nondisclosure policy, form, or agreement that was in effect before the date of enactment of this Act, but that does not contain the statement required under paragraph (1)—

(i) may be enforced with regard to a current employee if the agency gives such employee notice of the statement; and

(ii) may continue to be enforced after the effective date of this Act with regard to a former employee if the agency posts notice of the statement on the agency website for the 1-year period following that effective date.

(b) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding subsection (a), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such policy, form, or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure policy, form, or agreement shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law, consistent with the protection of sources and methods.

SEC. 116. REPORTING REQUIREMENTS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) REPORT.—Not later than 40 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this title.

(2) CONTENTS.—The report under this paragraph shall include—

(A) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b) (8) or (9) of title 5, United States Code, since the effective date of this Act;

(B) the outcome of the cases described under subparagraph (A), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious;

(C) an analysis of the outcome of cases described under subparagraph (A) that were decided by a United States District Court and the impact the process has on the Merit Systems Protection Board and the Federal court system; and

(D) any other matter as determined by the Comptroller General.

(b) MERIT SYSTEMS PROTECTION BOARD.—

(1) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(A) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b) (8) or (9) (A)(i), (B)(i), (C), or (D) of title 5, United States Code, were alleged.

(B) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(2) FIRST REPORT.—The first report described under paragraph (1) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on January 1, 2009 through the end of the fiscal year 2009.

SEC. 117. ALTERNATIVE REVIEW.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) In this subsection, the term 'appropriate United States district court', as used with respect to an alleged prohibited personnel practice, means the United States district court for the judicial district in which—

''(A) the prohibited personnel practice is alleged to have been committed; or

''(B) the employee, former employee, or applicant for employment allegedly affected by such practice resides.

''(2)(A) An employee, former employee, or applicant for employment in any case to which paragraph (3) or (4) applies may file an action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

''(B) Upon initiation of any action under subparagraph (A), the Board shall stay any other claims of such employee, former employee, or applicant pending before the Board at that time which arise out of the same set of operative facts. Such claims shall be stayed pending completion of the action filed under subparagraph (A) before the appropriate United States district court and any associated appellate review.

''(3) This paragraph applies in any case in which—

''(A) an employee, former employee, or applicant for employment—

''(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

''(ii) files an appeal under section 7701(a) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

''(B) no final order or decision is issued by the Board within 270 days after the date on which a request for that corrective action or appeal has been duly submitted, unless the Board determines that the employee, former employee, or applicant for employment engaged in conduct intended to delay the issuance of a final order or decision by the Board; and

''(C) such employee, former employee, or applicant provides written notice to the Board of filing an action under this subsection before the filing of that action.

''(4) This paragraph applies in any case in which—

''(A) an employee, former employee, or applicant for employment—

''(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

''(ii) files an appeal under section 7701(a)(1) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

''(B)(i) within 30 days after the date on which the request for corrective action or appeal was duly submitted, such employee, former employee, or applicant for employment files a motion requesting a certification consistent with subparagraph (C) to the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case; and

''(ii) such employee has not previously filed a motion under clause (i) related to that request for corrective action; and

''(C) the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case certifies that—

''(i) under standard applicable to the review of motions to dismiss under rule 12(b)(6) of the Federal Rules of Civil Procedure, including rule 12(d), the request for corrective action (including any allegations made with the motion under subparagraph (B)) would not be subject to dismissal; and

''(ii)(I) the Board is not likely to dispose of the case within 270 days after the date on which a request for that corrective action has been duly submitted; or

''(II) the case—

''(aa) consists of multiple claims;

''(bb) requires complex or extensive discovery;

''(cc) arises out of the same set of operative facts as any civil action against the Government filed by the employee, former employee, or applicant pending in a Federal court; or

''(dd) involves a novel question of law.

''(5) The Board shall grant or deny any motion requesting a certification described under paragraph (4)(ii) within 90 days after the submission of such motion and the Board may not issue a decision on the merits of a request for corrective action within 15 days after granting or denying a motion requesting certification.

''(6)(A) Any decision of the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case to grant or deny a certification described under paragraph (4)(ii) shall be reviewed on appeal of a final order or decision of the Board under section 7703 only if—

''(i) a motion requesting a certification was denied; and

''(ii) the reviewing court vacates the decision of the Board on the merits of the claim under the standards set forth in section 7703(c).

''(B) The decision to deny the certification shall be overturned by the reviewing court, and an order granting certification shall be issued by the reviewing court, if such decision is found to be arbitrary, capricious, or an abuse of discretion.

''(C) The reviewing court's decision shall not be considered evidence of any determination by the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board on the merits of the underlying allegations during the course of any action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

''(7) In any action filed under this subsection—

''(A) the district court shall have jurisdiction without regard to the amount in controversy;

''(B) at the request of either party, such action shall be tried by the court with a jury;

''(C) the court—

''(i) subject to clause (iii), shall apply the standards set forth in subsection (e); and

''(ii) may award any relief which the court considers appropriate under subsection (g), except—

''(I) relief for compensatory damages may not exceed $300,000; and

''(II) relief may not include punitive damages; and

''(iii) notwithstanding subsection (e)(2), may not order relief if the agency demonstrates by a preponderance of the evidence that the agency would have taken the same personnel action in the absence of such disclosure; and

''(D) the Special Counsel may not represent the employee, former employee, or applicant for employment.

''(8) An appeal from a final decision of a district court in an action under this subsection shall be taken to the Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction.

''(9) This subsection applies with respect to any appeal, petition, or other request for corrective action duly submitted to the Board, whether under section 1214(b)(2), the preceding provisions of this section, section 7513(d), section 7701, or any otherwise applicable provisions of law, rule, or regulation.''.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 118. MERIT SYSTEMS PROTECTION BOARD SUMMARY JUDGMENT.

(a) IN GENERAL.—Section 1204(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

''(3) With respect to a request for corrective action based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542, the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board may, with respect to any party, grant a motion for summary judgment when the Board or the administrative law judge determines that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.''.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 119. DISCLOSURES OF CLASSIFIED INFORMATION.

(a) PROHIBITED PERSONNEL PRACTICES.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

(2) in subparagraph (B), by adding ''or'' after the semicolon; and

(3) by adding at the end the following:

''(C) any communication that complies with subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App);''.

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App) is amended—

(1) in subsection (a)(1), by adding at the end the following:

''(D) An employee of any agency, as that term is defined under section 2302(a)(2)(C) of title 5, United States Code, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General (or designee) of the agency of which that employee is employed.'';

(2) in subsection (c), by striking ''intelligence committees'' and inserting ''appropriate committees'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''either or both of the intelligence committees'' and inserting ''any of the appropriate committees''; and

(B) in paragraphs (2) and (3), by striking ''intelligence committees'' each place that term appears and inserting ''appropriate committees'';

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''intelligence''; and

(ii) in subparagraph (B), by inserting ''or an activity involving classified information'' after ''an intelligence activity''; and

(B) by striking paragraph (2), and inserting the following:

''(2) The term 'appropriate committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, except that with respect to disclosures made by employees described in subsection (a)(1)(D), the term 'appropriate committees' means the committees of appropriate jurisdiction.''.

SEC. 120. WHISTLEBLOWER PROTECTION OMBUDSMAN.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking subsection (d) and inserting the following:

''(d)(1) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

''(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;

''(B) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations; and

''(C) designate a Whistleblower Protection Ombudsman who shall educate agency employees—

''(i) about prohibitions on retaliation for protected disclosures; and

''(ii) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.

''(2) The Whistleblower Protection Ombudsman shall not act as a legal representative, agent, or advocate of the employee or former employee.

''(3) For the purposes of this section, the requirement of the designation of a Whistleblower Protection Ombudsman under paragraph (1)(C) shall not apply to—

''(A) any agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); or

''(B) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counter intelligence activities.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking ''section 3(d)(1)'' and inserting ''section 3(d)(1)(A)''; and

(2) by striking ''section 3(d)(2)'' and inserting ''section 3(d)(1)(B)''.

(c) SUNSET.—

(1) IN GENERAL.—The amendments made by this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

(2) RETURN TO PRIOR AUTHORITY.—Upon the date described in paragraph (1), section 3(d) and section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) shall read as such sections read on the day before the date of enactment of this Act.

TITLE II—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS

SEC. 201. PROTECTION OF INTELLIGENCE COMMUNITY WHISTLEBLOWERS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

"§ 2303A. Prohibited personnel practices in the intelligence community

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency' means an executive department or independent establishment, as defined under sections 101 and 104, that contains an intelligence community element, except the Federal Bureau of Investigation;

''(2) the term 'intelligence community element'—

''(A) means—

''(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

''(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

''(B) does not include the Federal Bureau of Investigation; and

''(3) the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A) with respect to an employee in a position in an intelligence community element (other than a position of a confidential, policy-determining, policy-making, or policy-advocating character).

''(b) IN GENERAL.—Any employee of an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of an intelligence community element as a reprisal for a disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), or to the head of the employing agency (or an employee designated by the head of that agency for such purpose), which the employee reasonably believes evidences—

''(1) a violation of any law, rule, or regulation, except for an alleged violation that occurs during the conscientious carrying out of official duties; or

''(2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

''(c) ENFORCEMENT.—The President shall provide for the enforcement of this section in a manner consistent with applicable provisions of sections 1214 and 1221.

''(d) EXISTING RIGHTS PRESERVED.—Nothing in this section shall be construed to—

''(1) preempt or preclude any employee, or applicant for employment, at the Federal Bureau of Investigation from exercising rights currently provided under any other law, rule, or regulation, including section 2303;

''(2) repeal section 2303; or

''(3) provide the President or Director of National Intelligence the authority to revise regulations related to section 2303, codified in part 27 of the Code of Federal Regulations.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

''2303A. Prohibited personnel practices in the intelligence community.''.

SEC. 202. REVIEW OF SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

(a) IN GENERAL.—Section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Not'' and inserting ''Except as otherwise provided, not'';

(2) in paragraph (5), by striking ''and'' after the semicolon;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by inserting after paragraph (6) the following:

''(7) not later than 180 days after the date of enactment of the Whistleblower Protection Enhancement Act of 2011—

''(A) developing policies and procedures that permit, to the extent practicable, individuals who challenge in good faith a determination to suspend or revoke a security clearance or access to classified information to retain their government employment status while such challenge is pending; and

''(B) developing and implementing uniform and consistent policies and procedures to ensure proper protections during the process for denying, suspending, or revoking a security clearance or access to classified information, including the provision of a right to appeal such a denial, suspension, or revocation, except that there shall be no appeal of an agency's suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts no longer than 1 year or the head of the agency certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.

''Any limitation period applicable to an agency appeal under paragraph (7) shall be tolled until the head of the agency (or in the case of any component of the Department of Defense, the Secretary of Defense) determines, with the concurrence of the Director of National Intelligence, that the policies and procedures described in paragraph (7) have been established for the agency or the Director of National Intelligence promulgates the policies and procedures under paragraph (7). The policies and procedures for appeals developed under paragraph (7) shall be comparable to the policies and procedures pertaining to prohibited personnel practices defined under section 2302(b)(8) of title 5, United States Code, and provide—

''(A) for an independent and impartial fact-finder;

''(B) for notice and the opportunity to be heard, including the opportunity to present relevant evidence, including witness testimony;

''(C) that the employee or former employee may be represented by counsel;

''(D) that the employee or former employee has a right to a decision based on the record developed during the appeal;

''(E) that not more than 180 days shall pass from the filing of the appeal to the report of the impartial fact-finder to the agency head or the designee of the agency head, unless—

''(i) the employee and the agency concerned agree to an extension; or

''(ii) the impartial fact-finder determines in writing that a greater period of time is required in the interest of fairness or national security;

''(F) for the use of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs in a manner consistent with the interests of national security, including ex parte submissions if the agency determines that the interests of national security so warrant; and

''(G) that the employee or former employee shall have no right to compel the production of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, except evidence necessary to establish that the employee made the disclosure or communication such employee alleges was protected by subparagraphs (A), (B), and (C) of subsection (j)(1).''.

(b) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following:

''(j) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

''(1) IN GENERAL.—Agency personnel with authority over personnel security clearance or access determinations shall not take or fail to take, or threaten to take or fail to take, any action with respect to any employee's security clearance or access determination because of—

''(A) any disclosure of information to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose) or the head of the employing agency (or employee designated by the head of that agency for such purpose) by an employee that the employee reasonably believes evidences—

''(i) a violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(B) any disclosure to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee reasonably believes evidences—

''(i) a violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(C) any communication that complies with—

''(i) subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

''(ii) subsection (d)(5)(A), (D), or (G) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q); or

''(iii) subsection (k)(5)(A), (D), or (G), of section 103H of the National Security Act of 1947 (50 U.S.C. 403–3h);

''(D) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

''(E) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (D); or

''(F) cooperating with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General,

if the actions described under subparagraphs (D) through (F) do not result in the employee or applicant unlawfully disclosing information specifically required by Executive order

to be kept classified in the interest of national defense or the conduct of foreign affairs.

''(2) RULE OF CONSTRUCTION.—Consistent with the protection of sources and methods, nothing in paragraph (1) shall be construed to authorize the withholding of information from the Congress or the taking of any personnel action against an employee who discloses information to the Congress.

''(3) DISCLOSURES.—

''(A) IN GENERAL.—A disclosure shall not be excluded from paragraph (1) because—

''(i) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee reasonably believed to be covered by paragraph (1)(A)(ii);

''(ii) the disclosure revealed information that had been previously disclosed;

''(iii) of the employee's motive for making the disclosure;

''(iv) the disclosure was not made in writing;

''(v) the disclosure was made while the employee was off duty; or

''(vi) of the amount of time which has passed since the occurrence of the events described in the disclosure.

''(B) REPRISALS.—If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from paragraph (1) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.

''(4) AGENCY ADJUDICATION.—

''(A) REMEDIAL PROCEDURE.—An employee or former employee who believes that he or she has been subjected to a reprisal prohibited by paragraph (1) of this subsection may, within 90 days after the issuance of notice of such decision, appeal that decision within the agency of that employee or former employee through proceedings authorized by paragraph (7) of subsection (a), except that there shall be no appeal of an agency's suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts not longer than 1 year (or a longer period in accordance with a certification made under subsection (b)(7)).

''(B) CORRECTIVE ACTION.—If, in the course of proceedings authorized under subparagraph (A), it is determined that the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney's fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000.

''(C) CONTRIBUTING FACTOR.—In determining whether the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall find that paragraph (1) of this subsection was violated if a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual, unless the agency demonstrates by a preponderance of the evidence that it would have taken the same action in the absence of such disclosure, giving the utmost deference to the agency's assessment of the particular threat to the national security interests of the United States in the instant matter.

''(5) APPELLATE REVIEW OF SECURITY CLEARANCE ACCESS DETERMINATIONS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

''(A) DEFINITION.—In this paragraph, the term 'Board' means the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2011.

''(B) APPEAL.—Within 60 days after receiving notice of an adverse final agency determination under a proceeding under paragraph (4), an employee or former employee may appeal that determination to the Board.

''(C) POLICIES AND PROCEDURES.—The Board, in consultation with the Attorney General, Director of National Intelligence, and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (B). The Director of National Intelligence and Secretary of Defense shall jointly approve any rules, regulations, or guidance issued by the Board concerning the procedures for the use or handling of classified information.

''(D) REVIEW.—The Board's review shall be on the complete agency record, which shall be made available to the Board. The Board may not hear witnesses or admit additional evidence. Any portions of the record that were submitted ex parte during the agency proceedings shall be submitted ex parte to the Board.

''(E) FURTHER FACT-FINDING OR IMPROPER DENIAL.—If the Board concludes that further fact-finding is necessary or finds that the agency improperly denied the employee or former employee the opportunity to present evidence that, if admitted, would have a substantial likelihood of altering the outcome, the Board shall remand the matter to the agency from which it originated for additional proceedings in accordance with the rules of procedure issued by the Board.

''(F) DE NOVO DETERMINATION.—The Board shall make a de novo determination, based on the entire record and under the standards specified in paragraph (4), of whether the employee or former employee received an adverse security clearance or access determination in violation of paragraph (1). In considering the record, the Board may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact. In doing so, the Board may consider the prior fact-finder's opportunity to see and hear the witnesses.

''(G) ADVERSE SECURITY CLEARANCE OR ACCESS DETERMINATION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall then separately determine whether reinstating the security clearance or access determination is clearly consistent with the interests of national security, with any doubt resolved in favor of national security, under Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information) or any successor thereto (including any adjudicative guidelines promulgated under such orders) or any subsequent Executive order, regulation, or policy concerning access to classified information.

''(H) REMEDIES.—

''(i) CORRECTIVE ACTION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall order the agency head to take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney's fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000. The Board may recommend, but may not order, reinstatement or hiring of a former employee. The Board may order that the former employee be treated as though the employee were transferring from the most recent position held when seeking other positions within the executive branch. Any corrective action shall not include the reinstating of any security clearance or access determination. The agency head shall take the actions so ordered within 90 days, unless the Director of National Intelligence, the Secretary of Energy, or the Secretary of Defense, in the case of any component of the Department of Defense, determines that doing so would endanger national security.

''(ii) RECOMMENDED ACTION.—If the Board finds that reinstating the employee or former employee's security clearance or access determination is clearly consistent with the interests of national security, it shall recommend such action to the head of the entity selected under subsection (b) and the head of the affected agency.

''(I) CONGRESSIONAL NOTIFICATION.—

''(i) ORDERS.—Consistent with the protection of sources and methods, at the time the Board issues an order, the Chairperson of the Board shall notify—

''(I) the Committee on Homeland Security and Government Affairs of the Senate;

''(II) the Select Committee on Intelligence of the Senate;

''(III) the Committee on Oversight and Government Reform of the House of Representatives;

''(IV) the Permanent Select Committee on Intelligence of the House of Representatives; and

''(V) the committees of the Senate and the House of Representatives that have jurisdiction over the employing agency, including in the case of a final order or decision of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, or the National Reconnaissance Office, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(ii) RECOMMENDATIONS.—If the agency head and the head of the entity selected under subsection (b) do not follow the Board's recommendation to reinstate a clearance, the head of the entity selected under subsection (b) shall notify the committees described in subclauses (I) through (V) of clause (i).

''(6) JUDICIAL REVIEW.—Nothing in this section shall be construed to permit or require judicial review of any—

''(A) agency action under this section; or

''(B) action of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2011.

''(7) PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to permit, authorize, or require a private cause of action to challenge the merits of a security clearance determination.''.

(c) ACCESS DETERMINATION DEFINED.—Section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(a)) is amended by adding at the end the following:

''(9) The term 'access determination' means the process for determining whether an employee—

''(A) is eligible for access to classified information in accordance with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry); and

''(B) possesses a need to know under that Order.''.

(d) RULE OF CONSTRUCTION.—Nothing in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall be construed to require the repeal or replacement of agency appeal procedures implementing Executive Order 12968 (60 Fed. Reg. 40245; relating to classified national security information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry), or any successor thereto, that meet the requirements of section 3001(b)(7) of such Act, as so amended.

SEC. 203. REVISIONS RELATING TO THE INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTION ACT.

(a) IN GENERAL.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following:

''(2) If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this section for the head of the establishment apply to the recipient of the Inspector General's transmission. The Director of National Intelligence shall consult with the members of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Review Act of 2011 regarding all transmissions under this paragraph.'';

(2) by designating subsection (h) as subsection (i); and

(3) by inserting after subsection (g), the following:

''(h) An individual who has submitted a complaint or information to an Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to that particular Inspector General, and of the date on which such submission was made.''.

(b) CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subparagraph (B)—

(A) by inserting ''(i)'' after ''(B)''; and

(B) by adding at the end the following:

''(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case the requirements of this subsection for the Director apply to the recipient of the Inspector General's submission; and''; and

(2) by adding at the end the following:

''(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.''.

SEC. 204. REGULATIONS; REPORTING REQUIREMENTS; NONAPPLICABILITY TO CERTAIN TERMINATIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''congressional oversight committees'' means the—

(A) the Committee on Homeland Security and Government Affairs of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Oversight and Government Reform of the House of Representatives; and

(D) the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the term ''intelligence community element''—

(A) means—

(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

(B) does not include the Federal Bureau of Investigation.

(b) REGULATIONS.—

(1) IN GENERAL.—The Director of National Intelligence shall prescribe regulations to ensure that a personnel action shall not be taken against an employee of an intelligence community element as a reprisal for any disclosure of information described in section 2303A(b) of title 5, United States Code, as added by this Act.

(2) APPELLATE REVIEW BOARD.—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Attorney General, and the heads of appropriate agencies, shall establish an appellate review board that is broadly representative of affected Departments and agencies and is made up of individuals with expertise in merit systems principles and national security issues—

(A) to hear whistleblower appeals related to security clearance access determinations described in section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as added by this Act; and

(B) that shall include a subpanel that reflects the composition of the intelligence committee, which shall be composed of intelligence community elements and inspectors general from intelligence community elements, for the purpose of hearing cases that arise in elements of the intelligence community.

(c) REPORT ON THE STATUS OF IMPLEMENTATION OF REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Director of National Intelligence shall submit a report on the status of the implementation of the regulations promulgated under subsection (b) to the congressional oversight committees.

(d) NONAPPLICABILITY TO CERTAIN TERMINATIONS.—Section 2303A of title 5, United States Code, as added by this Act, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall not apply to adverse security clearance or access determinations if the affected employee is concurrently terminated under—

(1) section 1609 of title 10, United States Code;

(2) the authority of the Director of National Intelligence under section 102A(m) of the National Security Act of 1947 (50 U.S.C. 403–1(m)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination;

(3) the authority of the Director of the Central Intelligence Agency under section 104A(e) of the National Security Act of 1947 (50 U.S.C. 403–4a(e)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination; or

(4) section 7532 of title 5, United States Code, if—

(A) the agency head personally terminates the individual; and

(B) the agency head—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination.

TITLE III—SAVINGS CLAUSE; EFFECTIVE DATE

SEC. 301. SAVINGS CLAUSE.

Nothing in this Act shall be construed to imply any limitation on any protections afforded by any other provision of law to employees and applicants.

SEC. 302. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of enactment of this Act.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, Mr. LIEBERMAN, and Mr. KERRY):

S. 744. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to access relevant information in Federal, State, and other records and databases, for the purpose of verifying the identity of a passport applicant and detecting passport fraud, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, this weekend I know that Marylanders will be taking advantage of Passport Day this Saturday, April 9. During these weekend hours at our passport acceptance facilities in Maryland, my constituents will have the ability to renew their passports or apply for a new passport, as we get ready for the summer travel season.

When Marylanders apply for and ultimately receive their passports, I want them to continue to have confidence that the U.S. passport is the gold standard for identification. It certifies

an individual's identity and U.S. citizenship, and allows the passport holder to travel in and out of the United States and to foreign countries. It allows the passport holder to obtain further identification documents, and to set up bank accounts.

The U.S. Government simply cannot allow U.S. passports to be issued in this country on the basis of fraudulent documents. There is too much at stake. Unfortunately, hearings that I have chaired in the last Congress have convinced me that we have serious vulnerabilities in our passport issuance process that need to be closed quickly.

Nearly two years ago, on May 5, 2009, I chaired a Judiciary Terrorism Subcommittee hearing entitled ''The Passport Issuance Process: Closing the Door to Fraud.'' During the hearing last year, we learned about a Government Accountability Office, GAO, undercover investigation that had been requested by Senators KYL and FEINSTEIN to test the effectiveness of the passport issuance process, and to determine whether malicious individuals such as terrorists, spies, or other criminals could use counterfeit documents to obtain a genuine U.S. passport. What we learned from GAO was that ''terrorists or criminals could steal an American citizen's identity, use basic counterfeiting skills to create fraudulent documents for that identity, and obtain a genuine U.S. passport.'' But that 2009 GAO report was not the first time that problems with the passport issuance process were identified. In 2005 and 2007, GAO also brought these issues to light.

Vulnerabilities in the passport issuance process are very serious because it can have a profound impact on the national security of the United States.

A new GAO undercover investigation that I requested, along with Senators KYL, FEINSTEIN, LIEBERMAN and COLLINS, also revealed that while some improvements have been made by the State Department, the passport issuance process is still susceptible to fraud. A Judiciary Terrorism Subcommittee hearing that I chaired in July of 2010 revealed that the State Department issued five additional passports on the basis of fraudulent identity documents that had been submitted by undercover GAO agents.

As a result, today I am reintroducing the Passport Identity Verification Act, or PIVA. This legislation is co-sponsored by Senators FEINSTEIN, LIEBERMAN, and KERRY. It is a common-sense solution that will give the State Department the legal authorities that it needs to access relevant information contained in federal, state, and other databases that can be used to verify the identity of every passport applicant, and to detect passport fraud, without extending the time that the State Department takes to approve passports. The legislation also requires the State Department to promulgate regulations to limit access to this information, and to ensure that personnel involved in the passport issuance process only access this information for authorized purposes. These are very important privacy and security protections in this legislation.

The legislation also requires the Secretary of State to conduct a formal study examining whether biometric information and technology can be used to enhance the ability to verify the identity of a passport applicant and to detect passport fraud.

I understand that the American people can become concerned when their travel plans, whether for leisure or business, are linked to their ability to obtain a passport in a timely fashion. My legislation would not lengthen the average amount of time it takes U.S. citizens to obtain passports. We have got to get this right, and it is not simply a question of process, techniques, and training. We need to make sure that the agencies that are responsible for processing passport application documents are concerned about national security as well as customer service, and we need to make sure they have the legal authorities, the resources, and the technology they need to verify the identity of a passport applicant and to detect passport fraud.

We already have much of the technology and the information to prevent such issuance of genuine U.S. passports based on fraudulent documents or information. The Passport Identity Verification Act will dramatically improve the State Department's ability to detect passport fraud, and strengthen the integrity of every American's passport.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 749. A bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government; to the Committee on Finance.

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

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

S. 749

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 ''Fair Elections Revenue Act of 2011''.

SEC. 2. FAIR ELECTIONS FUND REVENUE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 36 the following new chapter:

''CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS

''Sec. 4501. Imposition of tax.

''SEC. 4501. IMPOSITION OF TAX.

''(a) TAX IMPOSED.—There is hereby imposed on any payment made to a qualified person pursuant to a contract with the Government of the United States a tax equal to 0.50 percent of the amount paid.

''(b) LIMITATION.—The aggregate amount of tax imposed under subsection (a) for any calendar year shall not exceed $500,000.

''(c) QUALIFIED PERSON.—For purposes of this section, the term 'qualified person' means any person which—

''(1) is not a State or local government, a foreign nation, or an organization described in section 501(c)(3) which is exempt from taxation under section 501(a), and

''(2) has contracts with the Government of the United States with a value in excess of $10,000,000.

''(d) PAYMENT OF TAX.—The tax imposed by this section shall be paid by the person receiving such payment.

''(e) USE OF REVENUE GENERATED BY TAX.—It is the sense of the Senate that amounts equivalent to the revenue generated by the tax imposed under this chapter should be appropriated for the financing of a Fair Elections Fund and used for the public financing of Senate elections.''.

(b) CONFORMING AMENDMENT.—The table of chapter of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 36 the following:

''CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 750. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DURBIN. 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. 750

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fair Elections Now Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

Sec. 101. Findings and declarations.

Sec. 102. Eligibility requirements and benefits of Fair Elections financing of Senate election campaigns.

''TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

''Subtitle A—General Provisions

''Sec. 501. Definitions.

''Sec. 502. Fair Elections Fund.

''Subtitle B—Eligibility and Certification

''Sec. 511. Eligibility.

''Sec. 512. Qualifying contribution requirement.
''Sec. 513. Contribution and expenditure requirements.
''Sec. 514. Debate requirement.
''Sec. 515. Certification.
''Subtitle C—Benefits
''Sec. 521. Benefits for participating candidates.
''Sec. 522. Allocations from the Fund.
''Sec. 523. Matching payments for qualified small dollar contributions.
''Sec. 524. Political advertising vouchers.
''Subtitle D—Administrative Provisions
''Sec. 531. Fair Elections Oversight Board.
''Sec. 532. Administration provisions.
''Sec. 533. Violations and penalties.
Sec. 103. Prohibition on joint fundraising committees.
Sec. 104. Exception to limitation on coordinated expenditures by political party committees with participating candidates.
TITLE II—IMPROVING VOTER INFORMATION
Sec. 201. Broadcasts relating to all Senate candidates.
Sec. 202. Broadcast rates for participating candidates.
Sec. 203. FCC to prescribe standardized form for reporting candidate campaign ads.
TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION
Sec. 301. Petition for certiorari.
Sec. 302. Filing by Senate candidates with Commission.
Sec. 303. Electronic filing of FEC reports.
TITLE IV—MISCELLANEOUS PROVISIONS
Sec. 401. Severability.
Sec. 402. Effective date.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

SEC. 101. FINDINGS AND DECLARATIONS.

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate finds and declares that the current system of privately financed campaigns for election to the United States Senate has the capacity, and is often perceived by the public, to undermine democracy in the United States by—

(1) creating a culture that fosters actual or perceived conflicts of interest by encouraging Senators to accept large campaign contributions from private interests that are directly affected by Federal legislation;

(2) diminishing or appearing to diminish Senators' accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) undermining the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(4) imposing large, unwarranted costs on taxpayers through legislative and regulatory distortions caused by unequal access to lawmakers for campaign contributors;

(5) making it difficult for some qualified candidates to mount competitive Senate election campaigns;

(6) disadvantaging challengers and discouraging competitive elections; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING ALLOCATIONS FROM THE FAIR ELECTIONS FUND.—The Senate finds and declares that providing the option of the replacement of large private campaign contributions with allocations from the Fair Elections Fund for all primary, runoff, and general elections to the Senate would enhance American democracy by—

(1) reducing the actual or perceived conflicts of interest created by fully private financing of the election campaigns of public officials and restoring public confidence in the integrity and fairness of the electoral and legislative processes through a program which allows participating candidates to adhere to substantially lower contribution limits for contributors with an assurance that there will be sufficient funds for such candidates to run viable electoral campaigns;

(2) increasing the public's confidence in the accountability of Senators to the constituents who elect them, which derives from the program's qualifying criteria to participate in the voluntary program and the conclusions that constituents may draw regarding candidates who qualify and participate in the program;

(3) helping to reduce the ability to make large campaign contributions as a determinant of a citizen's influence within the political process by facilitating the expression of support by voters at every level of wealth, encouraging political participation, and incentivizing participation on the part of Senators through the matching of small dollar contributions;

(4) potentially saving taxpayers billions of dollars that may be (or that are perceived to be) currently allocated based upon legislative and regulatory agendas skewed by the influence of campaign contributions;

(5) creating genuine opportunities for all Americans to run for the Senate and encouraging more competitive elections;

(6) encouraging participation in the electoral process by citizens of every level of wealth; and

(7) freeing Senators from the incessant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.

SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

''Subtitle A—General Provisions

''SEC. 501. DEFINITIONS.

''In this title:

''(1) ALLOCATION FROM THE FUND.—The term 'allocation from the Fund' means an allocation of money from the Fair Elections Fund to a participating candidate pursuant to section 522.

''(2) BOARD.—The term 'Board' means the Fair Elections Oversight Board established under section 531.

''(3) FAIR ELECTIONS QUALIFYING PERIOD.—The term 'Fair Elections qualifying period' means, with respect to any candidate for Senator, the period—

''(A) beginning on the date on which the candidate files a statement of intent under section 511(a)(1); and

''(B) ending on the date that is 30 days before—

''(i) the date of the primary election; or

''(ii) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

''(4) FAIR ELECTIONS START DATE.—The term 'Fair Elections start date' means, with respect to any candidate, the date that is 180 days before—

''(A) the date of the primary election; or

''(B) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

''(5) FUND.—The term 'Fund' means the Fair Elections Fund established by section 502.

''(6) IMMEDIATE FAMILY.—The term 'immediate family' means, with respect to any candidate—

''(A) the candidate's spouse;

''(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

''(C) the spouse of any person described in subparagraph (B).

''(7) MATCHING CONTRIBUTION.—The term 'matching contribution' means a matching payment provided to a participating candidate for qualified small dollar contributions, as provided under section 523.

''(8) NONPARTICIPATING CANDIDATE.—The term 'nonparticipating candidate' means a candidate for Senator who is not a participating candidate.

''(9) PARTICIPATING CANDIDATE.—The term 'participating candidate' means a candidate for Senator who is certified under section 515 as being eligible to receive an allocation from the Fund.

''(10) QUALIFYING CONTRIBUTION.—The term 'qualifying contribution' means, with respect to a candidate, a contribution that—

''(A) is in an amount that is—

''(i) not less than the greater of $5 or the amount determined by the Commission under section 531; and

''(ii) not more than the greater of $100 or the amount determined by the Commission under section 531;

''(B) is made by an individual—

''(i) who is a resident of the State in which such Candidate is seeking election; and

''(ii) who is not otherwise prohibited from making a contribution under this Act;

''(C) is made during the Fair Elections qualifying period; and

''(D) meets the requirements of section 512(b).

''(11) QUALIFIED SMALL DOLLAR CONTRIBUTION.—The term 'qualified small dollar contribution' means, with respect to a candidate, any contribution (or series of contributions)—

''(A) which is not a qualifying contribution (or does not include a qualifying contribution);

''(B) which is made by an individual who is not prohibited from making a contribution under this Act; and

''(C) the aggregate amount of which does not exceed the greater of—

''(i) $100 per election; or

''(ii) the amount per election determined by the Commission under section 531.

''SEC. 502. FAIR ELECTIONS FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the 'Fair Elections Fund'.

''(b) AMOUNTS HELD BY FUND.—The Fund shall consist of the following amounts:

''(1) APPROPRIATED AMOUNTS.—

''(A) IN GENERAL.—Amounts appropriated to the Fund.

''(B) SENSE OF THE SENATE REGARDING APPROPRIATIONS.—It is the sense of the Senate that—

''(i) there should be imposed on any payment made to any person (other than a State or local government or a foreign nation) who has contracts with the Government of the United States in excess of $10,000,000 a tax equal to 0.50 percent of amount paid pursuant to such contracts, except that the aggregate tax for any person for any taxable year shall not exceed $500,000; and

''(ii) the revenue from such tax should be appropriated to the Fund.

''(2) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions to the Fund.

''(3) OTHER DEPOSITS.—Amounts deposited into the Fund under—

''(A) section 513(c) (relating to exceptions to contribution requirements);

''(B) section 521(c) (relating to remittance of allocations from the Fund);

''(C) section 533 (relating to violations); and

''(D) any other section of this Act.

''(4) INVESTMENT RETURNS.—Interest on, and the proceeds from, the sale or redemption of, any obligations held by the Fund under subsection (c).

''(c) INVESTMENT.—The Commission shall invest portions of the Fund in obligations of the United States in the same manner as provided under section 9602(b) of the Internal Revenue Code of 1986.

''(d) USE OF FUND.—

''(1) IN GENERAL.—The sums in the Fund shall be used to provide benefits to participating candidates as provided in subtitle C.

''(2) INSUFFICIENT AMOUNTS.—Under regulations established by the Commission, rules similar to the rules of section 9006(c) of the Internal Revenue Code shall apply.

''Subtitle B—Eligibility and Certification

''SEC. 511. ELIGIBILITY.

''(a) IN GENERAL.—A candidate for Senator is eligible to receive an allocation from the Fund for any election if the candidate meets the following requirements:

''(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate under this title during the period beginning on the Fair Elections start date and ending on the last day of the Fair Elections qualifying period.

''(2) The candidate meets the qualifying contribution requirements of section 512.

''(3) Not later than the last day of the Fair Elections qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate—

''(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 513;

''(B) if certified, will comply with the debate requirements of section 514;

''(C) if certified, will not run as a nonparticipating candidate during such year in any election for the office that such candidate is seeking; and

''(D) has either qualified or will take steps to qualify under State law to be on the ballot.

''(b) GENERAL ELECTION.—Notwithstanding subsection (a), a candidate shall not be eligible to receive an allocation from the Fund for a general election or a general runoff election unless the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate otherwise qualified to be on the ballot under State law.

''SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.

''(a) IN GENERAL.—A candidate for Senator meets the requirement of this section if, during the Fair Elections qualifying period, the candidate obtains—

''(1) a number of qualifying contributions equal to the greater of—

''(A) the sum of—

''(i) 2,000; plus

''(ii) 500 for each congressional district in the State with respect to which the candidate is seeking election; or

''(B) the amount determined by the Commission under section 531; and

''(2) a total dollar amount of qualifying contributions equal to the greater of—

''(A) 10 percent of the amount of the allocation such candidate would be entitled to receive for the primary election under section 522(c)(1) (determined without regard to paragraph (5) thereof) if such candidate were a participating candidate; or

''(B) the amount determined by the Commission under section 531.

''(b) REQUIREMENTS RELATING TO RECEIPT OF QUALIFYING CONTRIBUTION.—Each qualifying contribution—

''(1) may be made by means of a personal check, money order, debit card, credit card, or electronic payment account;

''(2) shall be accompanied by a signed statement containing—

''(A) the contributor's name and the contributor's address in the State in which the contributor is registered to vote; and

''(B) an oath declaring that the contributor—

''(i) understands that the purpose of the qualifying contribution is to show support for the candidate so that the candidate may qualify for Fair Elections financing;

''(ii) is making the contribution in his or her own name and from his or her own funds;

''(iii) has made the contribution willingly; and

''(iv) has not received any thing of value in return for the contribution; and

''(3) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election.

''(c) VERIFICATION OF QUALIFYING CONTRIBUTIONS.—The Commission shall establish procedures for the auditing and verification of qualifying contributions to ensure that such contributions meet the requirements of this section.

''SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.

''(a) GENERAL RULE.—A candidate for Senator meets the requirements of this section if, during the election cycle of the candidate, the candidate—

''(1) except as provided in subsection (b), accepts no contributions other than—

''(A) qualifying contributions;

''(B) qualified small dollar contributions;

''(C) allocations from the Fund under section 522;

''(D) matching contributions under section 523; and

''(E) vouchers provided to the candidate under section 524;

''(2) makes no expenditures from any amounts other than from—

''(A) qualifying contributions;

''(B) qualified small dollar contributions;

''(C) allocations from the Fund under section 522;

''(D) matching contributions under section 523; and

''(E) vouchers provided to the candidate under section 524; and

''(3) makes no expenditures from personal funds or the funds of any immediate family member (other than funds received through qualified small dollar contributions and qualifying contributions).

For purposes of this subsection, a payment made by a political party in coordination with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.

''(b) CONTRIBUTIONS FOR LEADERSHIP PACS, ETC.—A political committee of a participating candidate which is not an authorized committee of such candidate may accept contributions other than contributions described in subsection (a)(1) from any person if—

''(1) the aggregate contributions from such person for any calendar year do not exceed $100; and

''(2) no portion of such contributions is disbursed in connection with the campaign of the participating candidate.

''(c) EXCEPTION.—Notwithstanding subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions that are not qualified small dollar contributions, qualifying contributions, or contributions that meet the requirements of subsection (b) and that are accepted before the date the candidate files a statement of intent under section 511(a)(1) are—

''(1) returned to the contributor; or

''(2) submitted to the Commission for deposit in the Fund.

''SEC. 514. DEBATE REQUIREMENT.

''A candidate for Senator meets the requirements of this section if the candidate participates in at least—

''(1) 1 public debate before the primary election with other participating candidates and other willing candidates from the same party and seeking the same nomination as such candidate; and

''(2) 2 public debates before the general election with other participating candidates and other willing candidates seeking the same office as such candidate.

''SEC. 515. CERTIFICATION.

''(a) IN GENERAL.—Not later than 5 days after a candidate for Senator files an affidavit under section 511(a)(3), the Commission shall—

''(1) certify whether or not the candidate is a participating candidate; and

''(2) notify the candidate of the Commission's determination.

''(b) REVOCATION OF CERTIFICATION.—

''(1) IN GENERAL.—The Commission may revoke a certification under subsection (a) if—

''(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification; or

''(B) a candidate otherwise fails to comply with the requirements of this title, including any regulatory requirements prescribed by the Commission.

''(2) REPAYMENT OF BENEFITS.—If certification is revoked under paragraph (1), the candidate shall repay to the Fund an amount equal to the value of benefits received under this title plus interest (at a rate determined by the Commission) on any such amount received.

''Subtitle C—Benefits

''SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.

''(a) IN GENERAL.—For each election with respect to which a candidate is certified as a participating candidate, such candidate shall be entitled to—

''(1) an allocation from the Fund to make or obligate to make expenditures with respect to such election, as provided in section 522;

''(2) matching contributions, as provided in section 523; and

''(3) for the general election, vouchers for broadcasts of political advertisements, as provided in section 524.

''(b) RESTRICTION ON USES OF ALLOCATIONS FROM THE FUND.—Allocations from the Fund received by a participating candidate under sections 522 and matching contributions under section 523 may only be used for campaign-related costs.

''(c) REMITTING ALLOCATIONS FROM THE FUND.—

''(1) IN GENERAL.—Not later than the date that is 45 days after an election in which the participating candidate appeared on the ballot, such participating candidate shall remit

to the Commission for deposit in the Fund an amount equal to the lesser of—

''(A) the amount of money in the candidate's campaign account; or

''(B) the sum of the allocations from the Fund received by the candidate under section 522 and the matching contributions received by the candidate under section 523.

''(2) EXCEPTION.—In the case of a candidate who qualifies to be on the ballot for a primary runoff election, a general election, or a general runoff election, the amounts described in paragraph (1) may be retained by the candidate and used in such subsequent election.

''SEC. 522. ALLOCATIONS FROM THE FUND.

''(a) IN GENERAL.—The Commission shall make allocations from the Fund under section 521(a)(1) to a participating candidate—

''(1) in the case of amounts provided under subsection (c)(1), not later than 48 hours after the date on which such candidate is certified as a participating candidate under section 515;

''(2) in the case of a general election, not later than 48 hours after—

''(A) the date of the certification of the results of the primary election or the primary runoff election; or

''(B) in any case in which there is no primary election, the date the candidate qualifies to be placed on the ballot; and

''(3) in the case of a primary runoff election or a general runoff election, not later than 48 hours after the certification of the results of the primary election or the general election, as the case may be.

''(b) METHOD OF PAYMENT.—The Commission shall distribute funds available to participating candidates under this section through the use of an electronic funds exchange or a debit card.

''(c) AMOUNTS.—

''(1) PRIMARY ELECTION ALLOCATION; INITIAL ALLOCATION.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a primary election to a participating candidate in an amount equal to 67 percent of the base amount with respect to such participating candidate.

''(2) PRIMARY RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a primary runoff election to a participating candidate in an amount equal to 25 percent of the amount the participating candidate was eligible to receive under this section for the primary election.

''(3) GENERAL ELECTION ALLOCATION.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a general election to a participating candidate in an amount equal to the base amount with respect to such candidate.

''(4) GENERAL RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a general runoff election to a participating candidate in an amount equal to 25 percent of the base amount with respect to such candidate.

''(5) UNCONTESTED ELECTIONS.—

''(A) IN GENERAL.—In the case of a primary or general election that is an uncontested election, the Commission shall make an allocation from the Fund to a participating candidate for such election in an amount equal to 25 percent of the allocation which such candidate would be entitled to under this section for such election if this paragraph did not apply.

''(B) UNCONTESTED ELECTION DEFINED.—For purposes of this subparagraph, an election is uncontested if not more than 1 candidate has campaign funds (including payments from the Fund) in an amount equal to or greater than 10 percent of the allocation a participating candidate would be entitled to receive under this section for such election if this paragraph did not apply.

''(d) BASE AMOUNT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the base amount for any candidate is an amount equal to the greater of—

''(A) the sum of—

''(i) $750,000; plus

''(ii) $150,000 for each congressional district in the State with respect to which the candidate is seeking election; or

''(B) the amount determined by the Commission under section 531.

''(2) INDEXING.—In each even-numbered year after 2013—

''(A) each dollar amount under paragraph (1)(A) shall be increased by the percent difference between the price index (as defined in section 315(c)(2)(A)) for the 12 months preceding the beginning of such calendar year and the price index for calendar year 2012;

''(B) each dollar amount so increased shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election; and

''(C) if any amount after adjustment under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

''SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL DOLLAR CONTRIBUTIONS.

''(a) IN GENERAL.—The Commission shall pay to each participating candidate an amount equal to 500 percent of the amount of qualified small dollar contributions received by the candidate from individuals who are residents of the State in which such participating candidate is seeking election after the date on which such candidate is certified under section 515.

''(b) LIMITATION.—The aggregate payments under subsection (a) with respect to any candidate shall not exceed the greater of—

''(1) 300 percent of the allocation such candidate is entitled to receive for such election under section 522 (determined without regard to subsection (c)(5) thereof); or

''(2) the percentage of such allocation determined by the Commission under section 531.

''(c) TIME OF PAYMENT.—The Commission shall make payments under this section not later than 2 business days after the receipt of a report made under subsection (d).

''(d) REPORTS.—

''(1) IN GENERAL.—Each participating candidate shall file reports of receipts of qualified small dollar contributions at such times and in such manner as the Commission may by regulations prescribe.

''(2) CONTENTS OF REPORTS.—Each report under this subsection shall disclose—

''(A) the amount of each qualified small dollar contribution received by the candidate;

''(B) the amount of each qualified small dollar contribution received by the candidate from a resident of the State in which the candidate is seeking election; and

''(C) the name, address, and occupation of each individual who made a qualified small dollar contribution to the candidate.

''(3) FREQUENCY OF REPORTS.—Reports under this subsection shall be made no more frequently than—

''(A) once every month until the date that is 90 days before the date of the election;

''(B) once every week after the period described in subparagraph (A) and until the date that is 21 days before the election; and

''(C) once every day after the period described in subparagraph (B).

''(4) LIMITATION ON REGULATIONS.—The Commission may not prescribe any regulations with respect to reporting under this subsection with respect to any election after the date that is 180 days before the date of such election.

''(e) APPEALS.—The Commission shall provide a written explanation with respect to any denial of any payment under this section and shall provide the opportunity for review and reconsideration within 5 business days of such denial.

''SEC. 524. POLITICAL ADVERTISING VOUCHERS.

''(a) IN GENERAL.—The Commission shall establish and administer a voucher program for the purchase of airtime on broadcasting stations for political advertisements in accordance with the provisions of this section.

''(b) CANDIDATES.—The Commission shall only disburse vouchers under the program established under subsection (a) to participants certified pursuant to section 515 who have agreed in writing to keep and furnish to the Commission such records, books, and other information as it may require.

''(c) AMOUNTS.—The Commission shall disburse vouchers to each candidate certified under subsection (b) in an aggregate amount equal to the greater of—

''(1) $100,000 multiplied by the number of congressional districts in the State with respect to which such candidate is running for office; or

''(2) the amount determined by the Commission under section 531.

''(d) USE.—

''(1) EXCLUSIVE USE.—Vouchers disbursed by the Commission under this section may be used only for the purchase of broadcast airtime for political advertisements relating to a general election for the office of Senate by the participating candidate to which the vouchers were disbursed, except that—

''(A) a candidate may exchange vouchers with a political party under paragraph (2); and

''(B) a political party may use vouchers only to purchase broadcast airtime for political advertisements for generic party advertising (as defined by the Commission in regulations), to support candidates for State or local office in a general election, or to support participating candidates of the party in a general election for Federal office, but only if it discloses the value of the voucher used as an expenditure under section 315(d).

''(2) EXCHANGE WITH POLITICAL PARTY COMMITTEE.—

''(A) IN GENERAL.—A participating candidate who receives a voucher under this section may transfer the right to use all or a portion of the value of the voucher to a committee of the political party of which the individual is a candidate (or, in the case of a participating candidate who is not a member of any political party, to a committee of the political party of that candidate's choice) in exchange for money in an amount equal to the cash value of the voucher or portion exchanged.

''(B) CONTINUATION OF CANDIDATE OBLIGATIONS.—The transfer of a voucher, in whole or in part, to a political party committee under this paragraph does not release the candidate from any obligation under the agreement made under subsection (b) or otherwise modify that agreement or its application to that candidate.

''(C) PARTY COMMITTEE OBLIGATIONS.—Any political party committee to which a voucher or portion thereof is transferred under subparagraph (A)—

''(i) shall account fully, in accordance with such requirements as the Commission may establish, for the receipt of the voucher; and

''(ii) may not use the transferred voucher or portion thereof for any purpose other than a purpose described in paragraph (1)(B).

''(D) VOUCHER AS A CONTRIBUTION UNDER FECA.—If a candidate transfers a voucher or any portion thereof to a political party committee under subparagraph (A)—

''(i) the value of the voucher or portion thereof transferred shall be treated as a contribution from the candidate to the committee, and from the committee to the candidate, for purposes of sections 302 and 304;

''(ii) the committee may, in exchange, provide to the candidate only funds subject to the prohibitions, limitations, and reporting requirements of title III of this Act; and

''(iii) the amount, if identified as a 'voucher exchange', shall not be considered a contribution for the purposes of sections 315 and 513.

''(e) VALUE; ACCEPTANCE; REDEMPTION.—

''(1) VOUCHER.—Each voucher disbursed by the Commission under this section shall have a value in dollars, redeemable upon presentation to the Commission, together with such documentation and other information as the Commission may require, for the purchase of broadcast airtime for political advertisements in accordance with this section.

''(2) ACCEPTANCE.—A broadcasting station shall accept vouchers in payment for the purchase of broadcast airtime for political advertisements in accordance with this section.

''(3) REDEMPTION.—The Commission shall redeem vouchers accepted by broadcasting stations under paragraph (2) upon presentation, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system.

''(4) EXPIRATION.—

''(A) CANDIDATES.—A voucher may only be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on the day before the date of the Federal election in connection with which it was issued and shall be null and void for any other use or purpose.

''(B) EXCEPTION FOR POLITICAL PARTY COMMITTEES.—A voucher held by a political party committee may be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on December 31st of the odd-numbered year following the year in which the voucher was issued by the Commission.

''(5) VOUCHER AS EXPENDITURE UNDER FECA.—The use of a voucher to purchase broadcast airtime constitutes an expenditure as defined in section 301(9)(A).

''(f) DEFINITIONS.—In this section:

''(1) BROADCASTING STATION.—The term 'broadcasting station' has the meaning given that term by section 315(f)(1) of the Communications Act of 1934.

''(2) POLITICAL PARTY.—The term 'political party' means a major party or a minor party as defined in section 9002(3) or (4) of the Internal Revenue Code of 1986 (26 U.S.C. 9002 (3) or (4)).

"Subtitle D—Administrative Provisions

"SEC. 531. FAIR ELECTIONS OVERSIGHT BOARD.

''(a) ESTABLISHMENT.—There is established within the Federal Election Commission an entity to be known as the 'Fair Elections Oversight Board'.

''(b) STRUCTURE AND MEMBERSHIP.—

''(1) IN GENERAL.—The Board shall be composed of 5 members appointed by the President by and with the advice and consent of the Senate, of whom—

''(A) 2 shall be appointed after consultation with the majority leader of the Senate;

''(B) 2 shall be appointed after consultation with the minority leader of the Senate; and

''(C) 1 shall be appointed upon the recommendation of the members appointed under subparagraphs (A) and (B).

''(2) QUALIFICATIONS.—

''(A) IN GENERAL.—The members shall be individuals who are nonpartisan and, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

''(B) PROHIBITION.—No member of the Board may be—

''(i) an employee of the Federal Government;

''(ii) a registered lobbyist; or

''(iii) an officer or employee of a political party or political campaign.

''(3) DATE.—Members of the Board shall be appointed not later than 60 days after the date of the enactment of this Act.

''(4) TERMS.—A member of the Board shall be appointed for a term of 5 years.

''(5) VACANCIES.—A vacancy on the Board shall be filled not later than 30 calendar days after the date on which the Board is given notice of the vacancy, in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

''(6) CHAIRPERSON.—The Board shall designate a Chairperson from among the members of the Board.

''(c) DUTIES AND POWERS.—

''(1) ADMINISTRATION.—

''(A) IN GENERAL.—The Board shall have such duties and powers as the Commission may prescribe, including the power to administer the provisions of this title.

''(2) REVIEW OF FAIR ELECTIONS FINANCING.—

''(A) IN GENERAL.—After each general election for Federal office, the Board shall conduct a comprehensive review of the Fair Elections financing program under this title, including—

''(i) the maximum dollar amount of qualified small dollar contributions under section 501(11);

''(ii) the maximum and minimum dollar amounts for qualifying contributions under section 501(10);

''(iii) the number and value of qualifying contributions a candidate is required to obtain under section 512 to qualify for allocations from the Fund;

''(iv) the amount of allocations from the Fund that candidates may receive under section 522;

''(v) the maximum amount of matching contributions a candidate may receive under section 523;

''(vi) the amount and usage of vouchers under section 524;

''(vii) the overall satisfaction of participating candidates and the American public with the program; and

''(viii) such other matters relating to financing of Senate campaigns as the Board determines are appropriate.

''(B) CRITERIA FOR REVIEW.—In conducting the review under subparagraph (A), the Board shall consider the following:

''(i) QUALIFYING CONTRIBUTIONS AND QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—The Board shall consider whether the number and dollar amount of qualifying contributions required and maximum dollar amount for such qualifying contributions and qualified small dollar contributions strikes a balance regarding the importance of voter involvement, the need to assure adequate incentives for participating, and fiscal responsibility, taking into consideration the number of primary and general election participating candidates, the electoral performance of those candidates, program cost, and any other information the Board determines is appropriate.

''(ii) REVIEW OF PROGRAM BENEFITS.—The Board shall consider whether the totality of the amount of funds allowed to be raised by participating candidates (including through qualifying contributions and small dollar contributions), allocations from the Fund under sections 522, matching contributions under section 523, and vouchers under section 524 are sufficient for voters in each State to learn about the candidates to cast an informed vote, taking into account the historic amount of spending by winning candidates, media costs, primary election dates, and any other information the Board determines is appropriate.

''(C) ADJUSTMENT OF AMOUNTS.—

''(i) IN GENERAL.—Based on the review conducted under subparagraph (A), the Board shall provide for the adjustments of the following amounts:

''(I) the maximum dollar amount of qualified small dollar contributions under section 501(11)(C);

''(II) the maximum and minimum dollar amounts for qualifying contributions under section 501(10)(A);

''(III) the number and value of qualifying contributions a candidate is required to obtain under section 512(a)(1);

''(IV) the base amount for candidates under section 522(d);

''(V) the maximum amount of matching contributions a candidate may receive under section 523(b); and

''(VI) the dollar amount for vouchers under section 524(c).

''(ii) REGULATIONS.—The Commission shall promulgate regulations providing for the adjustments made by the Board under clause (i).

''(D) REPORT.—Not later than March 30 following any general election for Federal office, the Board shall submit a report to Congress on the review conducted under paragraph (1). Such report shall contain a detailed statement of the findings, conclusions, and recommendations of the Board based on such review.

''(d) MEETINGS AND HEARINGS.—

''(1) MEETINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this Act.

''(2) QUORUM.—Three members of the Board shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

''(e) REPORTS.—Not later than March 30, 2012, and every 2 years thereafter, the Board shall submit to the Senate Committee on Rules and Administration a report documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

''(f) ADMINISTRATION.—

''(1) COMPENSATION OF MEMBERS.—

''(A) IN GENERAL.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(B) CHAIRPERSON.—The Chairperson shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(2) PERSONNEL.—

''(A) DIRECTOR.—The Board shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

''(B) STAFF APPOINTMENT.—With the approval of the Chairperson, the Executive Director may appoint such personnel as the Executive Director and the Board determines to be appropriate.

''(C) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Chairperson, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(D) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chairperson, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Board to assist in carrying out the duties of the Board. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

''(E) OTHER RESOURCES.—The Board shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and other agencies of the executive and legislative branches of the Federal Government. The Chairperson of the Board shall make requests for such access in writing when necessary.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this subtitle.

''SEC. 532. ADMINISTRATION PROVISIONS.

''The Commission shall prescribe regulations to carry out the purposes of this title, including regulations—

''(1) to establish procedures for—

''(A) verifying the amount of valid qualifying contributions with respect to a candidate;

''(B) effectively and efficiently monitoring and enforcing the limits on the raising of qualified small dollar contributions;

''(C) effectively and efficiently monitoring and enforcing the limits on the use of personal funds by participating candidates;

''(D) monitoring the use of allocations from the Fund and matching contributions under this title through audits or other mechanisms; and

''(E) the administration of the voucher program under section 524; and

''(2) regarding the conduct of debates in a manner consistent with the best practices of States that provide public financing for elections.

''SEC. 533. VIOLATIONS AND PENALTIES.

''(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.—If a candidate who has been certified as a participating candidate under section 515(a) accepts a contribution or makes an expenditure that is prohibited under section 513, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Fund.

''(b) REPAYMENT FOR IMPROPER USE OF FAIR ELECTIONS FUND.—

''(1) IN GENERAL.—If the Commission determines that any benefit made available to a participating candidate under this title was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Fund an amount equal to—

''(A) the amount of benefits so used or not remitted, as appropriate; and

''(B) interest on any such amounts (at a rate determined by the Commission).

''(2) OTHER ACTION NOT PRECLUDED.—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.''.

SEC. 103. PROHIBITION ON JOINT FUNDRAISING COMMITTEES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by adding at the end the following new paragraph:

''(6) No authorized committee of a participating candidate (as defined in section 501) may establish a joint fundraising committee with a political committee other than an authorized committee of a candidate.''.

SEC. 104. EXCEPTION TO LIMITATION ON COORDINATED EXPENDITURES BY POLITICAL PARTY COMMITTEES WITH PARTICIPATING CANDIDATES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (3)(A), by striking ''in the case of'' and inserting ''except as provided in paragraph (5), in the case of'' and

(2) by adding at the end the following new paragraph:

''(5)(A) The limitation under paragraph (3)(A) shall not apply with respect to any expenditure from a qualified political party-participating candidate coordinated expenditure fund.

''(B) In this paragraph, the term 'qualified political party-participating candidate coordinated expenditure fund' means a fund established by the national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, for purposes of making expenditures in connection with the general election campaign of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), that only accepts qualified coordinated expenditure contributions.

''(C) In this paragraph, the term 'qualified coordinated expenditure contribution' means, with respect to the general election campaign of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), any contribution (or series of contributions)—

''(i) which is made by an individual who is not prohibited from making a contribution under this Act; and

''(ii) the aggregate amount of which does not exceed $500 per election.''.

TITLE II—IMPROVING VOTER INFORMATION

SEC. 201. BROADCASTS RELATING TO ALL SENATE CANDIDATES.

(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking ''to such office'' in paragraph (1) and inserting ''to such office, or by a national committee of a political party on behalf of such candidate in connection with such campaign,''; and

(2) by inserting ''for pre-emptible use thereof'' after ''station'' in subparagraph (A) of paragraph (1).

(b) PREEMPTION; AUDITS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively and moving them to follow the existing subsection (e);

(2) by redesignating the existing subsection (e) as subsection (c); and

(3) by inserting after subsection (c) (as redesignated by paragraph (2)) the following:

''(d) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding the requirements of subsection (b)(1)(A), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for Senate who has purchased and paid for such use.

''(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program shall be treated in the same fashion as a comparable commercial advertising spot.

''(e) AUDITS.—During the 30-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct such audits as it deems necessary to ensure that each broadcaster to which this section applies is allocating television broadcast advertising time in accordance with this section and section 312.''.

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking ''or repeated'';

(2) by inserting ''or cable system'' after ''broadcasting station''; and

(3) by striking ''his candidacy'' and inserting ''the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee''.

(d) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by striking ''the'' in subsection (e)(1), as redesignated by subsection (b)(1), and inserting ''BROADCASTING STATION.—'';

(2) by striking ''the'' in subsection (e)(2), as redesignated by subsection (b)(1), and inserting ''LICENSEE; STATION LICENSEE.—''; and

(3) by inserting ''REGULATIONS.—'' in subsection (f), as redesignated by subsection (b)(1), before ''The Commission''.

SEC. 202. BROADCAST RATES FOR PARTICIPATING CANDIDATES.

Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by subsection (a), is amended—

(1) in paragraph (1)(A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(3) PARTICIPATING CANDIDATES.—In the case of a participating candidate (as defined under section 501(9) of the Federal Election Campaign Act of 1971), the charges made for the use of any broadcasting station for a television broadcast shall not exceed 80 percent of the lowest charge described in paragraph (1)(A) during—

''(A) the 45 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

''(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

''(4) RATE CARDS.—A licensee shall provide to a candidate for Senate a rate card that discloses—

''(A) the rate charged under this subsection; and

''(B) the method that the licensee uses to determine the rate charged under this subsection.''.

SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR REPORTING CANDIDATE CAMPAIGN ADS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding to establish a standardized form to be used by broadcasting stations, as defined in section 315(f)(1) of the Communications Act of 1934 (47 U.S.C. 315(f)(1)), to record and report the purchase

of advertising time by or on behalf of a candidate for nomination for election, or for election, to Federal elective office.

(b) CONTENTS.—The form prescribed by the Commission under subsection (a) shall require, broadcasting stations to report to the Commission and to the Federal Election Commission, at a minimum—

(1) the station call letters and mailing address;

(2) the name and telephone number of the station's sales manager (or individual with responsibility for advertising sales);

(3) the name of the candidate who purchased the advertising time, or on whose behalf the advertising time was purchased, and the Federal elective office for which he or she is a candidate;

(4) the name, mailing address, and telephone number of the person responsible for purchasing broadcast political advertising for the candidate;

(5) notation as to whether the purchase agreement for which the information is being reported is a draft or final version; and

(6) the following information about the advertisement:

(A) The date and time of the broadcast.

(B) The program in which the advertisement was broadcast.

(C) The length of the broadcast airtime.

(c) INTERNET ACCESS.—In its rulemaking under subsection (a), the Commission shall require any broadcasting station required to file a report under this section that maintains an Internet website to make available a link to such reports on that website.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

SEC. 301. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by inserting ''(including a proceeding before the Supreme Court on certiorari)'' after ''appeal''.

SEC. 302. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

''(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.''.

SEC. 303. ELECTRONIC FILING OF FEC REPORTS.

Section 304(a)(11) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)) is amended—

(1) in subparagraph (A), by striking ''under this Act—'' and all that follows and inserting ''under this Act shall be required to maintain and file such designation, statement, or report in electronic form accessible by computers.'';

(2) in subparagraph (B), by striking ''48 hours'' and all that follows through ''filed electronically)'' and inserting ''24 hours''; and

(3) by striking subparagraph (D).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 402. EFFECTIVE DATE.

Except as otherwise provided for in this Act, this Act and the amendments made by this Act shall take effect on January 1, 2012.

By Mrs. FEINSTEIN (for herself, Mr. ISAKSON, and Mr. KERRY):

S. 752. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to call for a new effort to combat an often deadly form of cancer—by reintroducing the Lung Cancer Mortality Reduction Act. I am pleased to be joined by my cosponsors, Senator ISAKSON and Senator KERRY on this very important bill.

This bill will renew and improve Federal government's efforts to combat lung cancer. It will: set a goal to reduce lung cancer mortality by 50 percent by 2020; establish a Lung Cancer Mortality Reduction Program, with comprehensive interagency coordination, to develop and implement a plan to meet this goal; improve disparity programs to ensure that the burdens of lung cancer on minority populations are addressed; create a computed tomography screening demonstration project based on recent science; and establish a Lung Cancer Advisory Board, which will provide an annual report to Congress on the progress of the Mortality Reduction Program.

We have made great strides against many types of cancer in the last several decades. However, these gains are uneven.

When the National Cancer Act was passed in 1971, lung cancer had a 5-year survival rate of only 12 percent. After decades of research efforts and scientific advances, this survival rate remains only 15 percent.

In contrast, the 5 year survival rates of breast, prostate, and colon cancer have risen to 89, 99 and 65 percent respectively.

Lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths.

Lung cancer causes more deaths annually than: colon cancer, breast cancer, prostate cancer, and pancreatic cancer combined.

A National Cancer Institute study in 2009 indicated that the value of life lost to lung cancer will exceed $433 billion annually by 2020.

A four percent annual decline in mortality would reduce this amount by more than half.

A lung cancer diagnosis can be devastating. The average life expectancy following a lung cancer diagnosis is only 9 months.

This is because far too many patients are not diagnosed with lung cancer until it has progressed to the later stages. Lung cancer can be hard to diagnose, and symptoms may at first appear to be other illnesses, such as bronchitis, chronic obstructive pulmonary disease, or asthma.

As a result, only 16 percent of lung cancer patients are diagnosed when their cancer is still localized, and is the most treatable.

When I introduced this legislation in 2009, lung cancer lacked early detection technology, to find the cancer when it was most treatable. Now, however, preliminary results show a screening method with a demonstrated reduction in mortality for lung cancer.

In 2010, the National Cancer Institute released initial results from the National Lung Screening Trial, a large-scale study of screening methods to detect lung cancers at earlier stages.

The National Lung Screening Trial found a 20 percent reduction in lung cancer mortality among participants screened with the computed tomography screening versus a traditional X-ray.

This is the first time that researchers have seen evidence of a significant reduction in lung cancer mortality with a screening test.

This is why this legislation also includes the creation of a computed tomography screening demonstration project, to assess public health needs of screening for lung cancer, and develop the most effective, safe, equitable, and efficient process to maximize the benefit of screening.

Efforts to fight lung cancer lag behind other cancers, in part, due to stigma from smoking. Make no mistake, tobacco use causes the majority of lung cancer cases.

Tobacco cessation is a critical component of reducing lung cancer mortality. Less smoking means less lung cancer. Period.

But tobacco use does not fully explain lung cancer. Approximately 20 percent of lung cancer patients never smoked.

Two-thirds of individuals diagnosed with lung cancer who have never smoked are women.

60 percent of lung cancer patients are former smokers who quit, often decades ago.

These patients may have been exposed to second hand smoke, or they may have been exposed to radon, asbestos, chromium, or other chemicals. There could be other causes and associations that have not yet been discovered, genetic predispositions or other environmental exposures.

The President's National Cancer Advisory Board Report of 2010 identified radon as the second leading cause of lung cancer after smoking and listed 15 other environmental contaminants strongly associated with lung cancer.

I believe that we have the expertise and technology to make serious progress against this deadly cancer, and to reach the goal of halving lung cancer mortality by 2020.

We need this legislation to ensure that our government's resources are focused on this mission in the most efficient way possible.

Agency efforts must be coordinated, and all sectors of the federal government that may have some ideas to lend should be participating. That is what the Lung Cancer Mortality Reduction Program will accomplish.

In this bill the Secretary of Health and Human Services is tasked to work

in consultation with Secretaries and Directors from the Department of Defense, Veterans Affairs, the National Institutes of Health, the Centers for Disease Control and Prevention, and Food and Drug Administration, the Centers for Medicare and Medicaid, and the National Center on Minority Health and Health Disparities.

This means that each agency with an expertise on lungs, imaging, and cancer will be included in this long overdue process.

We can do better for Americans diagnosed with lung cancer. I ask my colleagues to support this legislation.

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. 752

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 ''Lung Cancer Mortality Reduction Act of 2011''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths.

(2) The National Cancer Institute estimates that in 2010, there were 222,520 new diagnosis of lung cancer and 157,300 deaths attributed to the disease.

(3) According to projections published in the Journal of Clinical Oncology in 2009, between 2010 and 2030, the incidence of lung cancer will increase by 46 percent for women and by 58 percent for men. The increase in the incidence of lung cancer among minority communities during that time period will range from 74 percent to 191 percent.

(4) Lung cancer causes more deaths annually than the next 4 leading causes of cancer deaths, colon cancer, breast cancer, prostate cancer, and pancreatic cancer, combined.

(5) The 5-year survival rate for lung cancer is only 15 percent, while the 5-year survival rate for breast cancer is 89 percent, for prostate cancer 99 percent, and for colon cancer 65 percent. Yet in research dollars per death, lung cancer is the least funded of the major cancers.

(6) In 2001, the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was ''far below the levels characterized for other common malignancies and far out of proportion to its massive health impact'' and it gave the ''highest priority'' to the creation of an integrated multidisciplinary, multi-institutional research program. No comprehensive plan has been developed.

(7) While smoking is the leading risk factor for lung cancer, the President's National Cancer Advisory Board Report of 2010 identified radon as the second leading cause of lung cancer and listed 15 other environmental contaminants strongly association with lung cancer, and there is accumulating evidence that hormonal and genetic factors may influence the onset.

(8) Lung cancer is the most stigmatized of all the cancers and the only cancer blamed on patients, whether they smoked or not.

(9) Nearly 20 percent of lung cancer patients have never smoked. Sixty percent of individuals diagnosed with lung cancer are former smokers who quit, often decades ago.

(10) Lung cancer in men and women who never smoked is the sixth leading cause of cancer death. Of individuals diagnosed with lung cancer who have never smoked, ⅔ of are women.

(11) Lung cancer is the leading cause of cancer death in the overall population and in every major ethnic grouping, including white, African American, Hispanic, Asian and Pacific Islander, American Indian, and Alaskan Native, with an even disproportionately higher impact on African American males that has not been addressed.

(12) Military personnel, veterans, and munitions workers exposed to carcinogens such as Agent Orange, crystalline forms of silica, arsenic, uranium, beryllium, and battlefield fuel emissions have increased risk for lung cancer.

(13) Only 16 percent of lung cancer is being diagnosed at an early stage and there were no targets for the early detection or treatment of lung cancer included in the Department of Health and Human Services's ''Healthy People 2010'' or ''Healthy People 2020''.

(14) An actuarial analysis carried out by Milliman Inc. and published in Population Health Management Journal in 2009 indicated that early detection of lung cancer could save more than 70,000 lives a year in the United States.

(15) A National Cancer Institute study in 2009 indicated that while the value of life lost to lung cancer will exceed $433,000,000,000 a year by 2020, a 4 percent annual decline in lung cancer mortality would reduce that amount by more than half.

(16) In 2010, the National Cancer Institute released initial results from the National Lung Screening Trial, a large-scale randomized national trial that compared the effect of low-dose helical computed tomography (''CT'') and a standard chest x-ray on lung cancer mortality. The study found 20 percent fewer lung cancer deaths among study participants screened with the CT scan.

SEC. 3. SENSE OF THE SENATE CONCERNING INVESTMENT IN LUNG CANCER RESEARCH.

It is the sense of the Senate that—

(1) lung cancer mortality reduction should be made a national public health priority; and

(2) a comprehensive mortality reduction program coordinated by the Secretary of Health and Human Services is justified and necessary to adequately address all aspects of lung cancer and reduce lung cancer mortality among current smokers, former smokers, and non-smokers.

SEC. 4. LUNG CANCER MORTALITY REDUCTION PROGRAM.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V–6. LUNG CANCER MORTALITY REDUCTION PROGRAM.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Lung Cancer Mortality Reduction Act of 2011, the Secretary, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, the Director of the National Center on Minority Health and Health Disparities, and other members of the Lung Cancer Advisory Board established under section 7 of the Lung Cancer Mortality Reduction Act of 2011, shall implement a comprehensive program to achieve a 50 percent reduction in the mortality rate of lung cancer by 2020.

''(b) REQUIREMENTS.—The program implemented under subsection (a) shall include at least the following:

''(1) With respect to the National Institutes of Health—

''(A) a strategic review and prioritization by the National Cancer Institute of research grants to achieve the goal of the lung cancer mortality reduction program in reducing lung cancer mortality;

''(B) the provision of funds to enable the Airway Biology and Disease Branch of the National Heart, Lung, and Blood Institute to expand its research programs to include predispositions to lung cancer, the interrelationship between lung cancer and other pulmonary and cardiac disease, and the diagnosis and treatment of these interrelationships;

''(C) the provision of funds to enable the National Institute of Biomedical Imaging and Bioengineering to expedite the development of screening, diagnostic, surgical, treatment, and drug testing innovations to facilitate the potential of imaging as a biomarker and reduce lung cancer mortality, such as through expansion of the Quantum Grant Program and Image-Guided Interventions programs of the National Institute of Biomedical Imaging and Bioengineering;

''(D) the provision of funds to enable the National Institute of Environmental Health Sciences to implement research programs relative to lung cancer incidence; and;

''(E) the provision of funds to enable the National Institute on Minority Health and Health Disparities to collaborate on prevention, early detection, and disease management research, and to conduct outreach programs in order to address the impact of lung cancer on minority populations.

''(2) With respect to the Food and Drug Administration, the provision of funds to enable the Center for Devices and Radiologic Health to—

''(A) establish quality standards and guidelines for hospitals, outpatient departments, clinics, radiology practices, mobile units, physician offices, or other facilities that conduct computed tomography screening for lung cancer;

''(B) provide for the expedited revision of standards and guidelines, as required to accommodate technological advances in imaging; and

''(C) conduct an annual random sample survey to review compliance and evaluate dose and accuracy performance.

''(3) With respect to the Centers for Disease Control and Prevention—

''(A) the provision of funds to establish a Lung Cancer Early Detection Program that provides low-income, uninsured, and underserved populations that are at high risk for lung cancer access to early detection services;

''(B) the provision of funds to enable the National Institute for Occupational Safety and Health to conduct research on environmental contaminants strongly associated with lung cancer in the workplace and implement measures to reduce lung cancer risk and provide for an early detection program; and

''(C) a requirement that State, tribal, and territorial plans developed under the National Comprehensive Cancer Control Program include lung cancer mortality reduction measures commensurate with the public health impact of lung cancer.

''(4) With respect to the Agency for Healthcare Research and Quality, the annual review of lung cancer early detection methods, diagnostic and treatment protocols, and the issuance of updated guidelines.

''(5) The cooperation and coordination of all programs for women, minorities, and health disparities within the Department of Health and Human Services to ensure that

all aspects of the Lung Cancer Mortality Reduction Program adequately address the burden of lung cancer on women and minority, rural, and underserved populations.

''(6) The cooperation and coordination of all tobacco control and cessation programs within agencies of the Department of Health and Human Services to achieve the goals of the Lung Cancer Mortality Reduction Program with particular emphasis on the coordination of drug and other cessation treatments with early detection protocols.''.

SEC. 5. DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Defense and the Secretary of Veterans Affairs shall coordinate with the Secretary of Health and Human Services—

(1) in developing the Lung Cancer Mortality Reduction Program under section 399V–6 of the Public Health Service Act, as added by section 4;

(2) in implementing the demonstration project under section 6 within the Department of Defense and the Department of Veterans Affairs with respect to military personnel and veterans whose smoking history and exposure to carcinogens during active duty service has increased their risk for lung cancer; and

(3) in implementing coordinated care programs for military personnel and veterans diagnosed with lung cancer.

SEC. 6. LUNG CANCER SCREENING DEMONSTRATION PROJECT.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that a national computed tomography lung cancer screening demonstration project should be carried out expeditiously in order to assess the public health infrastructure needs and to develop the most effective, safe, equitable, and efficient process that will maximize the public health benefits of screening.

(b) DEMONSTRATION PROJECT IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the ''Secretary''), in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, and the other members of the Lung Cancer Advisory Board established under section 7 of the Lung Cancer Mortality Reduction Act of 2011, shall establish a demonstration project, to be known as the Lung Cancer Computed Tomography Screening and Treatment Demonstration Project (referred to in this section as the ''demonstration project'').

(c) PROGRAM REQUIREMENTS.—The Secretary shall ensure that the demonstration project—

(1) identifies the optimal risk populations that would benefit from screening;

(2) develops the most effective, safe, equitable and cost-efficient process for screening and early disease management;

(3) allows for continuous improvements in quality controls for the process; and

(4) serves as a model for the integration of health information technology and the concept of a rapid learning into the health care system.

(d) PARTICIPATION.—The Secretary shall select not less than 5 National Cancer Institute Centers, 5 Department of Defense Medical Treatment Centers, 5 sites within the Veterans Affairs Healthcare Network, 5 International Early Lung Cancer Action Program sites, 10 community health centers for minority and underserved populations, and additional sites as the Secretary determines appropriate, as sites to carry out the demonstration project described under this section.

(e) QUALITY STANDARDS AND GUIDELINES FOR LICENSING OF TOMOGRAPHY SCREENING FACILITIES.—The Secretary shall establish quality standards and guidelines for the licensing of hospitals, outpatient departments, clinics, radiology practices, mobile units, physician offices, or other facilities that conduct computed tomography screening for lung cancer through the demonstration project, that will require the establishment and maintenance of a quality assurance and quality control program at each such facility that is adequate and appropriate to ensure the reliability, clarity, and accuracy of the equipment and interpretation of the screening scan and set appropriate standards to control the levels of radiation dose.

(f) TIMEFRAME.—The Secretary shall conduct the demonstration project under this section for a 5-year period.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress on the projected cost of the demonstration project, and shall submit annual reports to Congress thereafter on the progress of the demonstration project and preliminary findings.

SEC. 7. LUNG CANCER ADVISORY BOARD.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a Lung Cancer Advisory Board (referred to in this section as the ''Board'') to monitor the programs established under this Act (and the amendments made by this Act), and provide annual reports to Congress concerning benchmarks, expenditures, lung cancer statistics, and the public health impact of such programs.

(b) COMPOSITION.—The Board shall be composed of—

(1) the Secretary of Health and Human Services;

(2) the Secretary of Defense;

(3) the Secretary of Veterans Affairs;

(4) the Director of the Occupational Safety and Health Administration;

(5) the Director of the National Institute of Standards and Technology; and

(6) one representative each from the fields of clinical medicine focused on lung cancer, lung cancer research, radiology, imaging research, drug development, minority health advocacy, veterans service organizations, lung cancer advocacy, and occupational medicine to be appointed by the Secretary of Health and Human Services.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act (and the amendments made by this Act), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2012 through 2016.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 132—RECOGNIZING AND HONORING THE ZOOS AND AQUARIUMS OF THE UNITED STATES

Mr. NELSON of Nebraska (for himself, Mr. DURBIN, Ms. CANTWELL, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 132

Whereas the 223 zoos and aquariums accredited by the Association of Zoos and Aquariums support more than 142,000 jobs nationwide, making such zoos and aquariums a valuable part of local and national economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums generate more than $15,000,000,000 in economic activity in the United States annually;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums attract more than 165,000,000 visitors each year and are a valuable part of regional, State, and local tourist economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have formally trained more than 400,000 teachers, and such zoos and aquariums support science curricula with effective teaching materials and hands-on opportunities and host more than 12,000,000 students annually on school field trips;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums provide a unique opportunity for the public to engage in conservation and education efforts, and more than 60,000 people invest more than 3,000,000 hours per year as volunteers at such zoos and aquariums;

Whereas public investment in accredited zoos and aquariums has dual benefits, including immediate job creation and environmental education for children in the United States;

Whereas accredited zoos and aquariums focus on connecting people and animals, and such zoos and aquariums provide a critical link to helping animals in their native habitats;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have provided more than $90,000,000 per year over the past 5 years to support more than 4,000 field conservation and research projects in more than 100 countries; and

Whereas many Federal agencies have recognized accredited zoos and aquariums as critical partners in rescue, rehabilitation, confiscation, and reintroduction efforts for distressed, threatened, and endangered species: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the zoos and aquariums of the United States;

(2) commends the employees and volunteers at each zoo and aquarium for their hard work and dedication;

(3) recommends that people in the United States visit their local accredited zoo and aquarium and take advantage of the educational opportunities that such zoos and aquariums offer; and

(4) urges continued support for accredited zoos and aquariums and the important conservation, education, and recreation programs of such zoos and aquariums.

SENATE RESOLUTION 133—TO REQUIRE THAT NEW WAR FUNDING BE OFFSET

Mr. FRANKEN submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 133

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Pay for War Resolution''.

SEC. 2. DEFICIT-NEUTRAL WAR SPENDING.

(a) IN GENERAL.—For purposes of budget enforcement and except as provided in this section, it shall not be in order for the Senate to consider budget authority for overseas

contingency operations if it increases the on-budget deficit over the period of the budget year and the ensuing 9 fiscal years following the budget year.

(b) OFFSETS.—Budget authority provided for overseas contingency operations in a bill, resolution, amendment, motion, or conference report shall be considered deficit neutral for the purpose of this section if such authority—

(1) is considered subsequent to an Act of Congress that raises revenue for the designated purpose of paying for such overseas contingency operations; or

(2) includes new reductions in spending authority.

(c) IRAQ AND AFGHANISTAN.—For purposes of this section, the following amounts are not required to be offset with respect to the overseas contingency operations in Iraq and Afghanistan:

(1) For fiscal year 2012, $118,000,000,000.

(2) For fiscal years 2013 through 2016, an amount equal to the President's budget request for that fiscal year for overseas contingency operations funds for Iraq and Afghanistan.

(d) BUDGET DETERMINATIONS.—Compliance with this section shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(e) WAIVER AND APPEAL.—

(1) WAIVER.—The provisions of this section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

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

Mr. FRANKEN. Mr. President, I rise to speak on my pay-for-war resolution, which I am submitting today. This resolution would change the way we pay for war spending, and it would change the way we deliberate about going to war.

This is not a symbolic resolution. It would return us to the traditional American way of paying for wars, where the Congress and the Nation confront head-on the financial cost, commitment, and sacrifice of going to war. This is something I believe in strongly. It is an issue I have been working on for months. This did not start with Libya, though Libya certainly gives it a new urgency.

A number of my friends on both sides of the aisle have expressed concerns about the potential costs of the war in Libya, but this resolution is broader than Libya. It is about how we are going to pay for any wars in the future. The resolution seeks to reestablish a fiscally responsible way of paying for our wars.

It is fiscally responsible because it would require that war spending be paid for or offset, as we say in the Senate. It is also morally and politically responsible because it would reestablish the connection between the citizenry of the United States and the cost of going to war—a burden that is now shared solely by the men and women of the military and their families, while the rest is passed on to future generations in the form of debt.

Over the last 10 years, our wars have been paid for by borrowing, mostly from China and other countries willing to finance our debt, and by giant emergency spending bills. That is unusual in American history and, frankly, my resolution is aimed at making sure it stays unusual. Iraq and Afghanistan have cost us well over $1 trillion. In fact, the Congressional Research Service's most recent estimate is that, including this fiscal year, Congress will have approved $1 ¼ trillion for Iraq and Afghanistan—$806 billion for Iraq and $444 billion for Afghanistan.

That is a staggering sum of money, and it has been financed through debt, through borrowing from other countries, and emergency supplemental spending bills which go on our debt. What is more, the Iraq war was accompanied by a massive tax cut. That failed fiscal experiment created the impression that going to war requires no financial sacrifice. We know that is not true.

The question is, Who will bear the financial sacrifice, the generation that has decided to go to war or its children and grandchildren? The Iraq and Afghanistan wars drove up our deficit. They didn't single-handedly create our deficit problem, but they made it much worse. If we are going to fix our deficit problem, rejecting how we finance those wars must be part of the solution.

We have to ensure that the manner of funding—by borrowing—the Iraq and Afghanistan wars remains an anomaly in American history. That is exactly what my resolution seeks to do. It will ensure that future wars don't make our deficit and debt problem worse. It will ensure that Congress and the American people face the financial sacrifice of going to war, and it will force us to decide whether a war is worth that sacrifice.

A huge gap has grown between the majority of the American people and the small proportion who serve in the military. So much sacrifice has been asked of them and their families, yet so little of the rest of us. My resolution will reconnect those who serve and our larger society.

The Obama administration is taking an important step in seeking to reduce reliance on emergency spending bills and, instead, budget for war through the regular budget process. They have included an overseas contingency operations account over and above the budget for the day-to-day operations of the Defense Department. That account is where we now find our war funding. But the improvements the Obama administration has made are not enough. The momentous decision to go to war deserves a way of paying for those wars that matches the seriousness of that decision.

Overseas contingency operations should be paid for. Thus, my resolution simply says that if there is a new overseas contingency operation requiring new funding beyond the Defense base budget, that funding must be offset. It does not specify how that offset is to be found, leaving it up to Congress to decide. Different people have different ideas. Some may propose spending cuts, others may propose revenue increases or a combination of the two. But the bottom line is, Congress must find a way to pay for the cost of new wars we decide to undertake.

More specifically, this pay-for-war resolution creates a point of order so any Senator can object to a legislative proposal that allows for spending on new overseas contingency operations that is not deficit neutral. But it has some flexibilities. First, it allows the cost for war in a given year to be offset over 10 years. Because of how the budgeting process works now, spending cuts must be found in the same year of funding as the war spending. But if there is any offset on the revenue side, it can be spread out over 10 years.

My resolution also allows the offset requirement to be overridden by a vote of 60 Senators. So if three-fifths of us deem it important enough to spend on an overseas contingency operation without paying for it ourselves, that can happen. I believe this fully addresses any concern people might have about unduly tying the hands of the President or of the Congress, for that matter. If there were a genuine emergency that required immediate military response in the short term, and that could not be covered by the base defense budget, my resolution would not tie our hands. Any true emergency would certainly motivate enough of us to vote to waive the point of order.

Similarly, if at a particular time our economic circumstances make it especially ill-advised to offset the spending on a war, we would be able to waive or override the offset requirement with 60 votes here in the Senate.

Let me talk briefly about how this resolution handles Iraq and Afghanistan. Unfortunately, we are where we are on Iraq and Afghanistan. This resolution is not meant to drive policy on those wars. It is forward looking. Earlier I mentioned the Obama administration's praiseworthy effort to reduce reliance on emergency supplemental spending bills. My resolution would strengthen that effort by exempting the spending on those wars from this offset requirement but only up to the amount of the President's regular budget request. Anything above that cap would be subject to the offset requirement. For example, for fiscal year 2012 the President requested $118 billion for Iraq and Afghanistan. Any costs over and above that request would need to be offset. That number should go down as we draw down from Iraq and Afghanistan. This idea is derived, by the way, from a recommendation of the President's fiscal commission.

The idea that we should pay for our wars is not a Democratic idea. It is not

a Republican idea. It is not left or right, it is not antiwar, it is not prowar—it is common sense. That is why my resolution has garnered expressions of support from a diverse range of organizations and defense and budget experts. It is supported by the Center for American Progress Action Fund, by the Bipartisan Policy Center, and by the Committee for a Responsible Federal Budget. Noted fiscal hawk David Walker, the former Comptroller General of the United States, has expressed his support. So has Maya MacGuineas of the Committee for a Responsible Federal Budget.

A number of experts have stated the rationale for the bill very powerfully. Here is what Michael O'Hanlon of the Brookings Institution said:

> Senator Franken's proposal is serious and smart. It seeks to remedy a major problem of the last decade—fighting wars while not asking the broader nation for sacrifice and commitment and meanwhile racking up Federal debt in a way that endangers the economic progress of future generations.

Here is what William Niskanen and Ben Friedman of the Cato Institute said:

> Democracies cannot accurately evaluate policies with hidden costs. Deficit financing sends war bills to future taxpayers. That limits the extent to which voters and their Representatives weigh the wars' costs against other priorities. The effect is to make war feel cheaper than it is.

Here is what Dean Baker of the Center for Economic and Policy Research said:

> The vast majority of people in the country have no direct connection to the people serving in the military. If we think that a situation requires the men and women in our military to risk their own lives, then the rest of us should at least be willing to pay for the costs of this adventure with our tax dollars.

My resolution makes budgetary sense and it makes moral and political sense. That is why I am confident my resolution will garner the support of my colleagues and of the American people. I think Americans understand that the way we have gone about paying for the wars in Iraq and Afghanistan—by borrowing and putting the financial burden on later generations instead of taking it on ourselves—is not good budgeting and, frankly, it is not good decisionmaking about war. Right now we are hiding the costs of war by shifting their financial burden to future generations and we are refusing to consider the real sacrifices that war requires of a nation—not just the members of the military. That has to change. We need to start paying for war and it needs to be part of the larger conversation about how we address our Nation's deficit and debt.

SENATE RESOLUTION 134—SUPPORTING THE DESIGNATION OF APRIL AS PARKINSON'S AWARENESS MONTH

Ms. STABENOW (for herself, Mr. ISAKSON, Mr. UDALL of Colorado, Mr. JOHANNS, and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 134

Whereas Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease;

Whereas even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2011, it is estimated that the disease affects over 1,000,000 people in the United States;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson's disease, and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson's disease vary from person to person and include tremors, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease; and

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance knowledge of this disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson's disease and their families.

SENATE CONCURRENT RESOLUTION 11—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE OBAMA ADMINISTRATION'S DISCONTINUING TO DEFEND THE DEFENSE OF MARRIAGE ACT

Mr. INHOFE submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 11

Whereas on February 23, 2011, President Barack Obama ordered the Department of Justice to drop its defense of a central part of the 1996 law that bars the Federal Government from recognizing same-sex unions, the Defense of Marriage Act (adding section 7 of title 1, United States Code), and both President Obama and Attorney General Eric Holder concluded the law is unconstitutional;

Whereas President Obama himself has said that marriage is something sanctified between a man and a woman;

Whereas, passed by significant majorities in both chambers of Congress and signed into law by President Bill Clinton, the Defense of Marriage Act has never been overturned in any Federal lawsuit challenging that Act's constitutionality by a Federal court, yet the Department of Justice has decided not to defend that Act in Federal court;

Whereas, on the contrary, the Department of Justice is vigorously defending in numerous Federal courts across the country President Obama's signature health care reform law, the Patient Protection and Affordable Care Act (Public Law 111–148), and the related Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), after the bills involved barely passed both chambers of Congress on party line votes, and whose critical individual mandate provision has been declared unconstitutional by separate Federal district courts in the cases of Florida v. United States Department of Health and Human Services, Case No.: 3:10–cv–91–RV/EMT (N.D. Fla., Jan. 31, 2011), and Virginia ex rel. Cuccinelli v. Sebelius, 728 F. Supp. 2d 768 (E.D. Va. 2010); and

Whereas the vast majority of Americans believe that marriage should continue to be what it always has been—the legal and spiritual union between one man and one woman: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the Obama administration's direction that the Department of Justice should discontinue defending the Defense of Marriage Act; and

(2) demands that the Department of Justice continue to defend the Defense of Marriage Act in all instances.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on April 6, 2011.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 6, 2011, at 9:30 a.m., to conduct a hearing entitled ''The Role of the Accounting Profession in Preventing Another Financial Crisis.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 6, 2011, at 9:15 a.m. in Dirksen 406 to hold a hearing entitled, ''State and Local Perspectives on Transportation.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 6, 2011, at 10 a.m., to hold a hearing entitled, ''Perspectives on the Crisis in Libya.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 6, 2011, at 2:30 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 6, 2011, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 6, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Electronic Communications Privacy Act: Government Perspectives on Protecting Privacy in the Digital Age.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on April 6, 2011. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 10 a.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on April 6, 2011, at 1:30 p.m. to conduct a hearing entitled ''Census: Learning Lessons from 2010, Planning for 2020.''

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

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on April 6, 2011, at 3 p.m., to conduct a hearing entitled ''The State of Community Banking: Opportunities and Challenges.''

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 6, 2011, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Robyn Varner, have floor privileges for the remainder of the day.

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

PARKINSON'S AWARENESS MONTH

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 134, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 134) supporting the designation of April as Parkinson's Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. HUTCHISON. Mr. President, Dr. James Parkinson first identified the symptoms of this debilitating disease in 1817, and now an estimated 1.5 million Americans are currently living with Parkinson's. Despite major advances in modern technology and the establishment of the Parkinson's Disease Research Agenda more than 10 years ago, we regrettably still do not know the cause, and we are still looking for a cure.

Parkinson's disease is a degenerative brain disorder with major symptoms such as tremors, trouble walking, and speech difficulties. The number of people being diagnosed with Parkinson's continues to rise. The newest treatments are coming from cutting edge medical innovations, like deep brain stimulation. However, we can and must do more to keep pushing the boundaries to find better therapies and hopefully, very soon, a cure. This requires a continued national commitment to biomedical research.

The National Institutes of Health is the largest contributor to Parkinson's research, along with the Department of Veteran Affairs and the Department of Defense. Texas has committed to leading the way in Parkinson's disease research and has received more than $2.7 million in Federal funds. These dollars are being put to use at some of our top university and medical research facilities across the State, including: the University of Texas, Baylor College of Medicine, Texas Tech University Health Science Center, and the Audie L. Murphy VA Medical Center in San Antonio.

Today, I am proud to recognize April as Parkinson's Awareness Month, and I hope that this will not only raise awareness of this devastating disease, but will also renew focus and vigor to the fight to treat and ultimately eliminate Parkinson's disease.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 134) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 134

Whereas Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease;

Whereas even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2011, it is estimated that the disease affects over 1,000,000 people in the United States;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson's disease, and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson's disease vary from person to person and include tremors, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease; and

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance knowledge of this disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson's disease and their families.

ORDERS FOR THURSDAY, APRIL 7, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent when the Senate completes its business today, it recess until 10 a.m. on Thursday, April 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; further, that Senator HOEVEN be recognized at noon for up to 25 minutes to deliver his maiden speech to the Senate.

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

PROGRAM

Mr. DURBIN. Mr. President, we continue to work to complete action on the small business bill. We also hope to deal with the continuing resolution by the end of the week. Senators will be notified when votes are scheduled.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent the Senate recess until 10 a.m. tomorrow.

There being no objection, the Senate, at 7:10 p.m., recessed until Thursday, April 7, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

D. BRENT HARDT, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

DONALD W. KORAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

GEETA PASI, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

THE JUDICIARY

SHARON L. GLEASON, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA, VICE JOHN W. SEDWICK, RETIRED.

SUSAN OWENS HICKEY, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS, VICE HARRY F. BARNES, RETIRED.

DEPARTMENT OF DEFENSE

ALAN F. ESTEVEZ, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. TIMOTHY J. LEAHY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID S. FADOK

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS/COMMANDING GENERAL, UNITED STATES ARMY CORPS OF ENGINEERS, AND APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 3036:

To be lieutenant general

LT. GEN. THOMAS P. BOSTICK

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. WILLIAM H. MCRAVEN

FOREIGN SERVICE

FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

PATRICIA M. AGUILO, OF NEW HAMPSHIRE
CHRISTINA PAULA ALMEIDA, OF RHODE ISLAND
MARIA C. ALVARADO, OF NEW MEXICO
RYAN DAVID BALLOW, OF ALASKA
JOELLE-ELIZABETH BEATRICE BASTIEN, OF MARYLAND
CANDACE L. BATES, OF ALABAMA
OSBORNE DAVIS BURKS III, OF TENNESSEE
G. WARREN CHANE, JR., OF ARIZONA
PIERCE MICHAEL DAVIS, OF FLORIDA
KIMBERLY A. DURAND-PROUD, OF MASSACHUSETTS
ALICE H. EASTER, OF NEW YORK
RAMON JAMES ESCOBAR, OF WISCONSIN
CANDACE LYNN FABER, OF WASHINGTON
ELLIOT C. FERTIK, OF VIRGINIA
MICHAEL RODNEY FRASER, OF NEW YORK
ANGELA SAGER GIRARD, OF TEXAS
RACHEL C. GRACIANO, OF WASHINGTON
BREANNA LENORE GREEN, OF MINNESOTA
ALAMANDA LAVERNE GRIBBIN, OF FLORIDA
RUBEN HARUTUNIAN, OF MARYLAND
EMILY JEANETTE HICKS, OF TEXAS
AJANI BARCLAY HUSBANDS, OF TEXAS
TIM HUSON, OF CALIFORNIA
STEVEN J. JACOB, OF VIRGINIA
ANTHONY M. JONES, OF VIRGINIA
KELLY CHRISTINE LANDRY, OF GEORGIA
DAVID ANTOINE LEWIS, OF NEW MEXICO
PHILLIP L. LOOSLI, OF CALIFORNIA
CHRISTEN CLAIRE MACHAK, OF OHIO
JONATHAN JAMES NELLIS, OF MARYLAND
JENNIFER LORAINE ORRICO, OF WISCONSIN
ANGELA J. PALAZZOLO, OF VIRGINIA
CLARENCE JASEN PETERSON, OF MICHIGAN
DOMINIC PETER RANDAZZO, OF TEXAS
JANE RHEE, OF TEXAS
RACHAEL SCHMITT, OF ILLINOIS
HEIDY SERVIN-BAEZ, OF OREGON
DIONANDREA FRANCINE SHORTS, OF COLORADO
HYUN BO SIM, OF TENNESSEE
SARAH ANNEMARIE SIMONS, OF CALIFORNIA
MICHELLE BERNADETTE TAYLOR, OF CALIFORNIA
JAMI JELENA THOMPSON, OF INDIANA
DALEYA S. UDDIN, OF TEXAS
ANNY HONG AN TRINH VU, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

BRIDGETTE CLARK, OF ALABAMA

DEPARTMENT OF STATE

JONATHAN DANIEL ADAMS, OF NEW YORK
BRANDON BARON, OF FLORIDA
TANYA R. BROTHEN, OF VIRGINIA
ELIZABETH S. CHAN, OF CALIFORNIA
GEOFFREY CHANIN, OF PENNSYLVANIA
HOWARD H. CHYUNG, OF NEW YORK
D. BRENT CORBY, OF VIRGINIA
SANDRA PATRICIA CORTINA, OF THE DISTRICT OF COLUMBIA
ROBERT J. CROTTY, OF VIRGINIA
EDWARD E. DAIZOVI, OF INDIANA
CHRISTOPHER J. DOSTAL, OF PENNSYLVANIA
BENJAMIN J. GIBSON, OF MICHIGAN
ARIEL MICHAEL GORE, OF ILLINOIS
TRAVIS J. HALL, OF COLORADO
KRISTIN KARIN HAWKINS, OF VIRGINIA
HEIDI HERSCHEDE, OF WISCONSIN
JONATHAN P. HERZOG, OF OREGON
SHARLINA HUSSAIN, OF NEW YORK
MEGAN R. IHRIE, OF NORTH CAROLINA
RYAN SCOTT INGRASSIA, OF CALIFORNIA
ANDREW WINDSOR JENKINS, OF TEXAS
LISA SCHUYLER JEWELL, OF ILLINOIS
HEATHER LYNNE JOHNSTON, OF WASHINGTON
E. CAMERON JONES, OF MASSACHUSETTS
SALMAN KHAN, OF MISSOURI
SPENCER ADAM MAGUIRE, OF THE DISTRICT OF COLUMBIA
FLORENCE MADALYN MAHER, OF NEVADA
REBECCA E. MARQUEZ, OF MINNESOTA
JACQUELINE DENISE MOUROT, OF TEXAS
VINCENT M. MUT-TRACY, OF MASSACHUSETTS
MARK L. NEIGHBORS, OF VIRGINIA
DANIEL WESLEY NEWMAN, OF NEW YORK
JAMES P. NUSSBAUMER, OF OREGON
LAWRENCE DAVID PIXA, OF WASHINGTON
CHRISTINE ANANDA PRINCE, OF VIRGINIA
AJAY SHASHIKANT RAO, OF NEW MEXICO
CAROLYN JOY RATZLAFF, OF MICHIGAN
ABIGAIL ELIZABETH RICHEY-ALLEN, OF MINNESOTA
ANNA ELIZABETH RICHEY-ALLEN, OF MINNESOTA
INNA ROTENBERG, OF MARYLAND
SARAH SAPERSTEIN, OF VIRGINIA
MARK JOSEPH SCHLINK, OF THE DISTRICT OF COLUMBIA
SCOTT EVAN SCHLOSSBERG, OF CALIFORNIA
HILLEARY CARTER SMITH, OF MASSACHUSETTS
MATTHEW STEPHENSON, OF THE DISTRICT OF COLUMBIA
KATHERINE LINDSAY SUPLICK, OF MINNESOTA
MARY G. SWARTZ, OF MARYLAND
SARAH J. TALALAY, OF FLORIDA
EDWARD CORNELIOUS THOMPSON, OF ILLINOIS
MAUREEN PATRICIA VAHEY, OF DELAWARE
HELEN HOUSTON VAN WAGONER, OF VIRGINIA
ANNA WANG, OF VIRGINIA
HERMEN Y. YEE, OF MASSACHUSETTS
MICHELLE ZJHRA, OF WASHINGTON

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 6, 2011 withdrawing from further Senate consideration the following nomination:

ALAN F. ESTEVEZ, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS. (NEW POSITION), WHICH WAS SENT TO THE SENATE ON MARCH 14, 2011.

EXTENSIONS OF REMARKS

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—SAMANTHA TODD

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

Volunteering in my community has been one of the most rewarding experiences of my life. Each event provided me with a unique life experience and has added to my sense of community. One of the events I volunteered at was Matthews Elementary School's Fall Carnival. Seeing the interactions between the families and friends was amazing and brought back memories from when I was that age. I also volunteered at Huffman Elementary School's Math Night where I supervised math oriented games. Another place I earned service hours was at Mustang Creek Nursing Home, where I played bingo and talked with the residents. I have sincerely enjoyed the time I have spent at Mustang Creek and I plan on continuing to visit the residents there. One of the longest events I have volunteered in was at my church's aide station in Dallas's Whiterock marathon. I spent six and a half hours helping set up and run the station. These volunteering experiences have changed my perspective and made me feel like a greater part of my community. In the future I plan on continuing to volunteer in my community and help other people.

—*Samantha Todd*

THE RESTART ACT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today I am introducing a bipartisan bill to avert a U.S. rare earth supply crisis by restoring our nation's production of rare earth metals. This bill, the Rare Earths Supply-Chain Technology and Resources Transformation Act of 2011 (RESTART Act), would achieve this by reestablishing a domestic rare earth industry in the United States.

Currently, the world is nearly 100 percent reliant on Chinese exports for these critical materials and China's trade policies of restricting rare earth exports pose a serious threat to both the economic and national security of the United States. China supplies about 95 percent of the world's rare earth metals, used in everything from wind turbines, electric car batteries, television sets, smart phones, and advanced weapons systems. Chinese officials have announced a decision to cut exports of rare earth metals by 35 percent in the first half of 2011. The Chinese government-ordered reduction in rare earth metals exports demonstrates the urgent need for us to act to correct our rare earth supply chain vulnerability.

I became alarmed early in 2009 when I learned that many U.S. defense contractors rely heavily on Chinese exports of rare earth metals to make everything from night vision goggles, tanks, and fighter aircraft, to precision guided munitions. This reliance on China poses a key vulnerability.

My comprehensive, bipartisan legislation will put in place mechanisms to assist U.S. companies with meeting their needs for rare earth metals and ensure our national security needs are met in the near term.

The legislation does not waive environmental laws, but it directs appropriate federal agencies to expedite the permitting process in order to increase the exploration and development of domestic rare earth elements, and the legislation establishes a multi-agency Task Force to carry out this process. The legislation makes federally-backed loans available to start rare earth production only when private capital is not available. The bill sets-up a Defense Logistics Agency rare earth domestic inventory to generate a domestic market and facilitate the domestic sourcing of rare earth alloys and magnets. It establishes a rare earth program at the U.S. Geological Survey, and it require the various cabinet Secretaries appoint Executive Agents for rare earths.

Our Nation must act to protect our security interests with regard to rare earth elements. China is neither an ally of the United States nor is it a reliable trade partner when it comes to these strategic metals.

My legislation has the support of the Coalition for a Prosperous America, CPA, the United States Magnet Materials Association, USMMA, and their members who are most affected by the disruption in the rare earth metals market.

HONORING STAFF SERGEANT JOSHUA S. GIRE

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. AUSTRIA. Mr. Speaker, while we can never fully express the depth of our appreciation for those who give their lives to protect us, I rise today on behalf of the constituents of Ohio's seventh congressional district to recognize and honor the life of Army Staff Sergeant Joshua S. Gire.

Gire, 28, lived a purposeful life. He served the United States with honor. Regrettably, it was Staff Sergeant Gire's duty as a soldier defending the interests of this great country of ours that lead to his death. He was killed in combat in Afghanistan on March 22, 2011. Staff Sgt. Gire showed exceptional courage and bravery while defending the United States.

Joshua S. Gire graduated from Huntington High School in 2000 and enlisted in the Army in 2001, just prior to the terrorist attacks of September 11th. This was Gire's second deployment to Afghanistan. He also served time in Iraq and Kosovo. Staff Sergeant Gire comes from a family dedicated to military service. He followed his grandfather, a World War II veteran, and father, a Vietnam veteran, into the Army.

He had recently been promoted to Staff Sergeant. Gire was based in Germany before his deployment to Afghanistan, where he lived with his immediate family. Staff Sergeant Gire is survived by his wife Jackie, as well as their 5-year-old son Nicolas and their daughter Riley, who just turned 3.

Those who know Staff Sergeant Gire speak highly of him, saying he is a role model to young children, and that he did his job and he did it right. My heart goes out to his widow and their children. Joshua S.Gire is a true hero who will never be forgotten.

Thus, today I ask my colleagues to join me and the constituents of the Ohio's seventh

congressional district in honoring the life and memory of Staff Sergeant Joshua S. Gire.

A TRIBUTE TO MR. BILL SAMUELS, JR.

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. GUTHRIE. Mr. Speaker, I rise today to honor a great Kentuckian, Mr. Bill Samuels Jr. On April 15, Mr. Samuels will retire as President of Maker's Mark Distillery in Loretto, Ky., leaving a legacy of old fashioned integrity and quality craftsmanship.

Our Commonwealth produces many incredible products. Along with Kentucky grown horses and tobacco, we are also known for our fine bourbon.

Samuels has dedicated his career to Kentucky's signature industry, helping to make Kentucky bourbon world renowned and contributing so much to such a vital part of the Commonwealth's heritage that provides thousands of jobs.

A seventh-generation distiller, Samuels took over the family business from his father, Bill Samuels, Sr., who invented the Maker's Mark recipe.

Samuels followed his father's lead in crafting a superior product by continuing the tradition of small, closely supervised production—keeping the bottling to about 600,000 cases per year, a fraction of most distilleries.

Though Samuels grew up around the bourbon industry, playing Lincoln Logs with an aged Col. Jim Beam, he had other ideas for his future. Samuels played basketball in high school; however, he realized he was not very good.

He then went to college at Case Western Reserve University where he studied rocket science and solid propellants. When solid propellants became obsolete, Samuels decided to attend law school at Vanderbilt University.

When he finished law school, he returned to Kentucky to work temporarily for his father, but 13 years later he was still with the company, and his father, Samuels, Sr., passed him the mantle of Maker's Mark.

Of the Nation's bourbon distilleries, Maker's Mark is the oldest distillery, continuously operating on its own site. I am proud to represent them here in Washington and look forward to their continued success.

I ask my colleagues to join me in honoring Mr. Bill Samuels, Jr., for his dedication and contributions to the Commonwealth of Kentucky.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ZACHARY STUBBLEFIELD

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I assisted with an Eagle Scout project at the Heritage Farmstead in Plano, Texas. The project consisted of planting eight trees along a fence. This required digging holes about four feet deep and four feet wide. After placing the trees in the holes, we had to fill the holes back up with soil, then place mulch around each tree, and finally water the trees. I also played in the orchestra for the Christmas performance at the Custer Road Methodist Church. This allowed me to work with some of the professionals in our community. This opportunity allowed me to gain more experience as a musician, as well as contributing as a member of the orchestra for my church. I played in the King's Players for the Church on two different occasions. This gave me an opportunity to give back to my church.

—Zachary Stubblefield

HONORING MAX POMERANC

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. WEINER. Mr. Speaker, I rise today in recognition of Max Pomeranc. Mr. Pomeranc has been a member of my staff since 2007. For almost four years, he has served the United States Congress and the people of Brooklyn and Queens with honor and distinction.

Max is a native New Yorker who brought the characteristics associated with being a New Yorker to work with him every day: hard-nosed determination, a keen sense of justice and fairness, and a strong willed refusal to allow any of my constituents to get anything less than fierce advocacy and unyielding assistance from my office.

Over his many years of service, Mr. Pomeranc helped secure millions of dollars for the communities I represent. He worked with all levels of government to get the 9th district in New York as much funding as possible. Max oversaw the operations in my office that protected the elderly and disabled, give a voice in government to the disenfranchised, and honored the sense among citizens that elected officials are here to help people, first and foremost.

Max steered my district ship through many battles. There was an historic presidential election, budget battles with an all-time feverish pitch, and the passing of the most sweeping health care reform legislation since the creation of Medicare.

This chapter of Max's storied career gives way to his next adventure, and I rise to give him due recognition. He will be missed by his colleagues, my constituents, and by me.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. KIND. Mr. Speaker, I was unable to record my vote on the House floor during the vote on H.R. 1246 on Monday, April 4, 2011 because of family commitments in Wisconsin. Had I been present, I would have voted in favor of H.R. 1246 (Roll no. 225).

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—TINA SHARMA

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important

truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, ''CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.'' I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, ''A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.''

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

''We make a living by what we do, but we make a life by what we give.'' This quote by Winston Churchill describes me and my life. Since the seventh grade, I have dedicated my time in volunteering for various organizations that bring the community together. As teenagers, there are times when we are all busy with homework or competition, but there is always a time where we have nothing scheduled. It's moments like these where I know that instead of watching television and being a couch potato, I could actually be helping my community. I have volunteered at numerous school events, programs held by the Salvation Army, as well as activities at retirement homes. Throughout my experiences with volunteering for these activities, I have learned how to speak with the different age groups, which has improved my communication skills greatly. I also learned how many teenagers take basic necessities for granted and that we should think of those less fortunate. There is nothing better than the feeling of giving back to the community, not in one way, but in many! There is no better feeling that knowing that I helped the community by dedicating my time.

—Tina Sharma

HONORING STEPHEN M. BLOCK

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to honor my constituent, Stephen M. Block, who is retiring as Legislative Director of the American Civil Liberties Union for the National Capital Area.

Steve has demonstrated outstanding leadership and integrity during his service with the ACLU. Throughout the past 17 years, Steve has worked tirelessly on a broad range of civil liberties matters in order to bring about a more fair and just society.

One of Steve's most noteworthy accomplishments was his work on the Sexual Offenders Registration Act (Megan's Law). Steve identified numerous objectionable features that would have discriminated against the lesbian, gay, bisexual, and transgender community. Thanks to his tireless efforts, the bill that was enacted was significantly improved. For his effective and determined work on this law, Steve received the Distinguished Service Award from the Gay and Lesbian Activists Alliance.

Steve also played an invaluable role in drafting and lobbying for the First Amendment Rights and Police Standards Act of 2004, which established a new regime for the exercise of First Amendment rights in the District. And he was integral to the passage of the statute establishing the Office of Police Complaints.

ACLU Executive Director Johnny Barnes puts it well:

Steve Block, in my view, cannot be replaced. A combination of intellect, wisdom, vision, grit, gnash, and tenacity, this is one gentle man with whom you don't want to tangle. Do not be deceived by his soft eyes, ready smile and grandfather-like persona, this is one tough cowboy. A former Navy officer and CIA and State Department employee, Steve reflects, in every respect, the highest honor, unblemished integrity, and flawless principle. Yet, while he is strong, he can be very sensitive. He has the capacity to address complex matters dispassionately, and at the same time demonstrate appropriate compassion. He is easy to work with, yet unafraid to stand alone. He hears the call of Ghandi and respects the legacy of King. Still, Steve happily follows, and readily leads. He is a brilliant thinker, a superb researcher, and a provocative and penetrating writer. He has been the sage on our staff, one who is always able to find a way to bring seemingly diametrically opposing forces to the same end. . . He cannot be replaced, his impact will be felt well into the future. Yet, at the same time, the imprint he leaves will serve as a guidepost for the one who comes after him.

Steve will be sorely missed by the ACLU and the countless people for whom he has fought so hard, but his work for the advancement of civil liberties will continue to benefit us all for many years.

HONORING BOB YOUNG

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. WELCH. Mr. Speaker, today I stand before you to honor Bob Young, the retiring president of Central Vermont Public Service.

In his time at CVPS, Bob led the company through a cultural, service and environmental transformation to the benefit of its customers and the Green Mountain State. He turned CVPS into a leaner, more responsive company that placed customer service, reliability and corporate citizenship as its cornerstones.

When Bob assumed the presidency in 1995, CVPS faced a host of challenges, from utility restructuring to rate pressures to low employee morale. CVPS was often perceived as out of touch with Vermont values, and regulatory conflicts were common.

Bob put an end, to 'business as usual' and transformed CVPS into a world-class utility, recognized by Forbes as one of 100 most trustworthy companies in the U.S. Under Bob's leadership, CVPS won the Edison Electric Institute's Emergency Recovery Award three times. It is the nation's smallest utility to win it even once.

Bob focused the company on reducing environmental impacts, improving wildlife habitats and creating the nation's first manure-to-energy customer choice program. The Department of Energy subsequently awarded CVPS the 2009 Utility Green Power Program of the Year.

Bob made CVPS a model of corporate civic engagement, providing leadership on a host of community projects in Vermont, and organizing blood drives that have broken the New England record three years in a row.

Bob will leave a lasting legacy when he retires on May 3, 2011. Please join me today in thanking Bob Young for his leadership and in wishing him and his wife, Vicky, the very best in the next phase of their lives.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. KIND. Mr. Speaker, I was unable to have my votes recorded on the House floor on Tuesday, April 5, 2011 due to a flight delay caused by mechanical difficulties. Had I been present, I would have voted in against the previous question motion on H. Res. 200 (Roll no. 226), against H. Res. 200 (Roll no. 227), and in favor of approving the Journal (Roll no. 228).

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ANNA SHAPOVALOVA

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, ''CYAC in the Community has

allowed me to realize my calling to serve those in the U.S. Armed Forces.'' I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, ''A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.''

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

For the 2010–2011 Congressional Youth Advisory Council year I participated in the Plano Teen Court program. This program deals with underage teenagers who have committed class ''C'' misdemeanor, whether it is a traffic violation, disturbance of class, assault, or possession of drug paraphernalia. To be able to participate in the role that I am honored enough to have been able to land, that is, the role of one of the most loved (or the most ill despised) people in the court room (chiefly, rotating between the prosecuting and defense attorney positions), I had to undergo a training session. The training was aimed at making me acquainted with the more simple aspects of the judicial system, with the proper way to carry myself in a court of law, and with oratory skills necessary for proper presentation of the circumstances. As a Teen Attorney I defended/prosecuted the defendants, in order to give them a punishment, consisting of simple court fees and community service. This community service, with specialized hour ranged being given for each offense. A panel of peers, teenagers who have volunteered their time to admonish a punishment that they feel is fair to the miscreants.

—*Anna Shapovalova*

HONORING RALPH M. BARUCH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mrs. LOWEY. Mr. Speaker, I rise to pay tribute to Ralph M. Baruch, who will receive the WNET Distinguished Service Award, and to honor his pivotal role in American broadcast media.

Ralph Baruch has led a truly remarkable life. Born in Frankfurt, Germany, he fled as a young child from Nazi Germany to Paris. He again sought exile from France during the war and on a three-month journey through France he heroically transported his grandmother over the Pyrenees Mountains.

From an early age, Ralph understood the vital power of the free media to ensure a just and fair world. Following his immigration to the United States in 1940, Mr. Baruch began his long and distinguished career in communications in radio then joined the DuMont Television Network in 1950. As television became a force in the American lifestyle, he began a long stint at CBS in 1954, then co-founded Viacom International Inc. and served as President and CEO from 1971 to 1983. During his tenure, he played a role in establishing or acquiring some of the most popular cable networks in the nation including Lifetime, MTV, Nickelodeon, The Movie Channel, and VH-1.

Events during Ralph's formative years were perhaps the most poignant in history in demonstrating the influence of media and the suppression of information on society. Perhaps that is why he sought to ensure an open government and freedom of the press throughout his career, including by co-founding C-SPAN. He believed strongly in the public's right to a real-time connection to our government's proceedings and in the responsibility of our citizens to actively participate in our government. C-SPAN has grown to provide unprecedented unedited coverage of government events throughout the nation as well as cultural and educational opportunities, like literary discussions and materials for teachers and students.

Mr. Baruch has already been honored with numerous awards for his leadership including an induction into the Cable Hall of Fame in 2006, cable television industry's highest honor, the Vanguard Award, their Chairman of the Year Award, and the International Radio & Television Society's Gold Medal.

Mr. Baruch has also donated his time to a number of important positions in his community to support public television and to promote the history of broadcast media. He served as vice chairman of Carnegie Hall, a Trustee of the Museum of Television and Radio, and a member of the New York City Cultural Affairs Advisory Commission under former Mayor Rudolph W. Giuliani. He currently serves on the board of Thirteen and as a Trustee of Lenox Hill Hospital.

Mr. Baruch has balanced his distinguished career and philanthropic work with an equally impressive family life. He and his wife Jean have four daughters, Eve Baruch, Renee Baruch, Alice Baruch, M.D., and Michele Baruch Jeffery. Mr. Baruch is the author of an autobiography, Television Tightrope—How I Escaped Hitler, Survived CBS and Fathered Viacom, published in April 2007.

I urge my colleagues to join me in honoring a national broadcast media icon, Mr. Ralph Baruch.

HONORING CAPTAIN BRIAN RINGER

HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. ROKITA. Mr. Speaker, I rise today to recognize and congratulate an important member of Indiana's Morgan County Sheriff's Department.

Captain Brian Ringer served the Morgan County Sheriff's Department with distinction, integrity, and dedication. He consistently demonstrated the highest standards of outstanding leadership and public service.

Captain Ringer has been a trusted member of the Morgan County Sheriff's Department for over 29 years and has played a central role in securing and protecting the citizens of Morgan County. He left the Department on January 20 of this year to begin work as a fulltime instructor with the Indiana Law Enforcement Academy and will continue his dedication to public service.

I am proud to honor Captain Brian Ringer in recognition of his accomplishments, exemplary leadership, and outstanding contributions to the Morgan County Sheriff's Department.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—CAITLYN WOOLUM

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010—2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, ''CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.'' I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, ''A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.''

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

This year on CYAC we were required to have five hours of community service. Being a busy senior with a huge to do list, I wrote this off as yet another project and essay I was required to complete. Little did I know that I would be so impacted by my volunteering for CYAC. It started with me helping clean up the trash and mess at my school. Gross as it was, we made a difference at

school by getting more people involved in cleaning up our campus and helping to prevent trash from being thrown everywhere so often. Then I decided to volunteer at Spring Creek Gardens, an assisted living home and memory care facility. I volunteered with the memory care patients, playing bingo, singing songs, helping a children's choir, reading, doing a bible study and mostly chatting with the patient's whom did not have many visitors because of their Alzheimer's disease. I was excited to see the growing smiles on their faces as I chatted and heard stories of their kids and their long lives. I decided to continue volunteering each Sunday and helping out as much as possible. Not only did this project help me to make a difference in my community, it made a difference in me as well.

—*Caitlyn Woolum*

TRIBUTE TO DR. LEROY DAVIS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to one of South Carolina's outstanding academic leaders as he is honored by his alma mater. On April 28, 2011, South Carolina State University is dedicating Leroy Davis Sr. Hall, a science and research complex, in honor of the former student who returned to S. C. State as a professor and went on to serve as its eighth President. I can think of no one more deserving of this honor.

Leroy Davis was born in Garden City, South Carolina, and is a graduate of the old Wilkinson High School in Orangeburg. He attended South Carolina State College (now University) and graduated in 1971 with a B.S. degree in Biology. The following year, he earned a master's degree in Microbiology from Purdue University. In 1979, Dr. Davis received his Ph.D. in Molecular Biology.

After earning his academic credentials, Dr. Davis returned to his roots and took a position as an assistant professor of biology at South Carolina State. He went on to become a full professor, and published numerous articles and papers in general and technical journals.

Dr. Davis continued to climb the professional ladder at South Carolina State, successively holding positions as Program Director for Talented and Gifted Workshops; Director of Academic Counseling and Tutorial Programs; Director of the Office of Institutional Self Studies; Vice Provost for Academic Administration; Vice President for Student Services; and Interim President.

On April 10, 1996, Dr. Davis became President of South Carolina State University by a unanimous vote of the Board of Trustees. He took over during a troubled time at the college, becoming the second president in just 3 years.

During his career at South Carolina State he accrued a number of honors, including Outstanding Young Men of America 1978, 1979 and 1980; "Teacher of the Year" in 1985 and South Carolina Business Visions Top 25 Influencers for 1997.

After 6 years as President, Dr. Davis retired from South Carolina State on June 30, 2002. The highlights of his tenure include securing $10 million in federal funds for the James E. Clyburn Transportation Center, renovations to Lowman Hall, expansions of the Whittaker Library and Hodge Hall, improving Internet accessibility on campus and allowing students to register for classes by computer. He successfully completed construction of the 1890 building that had been mired in contractual disputes for years.

In addition, he secured $9.5 million for a fine arts center, oversaw enhancements to the Smith-Hammond-Middleton Monument, and erected an SHM historical marker for the three students killed in the Orangeburg Massacre. He also led the effort to establish the Nuclear Engineering program at S. C. State, the first degree program of its kind at a historically black college.

Today, Dr. Davis serves as Executive Director of the Center of Excellence in Rural and Minority Health and Distinguished Professor of Biology at Voorhees College in Denmark, South Carolina. He is also a leading consultant with the Southern Education Foundation's Center to Serve HBCU Leadership Project.

He is also very active with the Southern Association of Colleges and Schools, SACS, and has chaired many visiting committees, presented workshops and symposia, and served on special committees. In 2002 he was awarded the SACS Distinguished Service Award for his long-term service and commitment to SACS.

Dr. Davis holds membership in numerous professional and civic organizations, including the American Council on Education, Sigma Pi Phi Fraternity, the New York Academy of Science, and Rotary International.

He also sits on a number of boards and commissions including the South Carolina Governor's School for Science and Mathematics Board of Trustees, the Jessie Ball Dupont Fund Board of Trustees, the Southeastern Council of Foundations Board of Trustees, the Mt. Calvary Baptist Church Board of Trustees (Chairman) and the Purdue University College of Science Advisory Board. He previously served on the boards of the National Collegiate Athletics Association, NCAA, the Southern Association of Colleges and Schools, SACS, the South Carolina Aquarium, and the National Association for Equal Opportunity in Higher Education, NAFEO.

Dr. Davis is the recipient of numerous honors and awards, including South Carolina's highest civilian award—the Order of the Palmetto—and honorary degrees from Tuskegee University, Francis Marion University, South Carolina State University, and Purdue University.

Dr. Davis is married to the former Christine McGill of Kingstree, South Carolina and they have two adult children—Tonya and Leroy, Jr.—and five grandchildren.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Dr. Leroy Davis on an extraordinarily distinguished career in academia. It is fitting that he is being recognized for his lifetime of contributions to South Carolina State University. I add my voice to those celebrating his commitment to his Alma Mater. It has been my honor to work closely with Dr. Davis, and I look forward to his continued contributions to academia and society as a whole.

HONORING ELIZABETH OKERSTROM MURGUIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Elizabeth Okerstrom Murguia of Eureka, California on the occasion of her retirement after more than 35 years of extraordinary public service for the people of California's North Coast.

Born and raised in beautiful rural Mendocino County, Liz's parents, Merle and Astrid Okerstrom, instilled in her a deep appreciation for the important things in life: family, community, and civic engagement. From age 10 and on, Liz was raising "Dollars for Democrats" and serving in student government, paving the way for a long career in public service.

Early visits to the Bookmobile growing up nurtured Liz's lifelong passion for books and reading. Graduating from Sonoma State University with a Bachelor of Arts degree in English Literature in 1972, Liz quickly became a committed and dynamic library advocate. She served on the Humboldt County Library Construction Advisory Committee from 1979 through 1995, playing a central role in raising the funds to construct a new Main Library for the Humboldt County Public Library system. In 1991, she was appointed as a California Delegate to the White House Conference on Libraries in Washington, DC. As Co-Founder and President of the Humboldt Library Foundation since 1996, Liz was the recipient of its distinguished Helen Everett Award in 2006 in recognition of 25 years of tireless work on behalf of public libraries. In 2008, Liz was also appointed to serve on the Library of California Board to ensure that all Californians have access to library resources and services for lifelong learning and enrichment.

Following her graduation from college, Liz worked for Zero Population Growth in Washington DC., after which she returned to California and began working for former State Senator and Assemblyman Barry Keene in 1975, where she remained for 18 years.

In 1993, I was honored that Liz joined my State Senate staff as District Representative and then my Congressional staff in 1998, serving as my representative for Humboldt and Del Norte Counties in the United States Congress. Throughout the past 18 years, Liz has proven herself to be an invaluable asset, trusted adviser, and cherished friend. She is a creative and effective problem solver with a breadth of knowledge of public policy and local issues relating to health care, education, community development, and working with Native American Tribes. Liz also has a developed expertise in understanding and solving the North Coast's wide range of natural resource issues, including public land management, timber, salmon restoration, and ocean resources.

Liz is a masterful writer and fundraiser, well known and deeply respected by the community. Her impact has been far-reaching through her service on many boards and committees such as the Open Door Community Health Clinics Board, Keep Eureka Beautiful Board, St. Joseph's Hospital Advocacy Committee,

Humboldt County Democratic Central Committee, Aligning Forces 4 Quality Care Leadership Team, and Timber Heritage Museum Advisory Council. She has also previously served on the North Coast Regional Land Trust Advisory Council, Humboldt Child Care Council, Women's Resources For Work Board, and the North Coast Pro-Choice Pac Board. In 1988, Liz was selected as Democrat of the Year by the Humboldt County Democratic Central Committee.

Liz is fortunate to be surrounded by a large circle of loving family and lifelong friends. She shared 30 years with the great love of her life, her late husband Sef, with whom she shares four children, Todd, Dana, Adam, and Michael, and nine grandchildren. Liz has a deep appreciation for the arts and music, and is known for her warm and welcoming nature as a hostess of frequent dinner parties, as well as being a passionate gardener, how she spends much of her time.

Mr. Speaker, it is appropriate at this time that we acknowledge Elizabeth Okerstrom Murguia for her 35-plus years of dedicated service and extend our best wishes for a well-deserved retirement. She will be greatly missed.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—SEAN WHITNEY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

For my mandatory service project, ''CYAC in the Community,'' I had the distinct privilege of serving my community both physically and intellectually. Specifically, I, on behalf of the Frisco Blackbird Squadron of The Civil Air Patrol, was a road guard for Frisco's annual Gary Burns Fun Run as well as a tutor for many of my fellow peers. My intellectual service presented itself in the form of tutoring. During what was, for many, the most stressful time academically of the whole year, I was repeatedly asked to help the stuggling with certain tough concepts. I gladly agreed and spent time that I could have used to study for my tests in order to prepare them. My physical service was given in the name of the entire community in the form of the City of Frisco's 11th Annual Gary Burns Fun Run. By setting up barriers, managing the obstruction-free race route, and controlling the restless spectators, I was able to contribute to Frisco's biggest event and one of the nation's largest ''fun runs.'' Additionally, I learned that the nature of servant leadership necessitates actively looking for needs in the community or in an individual.

—*Sean Whitney*

PERSONAL EXPLANATION

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. LOEBSACK. Mr. Speaker, I mistakenly cast my vote on rollcall vote No. 209 on Representative DEFAZIO's Amendment No. 9 to H.R. 658 as a "no" vote. I intended to cast an "aye" vote on this measure.

RECOGNIZING ROGER KIRWIN

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Mr. Roger Kirwin of Everett for being named Bedford County's Historian of the Year for 2011 by the Bedford County Historical Society.

Mr. Kirwin is commended for his efforts in preserving, protecting, and documenting the history and heritage of Bedford County and its people.

The Historian of the Year Committee selected Roger in recognition of his contributions to the historical programs at Old Bedford Village. Throughout his term as Executive Director he enhanced many of the already existing programs and added many new programs to the Village's calendar.

Roger has helped provide resources for educational programs for use by local schools. He also routinely takes educational materials to schools in the county to make presentations on various topics of interest in the county. Roger has often provided programs for senior citizens, civil groups, and organizations such as the Rotary Club, Lions, churches and Scouts.

These events have always been exceptional and well-received by locals and the many tourists who come to participate. Not only did he plan these events, but he has been a part of the many re-enactments and programs.

Roger's visits to the schools and youth organizations of Bedford County to educate young people on county history are greatly appreciated.

Mr. Kirwin's enthusiasm for the history and heritage of Bedford County is admirable and I commend him for his efforts.

HONORING FISHER/NIGHTINGALE HOUSES

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. AUSTRIA. Mr. Speaker, I rise today on behalf of the constituents of Ohio's Seventh Congressional District to recognize and celebrate the grand opening of the new Fisher House located on Wright-Patterson Air Force Base Ohio.

Wright-Patterson Air Force Base is the birthplace, home, and future of aerospace, but most people are not aware that it is also the birthplace of compassionate care housing in the Department of Defense. The base opened the Nightingale house in May of 1990 by converting a base house, making it the first compassionate care house in all of DoD.

In 1991, Zach and Elizabeth Fisher were asked to build one Ronald McDonald type house at Bethesda Naval Medical Center, Maryland. What started as a request to build one house has blossomed into a network of 53 compassionate care locations world-wide. Although both Zach and Elizabeth have passed on, their legacy continues today through their nephews and grandnephews.

The Wright-Patterson AFB Fisher and Nightingale Houses provide an opportunity for wounded, injured, and ill military men and women and their families to stay together and support each other while undergoing medical treatment. Guests do not pay for their stay in one of the homes. Furthermore, each house has a wonderful staff and volunteers who provide loving support and ensure all of their needs are met. In 2010, the two Wright-Patterson AFB houses assisted more than 600 families from all branches and components of our Armed Forces, and more than 10,000 families since the opening of the first home nearly 22 years ago.

The new Fisher home opening today is a 10,000 square foot single story home, with 12 bedrooms, 12 handicapped accessible bathrooms, formal living room, large family room, large kitchen and dining room, and expanded laundry facilities. This new home will give Wright-Patterson an additional 1,460 bed nights a year, bringing the entire capacity to 7,665 bed nights a year.

Thus, today I ask my colleagues to join me and the constituents of the Ohio's Seventh Congressional District in celebrating the grand

opening of Wright-Patterson AFB's new Fisher House and Compassionate Care Facility.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—JILL WALLER

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

For my volunteer work, I went to Truett Elementary School on three occasions. During my time there, I got to work with underprivileged kids in their after-school program, because many of the children have working parents who cannot pick them up from school until 2 hours after the school day ends. Depending on the day and time, I would help with homework for the day, do arts and crafts, and play with the kids on the playground. Each time, I made friends with the kids and helped them in some way or another, whether it was walking with them to the bathroom or teaching them how to do their math homework. Much of the after-school program is run by volunteers, and without all of us the teachers would not be able to have as many activities for the children or be able to control all of them. This experience showed me how well I had it as a child, as well as how young children in our community need people to look up to and help them. I plan on going back to Truett at least once a week if I can, and continuing to help all of the children with their work.

—*Jill Waller*

RESTORING GI BILL FAIRNESS ACT OF 2011

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. MILLER of Florida. Mr. Speaker, today, I have introduced the Restoring GI Bill Fairness Act of 2011.

This bill will temporarily authorize the Department of Veterans Affairs, VA, to pay tuition and fees on behalf of eligible veterans attending non-public education and training institutions in an amount that is the greater of $17,500, or the maximum in-state rate for undergraduate tuition and fees in effect on October 27, 2010.

Mr. Speaker, this temporary change would prevent students who have already enrolled in non-public schools from experiencing a reduction in tuition and fees paid by VA on their behalf due to changes made under Public Law 111–377, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010.

Under the original Post 9/11 GI Bill passed in 2008, the maximum tuition and fees paid to any school—public or private—was equal to the highest in-state rate for undergraduate tuition and fees. Most students attending private institutions in a few states with high public school tuition and fees like New York, Michigan, and Texas receive more assistance under the state-based formula than they will beginning next August under the $17,500 per year cap required by Public Law 111–377. Such was the expectation of those who enrolled in private schools before the changes were made. I believe it is only fair to "grandfather" those veterans who, through no fault of their own, were adversely affected.

I am pleased to note that this bill is fully paid for in compliance with House rules. The offsets required by this bill are preliminarily estimated to be about $105 million and will be covered by a temporary, short-term freeze in the monthly Post 9/11 GI Bill housing stipend amounts at the current level for a period of 30 months beginning August 1, 2011. After that period, the monthly housing stipend will be restored to the full rate in effect at that time.

Mr. Speaker this is a temporary, but important fix to the GI Bill that will benefit hundreds of veterans in several states and I encourage all Members to cosponsor the bill.

IRAN'S NUCLEAR PROGRAM

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. REED. Mr. Speaker, I rise today because the threat posed by a nuclear armed Iran poses an unacceptable risk to the United States and our close ally Israel.

It is clear that Iran is not pursuing a purely civilian nuclear program, but rather one that is designed to further their ability to access and utilize nuclear weapons. This is supported by our country's military and intelligence leaders. Chairmen of the Joint Chiefs of Staff Adm. Michael Mullen said he doesn't believe "for a second" that Iran's nuclear program is for civilian use. While Director of Intelligence James Clapper testified to Congress that Iran is developing "various nuclear capabilities that better position it to produce such weapons."

Yet, Iran's nuclear program continues unabated.

With enough low-enriched nuclear material to produce three nuclear bombs, Iran could be at most two or three years away from a nuclear weapon. They are also developing the capacity to stockpile highly enriched nuclear material.

Quite simply, United States policy must remain focused on preventing Iran from acquiring a nuclear weapon. I believe that sanctions remain the best tool at our disposal to peacefully persuade Iran to abandon its reckless defiance of international law.

While existing sanctions from the U.S. and the international community had achieved a crippling effect on the Iranian economy, I believe that our sanctions should be tougher to keep pressure on the Iranian leadership. This includes sanctioning foreign banks and energy companies.

The choice is ours: we must continue to engage the international community and do everything in our power to protect our vital ally Israel.

RECOGNIZING REV. CHARLES L. CURRIE, S.J.

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. BISHOP of New York. Mr. Speaker, I rise today to offer my heartfelt congratulations to a dear friend, Rev. Charles L. Currie, S.J., on his retirement from the presidency of the Association of Jesuit Colleges and Universities (AJCU).

For over four decades, Father Currie has served as a tireless advocate of independent higher education. His passion and dedication have had a tremendous influence on the lives of countless students through his multiple roles as an educator, spiritual leader, and humanitarian. A true renaissance man, Father Currie has personified the AJCU mission of leading a meaningful life of leadership and service.

A product of the Jesuit system, Father Currie earned degrees from Fordham University, Boston College, and Woodstock College, as well as a doctorate in physical chemistry from the Catholic University of America. Following his post-doctoral studies at Cambridge University, Father Currie went on to serve as a noted faculty member at Georgetown University before serving as president of Wheeling College (1972–1982) and Xavier University (1982–1986). At Wheeling and Xavier, his vision and leadership placed an emphasis on the importance of academic quality, effective

planning and management, active involvement and commitment to the community, and strong public-private and ecumenical partnerships.

Following his tenure at Wheeling and Xavier, Father Currie retuned to Georgetown University to direct the University's Bicentennial Celebration, which included over 90 academic, cultural and celebratory events from September of 1988 through September of 1989. Later in 1989, following the assassination of six Jesuit priests and two female coworkers by members of the El Salvadorian military, Father Currie was named special assistant to the President of Georgetown to coordinate the university's response to this tragedy. Working closely with congressional leaders and aides, Father Currie successfully organized a number of educational programs at Georgetown and participated in the extensive Congressional response to block military aid to El Salvador.

In 1997, following several years serving as Rector of the Jesuit Community at Saint Joseph's University in Philadelphia, Father Currie took the reins as president of the AJCU. Under his leadership, the AJCU has implemented numerous initiatives to increase the free flow of information and communication between the 28 member institutions of the Association. The development of the Jesuit Distance Education Network (JesuitNET) has earned national acclaim, receiving two federal grants and selection by the U.S. Department of Education to participate in the Distance Education Demonstration Program. Similarly, the creation of the AJCU Leadership Development Seminar, the promotion of mission and identity activities, and the concerted effort to promote the education of justice have combined to significantly enhance the coordination of Association goals among member institutions.

Perhaps Father Currie's greatest accomplishment as president of the AJCU arose out of tragedy. In 2005, following the Hurricane Katrina catastrophe, Father Currie organized a rapid response from the AJCU members to admit over 1,600 students from Loyola University New Orleans and other affected area universities. By allowing the affected students to continue their studies before returning to the Gulf area in the spring semester, the students were able to maintain uninterrupted instruction and remain on track for timely graduation.

Mr. Speaker, I applaud Father Currie for his immeasurable contributions to the cause of higher education and I congratulate him on his well earned retirement following a distinguished career of service and advocacy. In closing, I would be remiss if I did not include the following Ignatian prayer, dedicated to Father Currie and the devoted Jesuit educators like him:

Eternal Word, only begotten Son of God,
Teach me true generosity.
Teach me to serve you as you deserve.
To give without counting the cost,
To fight heedless of wounds,
To labor without seeking rest,
To sacrifice myself without thought of any reward,
Save the knowledge that I have done your will.
Amen.

RECOGNIZING THE 2010-2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—ROSS VAN DE KOP

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council (CYAC) from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, "CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces." I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, "A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization."

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

Entering the North Texas Food Bank, I expected to find a small operation of a few dedicated volunteers working tirelessly towards helping as many people as they could. Yet this was not the case, as the facility that I arrived at was a massive testament to the human capacity for compassion. Over 200 workers in a warehouse that rivaled the size of an industrial plant, completely dedicated to helping the citizens of North Texas. Considering a society is measured on how we treat our worst citizens, I would go as far as to say the people at the food bank are bringing America to an even higher standard. The NTFB provided over 40 million meals for the citizens of North Texas in 2010, and are aiming to hit 50 million by the end of this year. Had I only heard this number and not seen the facility, I would have called it far too ambitious. But from what I observed, we packed 21,155 pounds of usable food, creating a total of 16,227 meals, in under 5 hours. Thanks to the people at the North Texas Food Bank, I truly believe that we, as both Texans and Americans, are doing our best to help as many people as we can.

—*Ross Van de Kop*

INTRODUCTION OF THE HEALTH OUTCOMES, PLANNING AND EDUCATION ACT (HOPE) FOR ALZHEIMER'S

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. MARKEY. Mr. Speaker, I rise today along with my fellow co-chair of the bipartisan Alzheimer's Task Force Mr. SMITH (R–NJ) and colleagues Rep. MCDERMOTT (D–WA), BURGESS (R–TX), BORDALLO (D–GU), CHRISTENSEN (D–VI), GRIJALVA (D–AZ) and PIERLUISI (D–PR) to introduce the bipartisan Health Outcomes, Planning and Education (HOPE) for Alzheimer's Act.

One in eight Americans over 65—or 5.4 million individuals—have Alzheimer's disease. Unless science finds a way to prevent or cure it, over 13 million Americans will have Alzheimer's disease by the year 2050.

The HOPE Act aims to improve the way we diagnosis Alzheimer's disease and other dementias and provide important information about care and treatment for patients and their families. The bill provides Medicare coverage for comprehensive diagnoses of Alzheimer's disease to guarantee that seniors who show signs of Alzheimer's can receive a formal diagnosis from their doctor and that this diagnosis is documented in their medical record. The bill would also improve care and reduce costs by providing information and resources to newly diagnosed patients and their families by including, for the first time, caregivers in discussions with doctors and patients.

At present, most people with Alzheimer's disease and other dementias have not received an official diagnosis. Data from a report done by the Alzheimer's Association found only 19 percent of people over age 65 with dementia had a diagnosis documented in their medical record. African American and Hispanic populations, at higher risk for Alzheimer's disease than whites, are even less likely to have been diagnosed.

Early diagnoses can help individuals receive treatments early, when medications are more likely to be effective, and they allow patients to participate in clinical trials to benefit from cutting edge research. With an early diagnosis, patients can prepare for the oncoming symptoms of the disease with their doctors and caregivers. Ultimately, this can bring down Medicare costs by helping patients better manage other preexisting medical conditions and avoid crises.

Each year, the federal government spends $93 billion out of Medicare, or almost 20% of the entire Medicare budget, to care for Alzheimer's patients. This money pays for hospitalizations, doctor's visits, and drugs associated with the disease. Facilitating conversations with doctors and caregivers and providing resources for families can help mitigate the number of hospitalizations and complications for patients with the disease.

While we work here in Congress to invest more funding for Alzheimer's research to find a cure, we must continue to help the families who have been impacted by this devastating disease. This bipartisan legislation is a good step toward ensuring these important measures are taken.

The Alzheimer's Association, Alzheimer's Foundation, Cure Alzheimer's Fund, and UsAgainstAlzheimer's have endorsed our legislation, which will increase the likelihood that Alzheimer's will be diagnosed sooner and help families plan for the necessary treatments and care. I look forward to continuing to work with my colleagues on this important issue throughout the legislative process.

CONGRATULATING THE RESIDENTS OF PLUM LAKE, WI ON THEIR CENTENNIAL ANNIVERSARY

HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. RIBBLE. Mr. Speaker, I rise to congratulate the residents of the Town of Plum Lake in Vilas County, Wisconsin, as they celebrate the 100th anniversary of their town's founding. Plum Lake comprises the communities of Sayner and Star Lake, which have long been vacation destinations for Wisconsin residents because of their friendly people, magnificent lakes and forests, and abundant fish and game. Folks looking to escape the daily grind can retire to this beautiful area year-round to hunt, fish, ski, and hike along lovely nature trails. Visitors are often surprised to discover that the Town's slogan, ''Birthplace of the snowmobile,'' reflects its invention there by Carl Eliason in 1924.

The Town of Plum Lake was officially formed by an ordinance passed by the Vilas County Board on January 5, 1911. The ordinance went into effect on April 1, 1911, creating the new town from territory detached from the Town of Arbor Vitae. The first town meeting was held in Sayner on April 14, 1911.

In the 19th century, Plum Lake was the center of a vibrant lumber industry, which eventually gave way to tourism. Two years before the founding of the Town, in the summer of 1909, Herb Warner and others began construction on the Plum Lake Golf Club, which opened in 1912 and is today one of Wisconsin's oldest golf courses. Plum Lake also boasts one of Wisconsin's oldest summer camps, Camp Highlands, which began when Harry O. Gilette, a University of Chicago Laboratory School Headmaster, brought ten boys to a remote point on Plum Lake for a summer in the wilderness in 1904.

Today, Plum Lake maintains both its majestic landscape and its place as a prime vacation destination. I am very proud to represent this community and I congratulate the Town of Plum Lake on this historic milestone. I join with all Wisconsinites in expressing pride in the treasures of our state.

PROTECT THE FAMILIES OF FALLEN SERVICEMEMBERS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. FILNER. Mr. Speaker, today I am proud to introduce H.R. 1263, to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures.

Protecting our veterans and service members is important, but their families are an extension of our military families and affording them equal mortgage foreclosure protection is just as important.

The death of a servicemember while in service, can be hard for a spouse as they adjust to a new life without their loved one, this includes a single family income, which in many instances is not enough to provide for a family and make their mortgage payments. Extending these protections would allow grieving spouses 9 months to work on a resolution with their lender or sell their home, if necessary.

Servicemembers currently receive foreclosure protections for 9 months after the end of military service. These protections under the Servicemembers Civil Relief Act (SCRA) are meant to allow a period of transition and adjustment after service. Unfortunately, this protection does not exist for spouses. That is why today I am introducing this legislation.

H.R. 1263 amends the SCRA by extending protection against mortgage foreclosure for 9 months to a surviving spouse of servicemember who died while in military service and their death is service connected and the individual is the successor of the servicemember's property. In conclusion, H.R. 1263 takes an important step toward protecting the families of our brave fallen heroes. I urge my colleagues to support H.R. 1263.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—CALVIN TSAY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, ''CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.'' I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, ''A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.''

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

On the weekend of February 18–19th, I volunteered at the carnival at Shepard Elementary School. I spent time setting up the carnival, running the actual activities, and taking down all of the decorations. I had been to many school fairs when I was in elementary school, but I had never seen the behind-the-scenes action. Volunteering and working the carnival taught me to be more appreciative, as 1 learned of the efforts involved in running an event. The carnival benefited the community as children were allowed time to play with their families and enjoy time off school. As we finished up cleaning, I talked with many of the other volunteers and realized that many of them wished the carnival were not over. Many volunteers, including myself, enjoy spending their time helping others and having the satisfaction of bettering others' lives. More than two hundred volunteers were a part of the Shepard School Carnival, and I truly believe the carnival would have been impossible without their help. This experience taught me a valuable lesson in the importance of volunteering in the community, and I will definitely continue to serve my community to the best of my ability.

—*Calvin Tsay*

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is $14,262,144,462,897.94.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $3,623,718,716,604.10 since then.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING BARBARA ANN ZAJBEL

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. AUSTRIA. Mr. Speaker, I rise today on behalf of the people of Ohio's Seventh Congressional District to honor the life and memory of Barbara Ann Zajbel.

As a former Xenia business woman and Xenia Area Chamber of Commerce executive, Barbara Zajbel was known as one of Xenia's most loyal, positive and significant leaders. Those who met or knew Barbara benefited from her uplifting attitude and abundant warmth.

As a dedicated and faithful community servant, Barbara encouraged and motivated others through personal example. Over the years, she spearheaded countless community projects that required hundreds of hours of community service. She would not only organize the projects but would also work with volunteers to perform the necessary tasks in order to make the events successful. Both Barbara and her husband, Tom, are particularly remembered for their 15 years or so of commitment to and involvement with the annual Xenia Old Fashioned Days Festival.

From arriving to Xenia in the late 1970's, Barbara devoted her life to service organizations like Rotary, civic groups and boards, education committees and governmental projects. She served on boards of numerous organizations, such as Greene County Convention & Visitors Bureau, Xenia Educational Endowment Fund, Miami Valley Military Affairs Association, Greene County Economic Development Roundtable, Xenia Downtown Revitalization as well as many other commendable associations. She was also a member of St. Brigid Catholic Church.

One of Barbara's most favorite quotes was ''I am only one, but I am one. I cannot do everything, but I can do something. And I will not let what I cannot do interfere with what I can do.'' Barbara exemplified this quote with her love and energy towards Xenia and the many different boards and organizations she served.

After a hard fought battle with cancer, Barbara Zajbel, 67, passed away on March 28, 2011, surrounded by her husband, Tom Zajbel; sons, Jim and Tom Zajbel; and daughter, Tracy Zajbel Palmer. Barbara's life will continue to be an inspiration to all those who loved her and to the community she served so well.

RECOGNIZING THE 2010–2011 CONGRESSIONAL YOUTH ADVISORY COUNCIL FOR 500 HOURS OF OUTSTANDING SERVICE TO THE COMMUNITY—GRANT TOLLETTE

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my pleasure and privilege to inform the Members of the United States House of Representatives that the students of the 2010–2011 Congressional Youth Advisory Council, CYAC, from the Third District of Texas have completed a total of 500 community service hours, fulfilling and far-surpassing the requirements of their assigned CYAC in the Community service project.

This year 46 students from public, private, and home schools in grades 10 through 12 made their voices heard by joining CYAC. As the Third District's young ambassadors to Congress, these bright high school students met with me on a quarterly basis to discuss current events and public policy. These impressive young people recognize an important truth: the heart of public service is found when giving back to the community. CYAC students volunteered their time and talents with over 30 organizations including Adopt-A-Highway, Habitat for Humanity, Meals on Wheels, Teen Court, and the USO, to name a few. As one student shared, ''CYAC in the Community has allowed me to realize my calling to serve those in the U.S. Armed Forces.'' I am beyond thrilled that CYAC has helped students unleash their full potential and chase their dreams.

President George H.W. Bush once said, ''A volunteer is a person who can see what others cannot see; who can feel what most do not feel. Often, such gifted persons do not think of themselves as volunteers, but as citizens—citizens in the fullest sense: partners in civilization.''

With this statement as a benchmark, I am proud to congratulate the members of the 2010–2011 Congressional Youth Advisory Council for showing themselves to be outstanding young citizens of this nation. It is my privilege to submit summaries of their work to the CONGRESSIONAL RECORD to be preserved for posterity and antiquity. To these young public servants, thank you, and keep up the great work! I salute you!

A copy of each submitted student summary follows:

I volunteered at Friday Nite Friends (FNF) located at the Custer Road United Methodist Church. Every other Friday, FNF provides nurses and volunteers to offer free childcare for special needs children and their siblings. As a volunteer, I was placed with a group of boy siblings to entertain and interact with for the evenings I volunteered. I would spend the evenings playing board games and watching movies with my group or playing tag or scooter races in the large rec room. By the end of the evenings, both the kids and the volunteers would be exhausted. When the parents came to pick up their families they would look so happy and refreshed. But they were always so happy to see their kids and be reunited with them. In some cases this program provides the only opportunity for many of the moms to have any time away from their families to do chores, run errands or just have a quiet moment for themselves. I have come to realize how important this program is to the special needs community. I feel very blessed for my own family and feel fortunate that I am able to help other families.

—Grant Tollette

HONORING THE LIFE AND LEGACY OF MEMPHIS STATE BASKETBALL PLAYER AND COACH, LARRY FINCH

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. COHEN. Mr. Speaker, I rise today to pay tribute to the life and legacy of former Memphis State basketball player and men's basketball coach, Larry Finch. Coach Finch was born on February 16, 1951 in Memphis, Tennessee. He grew up in the historic Orange Mound neighborhood and attended Melrose High School. Unaware of the impact his life and love for basketball would have on the city of Memphis, Larry Finch would help ease race relations during a sharply divided era and go on to lead the Memphis State Tigers to the NCAA Tournament finals then coach the team to its greatest number of wins.

Larry Finch joined the Memphis State Tigers in 1969. During a time of high racial upheaval in Memphis, he along with his teammate, Melrose graduate Ronnie Robinson, helped integrate the Tigers. Although he received much advice on schools to attend, he ultimately chose Memphis State because of his love and pride for his city. It was his love for both basketball and Memphis that united the city like never before. Blacks and whites came together, unconcerned about race, to cheer for the Tigers and for Larry Finch.

During Finch's college career, the Tigers had a 63–21 record and either won or tied for two Missouri Valley Conference championships. In 1972, Larry was the Missouri Valley Conference Player of the Year and was named All-America honorable mention by both the Associated Press and UPI. In his senior year, Larry Finch led his team to the 1973 NCAA Tournament championship game against the UCLA Bruins. He scored an impressive 29 points but the Tigers still fell to the Bruins, 87–66. It's reported that when asked why he helped UCLA lead Bill Walton off the court after sustaining an injury to his ankle, he replied with laughter, ''Because he was kicking our butt.'' Bill Walton later noted that it was Larry Finch alone among all players on the court that helped the star when he was in need of assistance.

After helping lead his team to the 1973 finals, Larry's No. 21 jersey was retired. He was the Tiger's all-time leading scorer and currently ranks fourth with 1,869 points. The Tigers had never won an NCAA Tournament game before Larry Finch joined the team.

Larry Finch was drafted by the Los Angeles Lakers after graduating but instead decided to sign with the local American Basketball Association team, the Memphis Tams. From 1975 to 1979, Larry Finch was the assistant coach to his former coach Gene Bartow at the University of Alabama Birmingham and then the assistant coach at Memphis State from 1979 to 1986 before replacing Dana Kirk as head coach.

Larry Finch served as the first African American head coach for the Memphis State Tigers from 1986 to 1997. He was responsible for recruiting and training Memphis greats such as Elliot Perry, Anfernee ''Penny'' Hardaway, David Voughn and the late Lorenzen Wright. During his tenure, Coach Finch amassed

seven 20+ win seasons. He took the Tigers to the NCAA Tournament six times with the 1991–1992 team led by Hardaway going to the Elite Eight. At the end of his coaching career, Larry Finch had a 220–130 coaching record and was named University of Memphis' ''all-time winningest coach,'' a title he still holds today. In 2000, the University of Memphis dedicated a world-class practice facility in his honor—the Larry O. Finch Center.

Larry loved playing against Louisville as either a player or a coach. He was proud of besting the Louisville Cardinals 16 out of 27 times throughout his basketball career. His 1987 Metro Conference Championship win over Louisville in Freedom Hall was perhaps his most memorable meeting against Louisville. The Tigers won that game 75–52, beating the Cardinals for the third time. The Tigers ended that season 26–8 and Finch was named Basketball Times Rookie Coach of the Year.

Larry was loved by many in the Memphis community. After suffering from a stroke in 2002, those close to him created the Friends of Larry Finch Foundation to help cover medical expenses. In 2006, the Foundation released a tribute CD called ''Eye of the Tiger: A Tribute to Larry Finch.'' It featured songs by Memphis performers Al Green, The Bar-Kays, Gary Johns, John Kilzer and Al Kapone.

Larry Finch passed away on April 2, 2011 at the young age of 60. He will be missed by many in Memphis including two of his closest friends, Leonard Draper and Randy Wade, the many players whose lives he touched and hundreds of fans across Memphis and the Nation. He is survived by his wife Vickie, his daughter Shanae Deon Finch and two sons, Larry Finch, Jr. and James Finch. He is also survived by his sister, Gloria Finch, and four brothers, Barry, Gary, Greg and Ronald Finch. Larry Finch was predeceased by two beloved younger sisters, Gail and Gwendolyn Finch. Larry was a great American and we are lucky he came this way for the people of Memphis and our Nation. His was a life well lived.

HONORING SAM HANNA ON THE OCCASION OF HIS RETIREMENT

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. PENCE. Mr. Speaker, I rise today to honor the long and storied career of Sam Hanna. Sam is not only a friend, but a man whom I greatly admire.

Sam has strength of character and a true servant's heart in his community. After graduating from Anderson High school, he went on to receive a degree in Administration of Criminal Justice from Anderson University and then graduated from the Indiana Law Enforcement Academy. He is a member of the Madison Park Church of God, and coached football in the Anderson community for thirty years. Never one to sit on the sidelines, Sam has boldly answered the call of duty even in the face of danger.

In 1978 Sam was shot six times in the line of duty—in the face, chest, and arm. Yet even after that tragedy, Sam remained dedicated to public service and only recently retired after 37 years of service with the Madison County Sheriff's Department.

Those who know Sam and worked with him on the sheriff's department recognize him for his dedication to helping others and willingness to do whatever it takes. He served selflessly day after day, and received the distinguished ''Law Enforcement Officer of the Year'' award five times. I know that his integrity and commitment to the cause will forever be an example to those who serve after him.

Though Sam has officially retired from the Madison County Sheriff's Department, he continues to serve as Investigator of Senior Protective Services for the Prosecutor of Madison County. He is a dedicated husband of more than thirty years to his bride Lori, and the father of three sons—Kris, Matt, and Andrew.

Today I honor Sam's legacy of service, and wish to express my sincere gratitude for his leadership. I am grateful for his friendship and look forward to his continued community impact. He is truly an inspiration.

RULES COMMITTEE RECORD VOTE NO. 65 AND NO. 66

HON. ROB WOODALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. WOODALL. Mr. Speaker, the report (H. Rept. 112–53) accompanying H. Res. 200, filed last evening, inadvertently omitted the full descriptions of votes No. 65 and 66 of the Committee. The full descriptions and totals are as follows:

RULES COMMITTEE RECORD VOTE NO. 65

Motion by Mr. HASTINGS of Florida to amend the rule to make in order and provide the appropriate waivers for amendment #1, offered by Rep. DOYLE (PA), which would reinstate the ability of the FCC to guard against internet access providers from blocking a consumer's access to lawful internet content. Defeated: 3–7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Bishop of Utah	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

RULES COMMITTEE RECORD VOTE NO. 66

Motion by Mr. POLIS to amend the rule to make in order and provide the appropriate waivers for amendment #2, offered by Rep. MATSUI (CA), which would preserve the ''transparency rule'' adopted by the FCC as part of the Open Internet Order requiring broadband providers to make available their network management practices as well as performance and commercial terms so that consumers can make informed choices. Defeated: 3–7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Bishop of Utah	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

HONORING BILL SAMUELS, JR.

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to honor the career of Mr. Bill Samuels, Jr. After 40 years of working for his family's company, Bill is retiring as President of Maker's Mark Distillery in Loretto, Kentucky to become the company's Chairman Emeritus.

As the seventh generation in a long line of Kentucky bourbon makers, Bill took over the family business in 1980. Through clever marketing and an unwavering commitment to the tradition and quality of his bourbon, he was able to make the company a global icon. In 1980, the Maker's Mark Distillery became the first distillery in the country to be designated a National Historic Landmark.

All Kentuckians can be proud of the work that Bill has done to grow a family business into a successful brand. In doing so, he has represented and shared part of the spirit of the Commonwealth across the country and around the world.

I thank Bill for his contributions to Kentucky and our community and wish him the best of luck in his new endeavors. I ask my colleagues in the House of Representatives to join me in recognizing Bill's significant accomplishments.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 7, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 11

4 p.m.
Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the National Aeronautics and Space Administration (NASA).
SD–192

APRIL 12

10 a.m.
Armed Services
To hold hearings to examine U.S. Pacific Command and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH–219 following the open session.
SD–106

Judiciary
Constitution Subcommittee
To hold hearings to examine the ''Fair Elections Now Act'', focusing on a comprehensive response to Citizens United.
SD–226

Energy and Natural Resources
Business meeting to consider the nomination of Peter Bruce Lyons, of New Mexico, to be Assistant Secretary of Energy for Nuclear Energy.
SD–366

Environment and Public Works
Water and Wildlife Subcommittee
To hold joint hearings to examine natural gas drilling, focusing on public health and environmental impacts.
SD–406

Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the U.S. Agency for International Development.
SD–138

10:30 a.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine the President's plan for eliminating wasteful spending in information technology.
SD–342

2:15 p.m.
Foreign Relations
Business meeting to consider S. Res. 109, honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious, and the nominations of Nils Maarten Parin Daulaire, of Virginia, to be Representative of the United States on the Executive Board of the World Health Organization, Joseph M. Torsella, of Pennsylvania, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, and to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform, and Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom, all of the Department of State.
S–116, Capitol

2:30 p.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine cyber security, focusing on responding to the threat of cyber crime and terrorism.
SD–226

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine Department of Defense plans and programs relating to counterterrorism, counternarcotics, and building partnership capacity; with the possibility of a closed session in SVC–217 following the open session.
SR–232A

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine financial literacy, focusing on empowering Americans to make informed financial decisions.
SD–628

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

2:45 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine building the new derivatives regulatory framework, focusing on oversight of Title VII of the ''Dodd-Frank Act''.
SD–538

Environment and Public Works
Clean Air and Nuclear Safety Subcommittee
To hold joint hearings to examine a review of the nuclear emergency in Japan and implications for the U.S.
SD–406

APRIL 13

Time to be announced
Health, Education, Labor, and Pensions
Business meeting to consider any pending nominations.
Room to be announced

10 a.m.
Environment and Public Works
To hold an oversight hearing to examine domestic renewable fuels, focusing on ethanol and advanced biofuels.
SD–406

Finance
To hold hearings to examine perspectives on deficit reduction.
SD–215

Judiciary
To hold hearings to examine fulfilling our commitment to support victims of crime.
SD–226

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the current materiel readiness of U.S. Forces in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program.
SR–232A

Rules and Administration
Business meeting to consider the nomination of William J. Boarman, of Maryland, to be Public Printer, Government Printing Office.
SR–301

Veterans' Affairs
To hold hearings to examine veterans' employment, focusing on improving the transition from the battlefield to the workforce.
SR–418

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To receive a closed briefing on the proposed budget estimates for fiscal year 2012 United States Pacific Command (PACOM).
S–217, Capitol

1 p.m.
Homeland Security and Governmental Affairs
Business meeting to consider any pending calendar business.
SD–342

1:30 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program.
SR–222

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates and justification for fiscal year 2012 for the Army Corps of Engineers and Bureau of Reclamation.
SD–192

Foreign Relations
To hold hearings to examine international development policy priorities in the fiscal year 2012 budget.
SD–419

Aging
To hold hearings to examine the Food and Drug Administration (FDA) and the reform of the medical device approval process.
SD–562

2:30 p.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the President's proposed budget request and oversight for fiscal year 2012 for the National Oceanic and Atmospheric Administration (NOAA).
SR–253

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine ballistic missile defense policies and programs in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SR–232A

3 p.m.
Judiciary
To hold hearings to examine certain nominations.
SD–226

APRIL 14

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 343, to amend Title I of PL 99–658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99–658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.
SD–366

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MAY 4

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To receive a closed briefing on Intel.
SVC–217

MAY 11

10 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Guard and Reserve.
SD–192

MAY 12

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To receive a closed briefing on the United States Special Operations Command (SOCOM), and the United States European Command (EUCOM).
SVC–217

MAY 17

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To receive a closed briefing the United States Northern Command (NORTHCOM) and the United States Southern Command (SOUTHCOM).
SVC–217

MAY 25

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Missile Defense Agency.
SD–192

MAY 26

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To receive a closed briefing on the United States Central Command (CENTCOM) and United States African Command (AFRICOM).
SVC–217

JUNE 15

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.
SD–192

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2145–S2214

Measures Introduced: Twenty bills and three resolutions were introduced, as follows: S. 734–753, and S. Res. 132–134. **Pages S2187–88**

Measures Passed:

Parkinson's Awareness Month: Senate agreed to S. Res. 134, supporting the designation of April as Parkinson's Awareness Month. **Pages S2213–14**

Measures Considered:

SBIR/STTR Reauthorization Act: Senate continued consideration of S. 493, to reauthorize and improve the SBIR and STTR programs, taking action on the following amendments proposed thereto:

Pages S2154–81, S2182

Adopted:

By a unanimous vote of 100 yeas (Vote No. 55), Landrieu (for Coburn) Amendment No. 281, to save at least $20 million annually by ending federal unemployment payments to jobless millionaires and billionaires. (Pursuant to the order of April 5, 2011, requiring 60 affirmatives votes for the adoption of the amendment, the amendment was agreed to).

Pages S2156, S2168–71, S2179–80

By 64 yeas to 36 nays (Vote No. 57), Landrieu (for Coburn/Warner) Amendment No. 273, to save at least $5 billion by consolidating some duplicative and overlapping government programs. (Pursuant to the order of April 5, 2011, requiring 60 affirmatives votes for the adoption of the amendment, the amendment was agreed to). **Pages S2156, S2180**

Coburn Amendment No. 184, to provide a list of programs administered by every Federal department and agency. **Pages S2154, S2180–81**

Landrieu (for Coburn) Amendment No. 217, to save at least $8.5 million annually by eliminating an unnecessary program to provide federal funding for covered bridges. **Pages S2156, S2180–81**

Rejected:

By 7 yeas to 93 nays (Vote No. 51), Landrieu (for Baucus) Amendment No. 236, to prohibit the regulation of greenhouse gasses from certain sources. (Pursuant to the order of April 5, 2011, requiring 60 affirmatives votes for the adoption of the amendment, the amendment was not agreed to).

Pages S2155–56, S2158–61, S2177–78

By 7 yeas to 93 nays (Vote No. 52), Landrieu (for Stabenow/Brown (OH)) Amendment No. 277, to suspend, for 2 years, any Environmental Protection Agency enforcement of greenhouse gas regulations, to exempt American agriculture from greenhouse gas regulations, and to increase the number of companies eligible to participate in the successful Advanced Energy Manufacturing Tax Credit Program. (Pursuant to the order of April 5, 2011, requiring 60 affirmatives votes for the adoption of the amendment, the amendment was not agreed to).

Pages S2155–56, S2178

By 12 yeas to 88 nays (Vote No. 53), Landrieu (for Rockefeller) Amendment No. 215, to suspend, until the end of the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions. (Pursuant to the order of April 5, 2011, requiring 60 affirmatives votes for the adoption of the amendment, the amendment was not agreed to). **Pages S2156, S2165, S2178–79**

By 50 yeas to 50 nays (Vote No. 54), McConnell Amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change. (Pursuant to the order of April 5, 2011, requiring 60 affirmatives votes for the adoption of the amendment, the amendment was not agreed to).

Pages S2154, S2161–68, S2171–77, S2179

By 57 yeas to 43 nays (Vote No. 56), Landrieu (for Inouye) Amendment No. 286, to provide for the Director of the Office of Management and Budget to submit recommended rescissions in accordance with the Congressional Budget and Impoundment Control Act of 1974 for Government programs and agencies with duplicative and overlapping missions. (Pursuant to the order of April 5, 2011, requiring 60

affirmatives votes for the adoption of the amendment, the amendment was not agreed to).

Pages S2157, S2180

Withdrawn:

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

Pages S2154, S2179

Inhofe (for Johanns) Amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments. **Pages S2154, S2179**

Pending:

Vitter Amendment No. 178, to require the Federal Government to sell off unused Federal real property. **Page S2154**

Cornyn Amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending. **Page S2154**

Paul Amendment No. 199, to cut $200,000,000,000 in spending in fiscal year 2011. **Page S2154**

Sanders Modified Amendment No. 207, to express the sense of the Senate that Social Security benefits for current and future beneficiaries should not be cut and that the Social Security program should not be privatized as part of any legislation to reduce the Federal deficit. **Pages S2154, S2157**

Hutchison Amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits. **Page S2154**

Pryor Amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns. **Page S2154**

Landrieu (for Cardin) Amendment No. 240, to reinstate the increase in the surety bond guarantee limits for the Small Business Administration.

Page S2182

Landrieu (for Snowe) Amendment No. 253, to prevent fraud in small business contracting.

Pages S2182–83

Maiden Speech—Agreement: A unanimous-consent-time agreement was reached providing that Senator Hoeven be recognized at 12 noon, on Thursday, April 7, 2011, for up to 25 minutes to deliver his maiden speech to the Senate. **Page S2214**

Nominations Received: Senate received the following nominations:

D. Brent Hardt, of Florida, to be Ambassador to the Co-operative Republic of Guyana.

Donald W. Koran, of California, to be Ambassador to the Republic of Rwanda.

Geeta Pasi, of New York, to be Ambassador to the Republic of Djibouti.

Sharon L. Gleason, of Alaska, to be United States District Judge for the District of Alaska.

Susan Owens Hickey, of Arkansas, to be United States District Judge for the Western District of Arkansas.

Alan F. Estevez, of the District of Columbia, to be an Assistant Secretary of Defense.

2 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

1 Navy nomination in the rank of admiral.

A routine list in the Foreign Service. **Page S2214**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Alan F. Estevez, of the District of Columbia, to be Assistant Secretary of Defense for Logistics and Materiel Readiness, which was sent to the Senate on March 14, 2011. **Page S2214**

Messages from the House: **Page S2187**

Additional Cosponsors: **Pages S2188–89**

Statements on Introduced Bills/Resolutions: **Pages S2189–S2212**

Additional Statements: **Page S2187**

Authorities for Committees to Meet: **Pages S2212–13**

Privileges of the Floor: **Page S2213**

Record Votes: Seven record votes were taken today. (Total—57) **Pages S2177, S2178, S2178–79, S2179, S2179–80, S2180**

Recess: Senate convened at 9:30 a.m. and recessed at 7:10 p.m., until 10 a.m. on Thursday, April 7, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2214.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee announced the following subcommittee assignments for the 112th Congress:

Subcommittee on Commodities, Markets, Trade and Risk Management: Senators Nelson (NE) (Chair), Conrad, Baucus, Brown (OH), Bennet, Gillibrand, Chambliss, Cochran, Johanns, Boozman, and Grassley.

Subcommittee on Jobs, Rural Economic Growth and Energy Innovation: Senators Brown (OH) (Chair), Harkin, Conrad, Nelson (NE), Casey, Klobuchar, Thune, Lugar, Chambliss, Grassley, and Hoeven.

Subcommittee on Conservation, Forestry and Natural Resources: Senators Bennet (Chair), Leahy, Harkin, Conrad, Baucus, Klobuchar, Boozman, Lugar, Cochran, McConnell, and Chambliss.

Subcommittee on Nutrition, Specialty Crops, Food and Agricultural Research: Senators Casey (Chair), Leahy, Harkin, Brown (OH), Bennet, Gillibrand, Lugar, Cochran, McConnell, Johanns, and Hoeven.

Subcommittee on Livestock, Dairy, Poultry, Marketing and Agriculture Security: Senators Gillibrand (Chair), Leahy, Baucus, Nelson (NE), Casey, Klobuchar, Johanns, McConnell, Boozman, Grassley, and Thune.

Senators Stabenow and Roberts are ex officio members of each subcommittee.

DEPARTMENT OF DEFENSE HEALTH PROGRAMS

Committee on Appropriations: Subcommittee on Department of Defense concluded a hearing to examine Department of Defense Health Programs, after receiving testimony from Lieutenant General Eric B. Schoomaker, Surgeon General, and Major General Patricia D. Horoho, Chief, Nurse Corps, both of the Army, Vice Admiral Adam M. Robinson, Jr., Surgeon General, and Rear Admiral Elizabeth S. Niemyer, Director, Nurse Corps, both of the Navy, Lieutenant General Charles B. Green, Surgeon General, and Major General Kimberly A. Siniscalchi, Assistant Surgeon General, Nursing Services, both of the Air Force, all of the Department of Defense.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Strategic Forces concluded open and closed hearings to examine strategic systems in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program, after receiving testimony from Lieutenant General James M. Kowalski, USAF, Commander, Air Force Global Strike Force, Lieutenant General Mark D. Shackelford, USAF, Military Deputy, Office of the Assistant Secretary for Acquisition, Major General David J. Scott, USAF, Director, Operational Capability Requirements, and Deputy Chief of Staff for Operations, Plans, and Requirements, Major General William A. Chambers, USAF, Assistant Chief of Staff for Strategic Deterrence and Nuclear Integration, and Brigadier General Garrett Harencak, USAF, Commander, Air Force Nuclear Weapons Center, all of the Air Force, and Rear Admiral Terry J. Benedict, USN, Director of Strategic Systems Programs, Navy, all of the Department of Defense.

ACCOUNTING PROFESSION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine the role of the accounting profession in preventing another financial crisis, after receiving testimony from James L. Kroeker, Chief Accountant, and Lynne E. Turner, former Chief Accountant, both of the United States Securities and Exchange Commission; James R. Doty, Public Company Accounting Oversight Board, Cynthia Fornelli, Center for Audit Quality, and Thomas Quaadman, U.S. Chamber of Commerce Center for Capital Markets Competitiveness, all of Washington, D.C.; Leslie Seidman, Financial Accounting Standards Board, Norwalk, Connecticut; and Anton R. Valukas, Jenner and Block, Chicago, Illinois.

THE STATE OF COMMUNITY BANKING

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions and Consumer Protection to examine the state of community banking, focusing on opportunities and challenges, after receiving testimony from Maryann F. Hunter, Deputy Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System; Sandra L. Thompson, Director, Risk Management Supervision, Federal Deposit Insurance Corporation; Jennifer Kelly, Senior Deputy Comptroller for Midsize and Community Bank Supervision, Office of the Comptroller of the Currency, Department of the Treasury; John P. Ducrest, Louisiana Office of Financial Institutions Commissioner, Broussard, on behalf of the Conference of State Bank Supervisors; William A. Loving, Pendleton Community Bank, Franklin, West Virginia, on behalf of the Independent Community Bankers of America (ICBA); Paul Reed, Ohio Bankers League, Pomeroy; and Tommy G. Whittaker, First Farmers Bancshares, Inc., Portland, Tennessee, on behalf of the American Bankers Association.

STATE AND LOCAL PERSPECTIVES ON TRANSPORTATION

Committee on Environment and Public Works: Committee concluded a hearing to examine state and local perspectives on transportation, after receiving testimony from Cindy McKim, California Department of Transportation Director, Sacramento; Paul D. Degges, Tennessee Department of Transportation Chief Engineer, Nashville; Isiah Leggett, Montgomery County Executive, Rockville, Maryland;

William Kennedy, Yellowstone County Commissioner, Billings, Montana; Thomas K. Wright, Regional Plan Association (RPA), Princeton, New Jersey; and Mike Malone, Northwest Arkansas Council, Fayetteville.

PERSPECTIVES ON THE CRISIS IN LIBYA

Committee on Foreign Relations: Committee concluded a hearing to examine perspectives on the crisis in Libya, after receiving testimony from Richard N. Haass, Council on Foreign Relations, New York, New York; Tom Malinowski, Human Rights Watch, Washington, D.C.; and Dirk Vandewalle, Dartmouth College, Hanover, New Hampshire.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of David Bruce Shear, of New York, to be Ambassador to the Socialist Republic of Vietnam, and Kurt Walter Tong, of Maryland, for the rank of Ambassador during his tenure of service as United States Senior Official for the Asia-Pacific Economic Cooperation (APEC) Forum, both of the Department of State, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Rafael Borras, of Maryland, to be Under Secretary of Homeland Security for Management, after the nominee, who was introduced by Senator Akaka, testified and answered questions in his own behalf.

THE 2010 CENSUS AND PLANNING FOR 2020

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine the census, focusing on learning lessons from 2010 and planning for 2020, including preliminary lessons learned that highlight the need for fundamental reforms, after receiving testimony from Robert M. Groves, Director, U.S. Census Bureau, and Todd J. Zinser, Inspector General, both of the Department of Commerce; Robert Goldenkoff, Director, Strategic Issues, Government Accountability Office; Daniel Castro, Information Technology and Innovation Foundation (ITIF), Pittsburgh, Pennsylvania; Thomas M. Cook, The National Academies, Houston, Texas; and Arturo Vargas, National Association of Latino Elected and Appointed Officials (NALEO) Education Fund, Los Angeles, California.

ELECTRONIC COMMUNICATIONS PRIVACY ACT

Committee on the Judiciary: Committee concluded a hearing to examine the Electronic Communications Privacy Act, focusing on government perspectives on protecting privacy in the digital age, after receiving testimony from Cameron F. Kerry, General Counsel, Department of Commerce; and James A. Baker, Associate Deputy Attorney General, Department of Justice.

NOMINATIONS

Committee on Veterans' Affairs: Committee concluded a hearing to examine the nominations of Allison A. Hickey, of Virginia, to be Under Secretary for Benefits, and Steve L. Muro, of California, to be Under Secretary for Memorial Affairs, both of the Department of Veterans Affairs, after the nominees testified and answered questions in their own behalf.

SYNTHETIC CANNABINOIDS AND STIMULANTS

United States Senate Caucus on International Narcotics Control: Caucus concluded a hearing to examine the dangers of synthetic cannabinoids and stimulants, including S. 605, to amend the Controlled Substances Act to place synthetic drugs in Schedule I, and S. 409, to ban the sale of certain synthetic drugs, after receiving testimony from Joe Rannazzisi, Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration; Erica Leary, North Coastal Prevention Coalition, Vista, California; and Mike Rozga, Indianola, Iowa.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 29 public bills, H.R. 1380–1408; and 2 resolutions, H.J. Res. 54; and H. Res. 207 were introduced.

Pages H2409–11

Additional Cosponsors: **Pages H2411–12**

Reports Filed: Reports were filed today as follows:

H.R. 1232, to amend the Internal Revenue Code of 1986 to eliminate certain tax benefits relating to abortion, with an amendment (H. Rept. 112–55) and

H. Res. 206, providing for consideration of the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 112–56). **Page H2409**

Speaker: Read a letter from the Speaker wherein he appointed Representative Ellmers to act as Speaker pro tempore for today. **Page H2329**

Recess: The House recessed at 10:50 a.m. and reconvened at 12 noon. **Page H2333**

Chaplain: The prayer was offered by the guest chaplain, Bishop Henry Fernandez, The Faith Center, Sunrise, Florida. **Page H2334**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 321 yeas to 98 nays with 1 voting "present", Roll No. 232.

Page H2350

Motion to Adjourn: Rejected the Jackson (IL) motion to adjourn by a yea-and-nay vote of 36 yeas to 367 nays, Roll No. 229. **Page H2338**

Energy Tax Prevention Act of 2011: The House began consideration of H.R. 910, to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change. Consideration is expected to resume tomorrow, April 7th. **Pages H2338–91**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

Page H2361

Agreed to:

McNerney amendment (No. 3 printed in H. Rept. 112–54) that clarifies that voluntary programs addressing climate change classify as exceptions to the bill's prohibitions. **Page H2368**

Rejected:

Cuellar amendment (No. 4 printed in H. Rept. 112–54) that sought to amend the definition of greenhouse gas, to remove water vapor as a part of the definition, amend the act by striking the removal of existing EPA findings and rules, and exempt all auto standards from the legislation;

Pages H2368–69

Quigley amendment (No. 7 printed in H. Rept. 112–54) that sought to require GAO to report to Congress the results of a study of health care costs in the U.S. as affected by the elimination of EPA regulation under this Act, as compared to health care costs in the U.S. as would be affected by the EPA proceeding under their regulating authority as determined in Massachusetts v. EPA; **Pages H2374–75**

Jackson Lee (TX) amendment (No. 1 printed in H. Rept. 112–54) that sought to require an EPA study to determine the long term impact of a complete ban on their authority to regulate greenhouse gases (by a recorded vote of 161 ayes to 259 noes, Roll No. 233); **Pages H2362–66, H2385–86**

Jackson Lee (TX) amendment (No. 2 printed in H. Rept. 112–54) that sought to insert a new section to provide considerations and procedures in finalizing greenhouse gas regulations (by a recorded vote of 157 ayes to 266 noes, Roll No. 234);

Pages H2366–68, H2386–87

Murphy (CT) amendment (No. 5 printed in H. Rept. 112–54) that sought to clarify that the Agency can continue to provide technical assistance to states taking action to limit greenhouse gas emissions (by a recorded vote of 182 ayes to 240 noes, Roll No. 235); **Pages H2369–72, 2387**

Waxman amendment (No. 6 printed in H. Rept. 112–54) that sought to add a new section with respect to Congressional Acceptance of Scientific Findings: Congress accepts the scientific findings of the Environmental Protection Agency that climate changes is occurring, is caused largely by human activities, and poses significant risks for public health and welfare (by a recorded vote of 184 ayes to 240 noes, Roll No. 236); **Pages H2372–74, H2387–88**

Polis amendment (No. 8 printed in H. Rept. 112–54) that sought to ensure the EPA Administrator can protect the public health in case of public health emergency (by a recorded vote of 168 ayes to 257 noes, Roll No. 237); **Pages H2375–79, H2388–89**

Markey amendment (No. 9 printed in H. Rept. 112–54) that sought to ensure that any prohibition on or limitation to EPA's Clean Air Act authority contained in the bill would not apply to any action EPA could take to reduce demand for oil (by a recorded vote of 156 ayes to 266 noes, Roll No. 238);

Pages H2379–80, H2389

Rush amendment (No. 10 printed in H. Rept. 112–54) that sought to prevent the provisions of this act from going into effect until the EPA Administrator, in consultation with the Secretary of Defense, certifies that the consequences of not regulating greenhouse gas emissions, and its subsequent impact on climate change, including the potential to create sustained natural and humanitarian disasters and the ability to likely foster political instability where societal demands exceed the capacity of governments to cope, do not jeopardize American security interests at home or abroad (by a recorded vote of 165 ayes to 260 noes, Roll No. 239);

Pages H2380–81, 2389–90

Doyle amendment (No. 11 printed in H. Rept. 112–54) that sought to include a study to determine whether regulations of the Environmental Protection Agency under the Clean Air Act to address climate change, if not repealed or otherwise made unauthorized by section 2 of the bill, would cause greenhouse gas leakage and reduce the international competitiveness of United States producers of energy-intensive products (by a recorded vote of 173 ayes to 250 noes, Roll No. 240); and **Pages H2382–83, H2390–91**

Kind amendment in the nature of a substitute (No. 12 printed in H. Rept. 112–54) that sought to codify the Environmental Protection Agency's Tailoring Rule in order to protect farms, small businesses, and small- and medium-sized stationary sources from greenhouse gas regulation (by a recorded vote of 160 ayes to 264 noes, Roll No. 241).

Pages H2383–85, H2391

H. Res. 203, the rule providing for consideration of the bill, was agreed to by a recorded vote of 250 ayes to 172 noes, Roll No. 231, after the previous question was ordered by a yea-and-nay vote of 266 yeas to 158 noes, Roll No. 230.

Pages H2348–49, H2349–50

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, April 7th. **Page H2392**

Quorum Calls Votes: Three yea-and-nay votes and ten recorded votes developed during the proceedings of today and appear on pages H2338, H2348–49, H2349–50, H2350, H2385–86, H2386–87, H2387, H2387–88, H2388–89, H2389, H2389–90, H2390–91, H2391. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:59 p.m.

Committee Meetings

STATE OF THE BEEF INDUSTRY

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry, hearing on the state of the beef industry. Testimony was heard from public witnesses.

COMMERCE, JUSTICE, STATE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on the Federal Bureau of Investigations—FY 2012 Budget Request. Testimony was heard from Robert S. Mueller, Ill, Director, FBI.

HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on FEMA budget. Testimony was heard from William Craig Fugate, FEMA Administrator.

LABOR, HEALTH AND HUMAN SERVICES

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on National Labor Relations Board—FY 2012. Testimony was heard from Wilma B. Liebman, Chairman, National Labor Relations Board; and Lafe Solomon, Acting General Counsel.

STATE, FOREIGN OPERATIONS

Committee on Appropriations: Subcommittee on State, Foreign Operations and Related Agencies held a hearing on FY 2012 Budget Request for the United Nations and other International Organizations. Testimony was heard from Susan Rice, U.S. Ambassador to the United Nations.

TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT

Committee on Appropriations: Subcommittee on Transportation and Housing and Urban Development and Related Agencies held a hearing on Federal Aviation Administration—FY 2012 Oversight & Budget. Testimony was heard from Randy Babbitt, FAA Administrator.

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on the Administrative Office of the U.S. Courts—FY 2012 Budget. Testimony was heard from Julia S. Gibbons, Judge; and James C. Duff, Director.

MILITARY CONSTRUCTION, VETERANS AFFAIRS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on the Army. Testimony was heard from Katherine Hammack, Assistant Secretary of the Army for Installations, Environment and Energy; and MG James Boozer, Director of Operations for U.S. Army Installations Command.

FY 2012 BUDGET—NATIONAL DEFENSE

Committee on Armed Services: Full Committee held a hearing on the fiscal year 2012 national defense authorization budget requests from the U.S. Pacific Command and U.S. Forces Korea. Testimony was heard from Admiral Robert F. Willard, USN, Commander, U.S. Pacific Command; and General Walter (Skip) Sharp, USA, Commander, U.S. Forces Korea.

INFORMATION TECHNOLOGY SYSTEMS—DEPARTMENT OF DEFENSE

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities held a hearing on improving management and acquisition of information technology systems in the Department of Defense. Testimony was heard from Elizabeth A. McGrath, Deputy Chief Management Officer, Department of Defense; and Teresa M. Takai, Acting Assistant Secretary of Defense for Networks and Information Integration and Department of Defense Chief Information Officer.

MISCELLANEOUS MEASURES

Committee on the Budget: Full Committee held a markup of the concurrent resolution on the budget for Fiscal Year 2012.

STREAMLINING FEDERAL EDUCATION AND WORKFORCE PROGRAMS

Committee on Education and the Workforce: Full Committee held a hearing on "Streamlining Federal Education and Workforce Programs: A Look at the GAO Report on Government Waste." Testimony was heard from Gene L. Dodaro, Comptroller General, GAO.

NUCLEAR POWER PLANT INCIDENT IN JAPAN

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "The U.S. Government Response to the Nuclear Power Plant Incident in Japan". Testimony was heard from Martin J. Virgilio, Deputy Executive Director, Reactor and Preparedness Programs, Nuclear Regulatory Commission; and public witnesses.

COST OF MEDICAL LIABILITY SYSTEM PROPOSALS FOR REFORM

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "The Cost of the Medical Liability System Proposals for Reform, including H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2011". Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises continued markup on the following: H.R. 31, the Fannie Mae and Freddie Mac Accountability and Transparency for Taxpayers Act; H.R. 1221, the Equity in Government Compensation Act of 2011; H.R. 1222, the GSE Subsidy Elimination Act of 2011; H.R. 1223, GSE Credit Risk Equitable Treatment Act of 2011; H.R. 1224, the Portfolio Risk Reduction Act of 2011; H.R. 1225, the GSE Debt Issuance Approval Act of 2011; H.R. 1226, the GSE Mission Improvement Act of 2011; and H.R. 1227, the GSE Risk and Activities Limitation Act of 2011; 10 a.m., 2128 Rayburn. The following were forwarded to the full Committee with amendment: H.R. 31; H.R. 1222; H.R. 1223; H.R. 1224; H.R. 1226; H.R. 1227. The following was forwarded to the full Committee, without amendment: H.R. 1222; and H.R. 1225.

CONSUMER FINANCIAL PROTECTION BUREAU

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled "Legislative Proposals to Improve the Structure of the Consumer Financial Protection Bureau". Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Insurance and Housing held a markup of H.R. 1309, flood insurance reform act of 2011. The bill was forwarded to the full Committee with amendments.

AMERICA'S OVERSEAS BROADCASTING

Committee on Foreign Affairs: Subcommittee on Oversight and Investigations held a hearing on Is America's Overseas Broadcasting Undermining our National Interest and the Fight Against Tyrannical Regimes? Testimony was heard from Jennifer Park Stout, Deputy Assistant Secretary of State, Bureau of East Asian and Pacific Affairs, Department of State; Philo L. Dibble, Deputy Assistant Secretary of State, Bureau of Near Eastern Affairs, Department of State; and public witnesses.

FINANCIAL HARDBALL—TERRORISTS AND PROLIFERATORS

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation and Trade held a hearing on Financial Hardball: Corralling Terrorists and Proliferators. Testimony was heard from public witnesses.

UNREST IN THE MIDDLE EAST AND NORTH AFRICA

Committee on Homeland Security: Subcommittee on Counterterrorism and Intelligence held a hearing entitled ''Unrest in the Middle East and North Africa: Ramifications for U.S. Homeland Security.'' Testimony was heard from public witnesses.

ONLINE COMMERCE

Committee on the Judiciary: Subcommittee on Intellectual Property, Competition and the Internet held a hearing on Promoting Investment and Protecting Commerce Online: Legitimate Sites v. Parasites, Part II. Testimony was heard from John Morton, Director, Immigration and Customs Enforcement; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held a hearing on H.R. 1229, to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico; H.R. 1230, Restarting American Offshore Leasing Now Act; and H.R. 1231, to amend the Outer Continental Shelf Lands Act to require that each 5-year offshore oil and gas leasing program offer leasing in the areas with the most prospective oil and gas resources, to establish a domestic oil and natural gas production goal, and for other purposes, 10 a.m., 1324 Longworth. Testimony was heard from Doug Domenech, Secretary of Natural Resources of Virginia; and public witnesses.

IMPACT OF GREENHOUSE GAS REGULATIONS ON SMALL BUSINESS

Committee on Oversight and Government Reform: Subcommittee on Regulatory Affairs, Stimulus Oversight and Government held a hearing entitled ''Assessing the Impact of Greenhouse Gas Regulations on Small Business''. Testimony was heard from Gina McCarthy, Assistant Administrator, Office of Air and Radiation, EPA: Claudia Rodgers, Deputy Chief Counsel, Office of Advocacy, Small Business Administration; and public witnesses.

TSA'S SPOT PROGRAM

Committee on Science, Space, and Technology: Subcommittee on Investigations and Oversight held a hearing on Behavioral Science and Security: Evaluating TSA's SPOT Program. Testimony was heard from Stephen Lord, Director, Homeland Security and Justice Issues, GAO; Larry Willis, Program Manager, Homeland Security Advanced Research Projects Agency, Science and Technology Directorate, Department of Homeland Security; and public witnesses.

OFFSHORE DRILLING SAFETY AND RESPONSE TECHNOLOGIES

Committee on Science, Space, and Technology: Subcommittee on Energy and Environment held a hearing on Offshore Drilling Safety and Response Technologies. Testimony was heard from Victor Der, Acting Assistant Secretary for Fossil Energy, Department of Energy; and public witnesses.

FREE TRADE AGREEMENTS AND SMALL BUSINESSES

Committee on Small Business: Full Committee held a hearing entitled ''Help Wanted: How Passing Free Trade Agreements Will Help Small Businesses Create New Jobs''. Testimony was heard from public witnesses.

BRAC AND OFFICE SPACE

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on Can a Civilian BRAC Commission Consolidate Federal Office Space and Save Taxpayers Billions? Testimony was heard from Daniel I. Werfel, Controller, OMB; Martha Johnson, Administrator, GSA; David J. Wise, Director, Physical Infrastructure Team, GAO; Brian Lepore, Director, Defense Capabilities and Management Issues, GAO; and Anthony J. Principi, Former Secretary, Department of Veterans Affairs, Chairman, 2005 Defense Base Realignment and Closure Commission.

DEPARTMENT OF DEFENSE AND FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2011

Committee on Rules: Granted, by voice vote, a closed rule providing one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. The rule provides one motion to recommit. Finally, the rule waives clause 6(a) of Rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolution reported before April 11, 2011, providing

for consideration or disposition of a measure making or continuing appropriations for the fiscal year ending September 30, 2011. Testimony was heard from Chairman Rogers of Kentucky, Representatives Dicks and Norton.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 7, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation and Housing and Urban Development, and Related Agencies, to hold hearings to examine an overview of the Federal Housing Administration and the future of housing finance, 9:30 a.m., SD–138.

Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Federal Bureau of Investigation; to be followed by a closed session in SH–219 at approximately 11:15 a.m, 10 a.m., SD–192.

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Defense and the Department of Navy, 2 p.m., SD–124.

Committee on Armed Services: To hold hearings to examine U.S. Transportation Command and U.S. Africa Command in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session, 9:30 a.m., SD–106.

Committee on Energy and Natural Resources: To hold hearings to examine Department of Energy biofuel programs and biofuel infrastructure issues, including S. 187, to provide for the expansion of the biofuels market, 9:30 a.m., SD–366.

Committee on Finance: To hold hearings to examine the nominations of David S. Cohen, of Maryland, to be Under Secretary for Terrorism and Financial Crimes, and Jenni Rane LeCompte, of the District of Columbia, to be Assistant Secretary, both of the Department of the Treasury, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine combating human trafficking in Asia, 2:15 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: To hold hearings to examine securing the border, focusing on progress at the local level, 2:30 p.m., SD–342.

Committee on Indian Affairs: Business meeting to consider S. 675, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and S. 676, to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to be immediately followed by an oversight hearing to examine the role of SBA 8(a) Program in enhancing economic development in Indian Country, 2:15 p.m., SD–628.

Committee on the Judiciary: Business meeting to consider S. 410, to provide for media coverage of Federal court proceedings, S. 627, to establish the Commission on Freedom of Information Act Processing Delays, S. 394, to amend the Sherman Act to make oil-producing and exporting cartels illegal, and the nominations of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Esther Salas, to be United States District Judge for the District of New Jersey, J. Paul Oetken, and Paul A. Engelmayer, both to be United States District Judge for the Southern District of New York, and Ramona Villagomez Manglona, to be Judge for the District Court for the Northern Mariana Islands, 10 a.m., SD–226.

Select Committee on Intelligence: To hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House Committees

Committee on Agriculture, Subcommittee on Rural Development, Research, Biotechnology, and Foreign Agriculture, hearing to review market promotion programs and their effectiveness on expanding exports of U.S. agricultural products, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing on National Institute of Standards and Technology—FY 2012 Budget Request, 10 a.m., H–309 Capitol.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, hearing on DOL Job Training Programs, 10 a.m., 2358–C Rayburn.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, hearing on Air Force Posture, 10 a.m., H–140 Capitol.

Subcommittee on Transportation and Housing and Urban Development and Related Agencies, hearing on Amtrak—FY 2012 Oversight & Budget, 10 a.m., 2358 Rayburn.

Committee on Armed Services, Subcommittee on Readiness, hearing on Sustaining the Force: Challenges to Readiness, 10:30 a.m., 2212 Rayburn.

Full Committee, hearing on repeal of law and policies governing service by openly gay and lesbian service members, 1 p.m., 2118 Rayburn.

Committee on Education and the Workforce, Full Committee, hearing on Education Reforms: Promoting Flexibility and Innovation, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Power, hearing on the American Energy Initiative, focusing on discussion draft legislation of the "Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011", 1 p.m., 2322 Rayburn.

Subcommittee on Commerce, Manufacturing, and Trade, hearing on discussion draft legislation to revise the Consumer Product Safety Improvement Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic Monetary Policy and Technology, hearing entitled ''Bullion Coin Programs of the United States Mint: Can They Be Improved?'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, hearing on Reforming the United Nations: The Future of U.S. Policy, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Transportation Security, hearing entitled ''Strengthening International Cooperation on Aviation Security'', 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Energy and Mineral Resources, hearing entitled ''Effect of the President's FY–2012 Budget and Legislative Proposals for the Office of Surface Mining on Private Sector Job Creation, Domestic Energy Production, State Programs and Deficit Reduction.'' 10 a.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs, hearing on the following: H.R. 306, Corolla Wild Horses Protection Act; H.R. 588, to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge; S. 266, to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge; H.R. 258, Chesapeake Bay Accountability and Recovery Act of 2011. 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform, hearing entitled ''Regulatory Barriers to American Indian Job Creation'', 1:30 p.m., 2154 Rayburn.

Committee on Rules, Hearing on H.R. 3, the No Taxpayer Funding for Abortion Act, 3 p.m., H–313 Capitol.

Hearing on H.R. 1363, the Department of Defense and Further Additional Continuing Appropriations Act, 2011, 5:40 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, Subcommittee on Technology and Innovation, hearing on Are We Prepared? Assessing Earthquake Risk Reduction in the United States, 10 a.m., 2318 Rayburn. Testimony was heard from public witnesses.

Committee on Small Business, Subcommittee on Healthcare and Technology, hearing entitled ''The Creating Jobs Through Small Business Innovation Act of 2011.'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Railroad and Hazardous Materials Transportation Programs: Reforms and Improvements to Reduce Regulatory Burdens, 9 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Trade, hearing on the pending trade agreement with South Korea, 10 a.m., 1100 Longworth.

House Permanent Select Committee on Intelligence, Full Committee, hearing on National Reconnaissance Program and National Geospatial Program FY 2012 Budget Overview, 10 a.m., HVC–304 Capitol. This is a closed hearing.

Next Meeting of the SENATE

10 a.m., Thursday, April 7

Senate Chamber

Program for Thursday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, April 7

House Chamber

Program for Thursday: Complete consideration of H.R. 910—Energy Tax Prevention Act of 2011. Consideration of H.R. 1363—Department of Defense and Further Additional Continuing Appropriations Act, 2011 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Austria, Steve, Ohio, E645, E650, E654
Bishop, Timothy H., N.Y., E651
Clyburn, James E., S.C., E649
Coffman, Mike, Colo., E645, E653
Cohen, Steve, Tenn., E654
Davis, Geoff, Ky., E655
Filner, Bob, Calif., E653
Guthrie, Brett, Ky., E646
Johnson, Sam, Tex., E645, E646, E646, E647, E648, E650, E651, E652, E653, E654
Kind, Ron, Wisc., E646, E647
Loebsack, David, Iowa, E650
Lowey, Nita M., N.Y., E648
Markey, Edward J., Mass., E652
Miller, Jeff, Fla., E651
Pence, Mike, Ind., E655
Reed, Tom, N.Y., E651
Ribble, Reid J., Wisc., E653
Rokita, Todd, Ind., E648
Shuster, Bill, Pa., E650
Thompson, Mike, Calif., E649
Van Hollen, Chris, Md., E647
Weiner, Anthony D., N.Y., E646
Welch, Peter, Vt., E647
Woodall, Rob, Ga., E655

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Printing Office at *www.fdsys.gov*, free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, *contactcenter@gpo.gov*. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.