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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 29, 2011.

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

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

PRAYER

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

Gracious God, we give You thanks for giving us another day. You have blessed us with all good gifts, and this past week, with thankful hearts we gathered with family and loved ones throughout this great land to celebrate our blessings together.

Bless the Members of the people's House, who have been entrusted with the privilege to serve our Nation and all Americans in their need. Grant them to work together in respect and affection and to be faithful in the responsibilities they have been given.

As the end of the first session approaches and much is left to be done, bestow upon them the gifts of wisdom and discernment that in their words and actions they will do justice, love with mercy, and walk humbly with You.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

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

The SPEAKER pro tempore. 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. KUCINICH. 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 pro tempore. 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The point of no quorum is considered withdrawn.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 pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH 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.

COMING TO AMERICA

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

Mr. POE of Texas. Mr. Speaker, those who say that the border is secure and the violence is contained in Mexico are living in a blissful state of ignorance. Case in point: Last week, according to the Houston Chronicle, three SUVs carrying Mexican Zeta cartel soldiers tried to hijack a tractor truck rig loaded with drugs on a road in north Houston. They unleashed blazing gunfire. A shootout occurred with police who were tracking the truck from Mexico. The truck driver was killed and a peace officer was wounded. Three Mexican nationals and another of unknown citizenship were charged with capital murder.

The local head of the DEA, Javier Pena, said, ''we are not going to tolerate these thugs using their weapons like the Wild Wild West.'' Sadly, this brazen case of violence is a familiar scene on the streets of Mexico. And now it has become a reality in the United States.

Until Washington realizes what happens in Mexico doesn't stay in Mexico, more cartel shoot-outs on American streets are coming our way.

And that's just the way it is.

THE NATIONAL EMERGENCY EMPLOYMENT DEFENSE ACT

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

Mr. KUCINICH. While Congress is in a deadlock over tax and spending cuts, we learn the Feds secretly gave Wall Street banks over $7.7 trillion. Where did the Fed get that 7.7 trillion? They created most of it from nothing. While our government slid into massive debt, the Fed picked winners and losers and secretly helped big banks tally record profits.

Remember the great debate we had here over $700 billion in TARP funds? There was no debate over the $7.7 trillion the Fed gave the banks. Did Congress have a clue? There's another game going on way over our heads, and our constituents are struggling while the banks, with the help of the Fed, have captured control of our government. Now the rating services are threatening us that if we don't come up

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with a deal, they'll downgrade U.S. debt.

Could the threat to our national sovereignty be any clearer? It's time for Congress to listen to the wisdom of our Founders and reclaim its constitutional primacy over monetary policy. There is a way. It is called the NEED Act. The Fed takes our freedom and gives it to the banks. Let's take our freedom back from the Fed.

SENATE NEEDS TO ACT AFTER SUPERCOMMITTEE FAILURE

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

Mr. WILSON of South Carolina. Mr. Speaker, last Monday, the Joint Select Committee on Deficit Reduction announced that the bipartisan group had failed to reach an agreement. In an op-ed to The Wall Street Journal, Congressman JEB HENSARLING, cochair of the supercommittee, stated that the group ''missed a historic opportunity to lift the burden of debt and help spur economic growth and job creation.''

Last week, I attended a town hall meeting in Forest Acres, South Carolina, hosted by Mayor Frank Brunson, where we discussed ways to promote small businesses and encourage job growth within the private sector. The message from the constituents is very clear: Congress must reduce Washington's out-of-control spending before it's too late.

As Congress returns from the Thanksgiving Day recess, I encourage our colleagues in the Senate to begin focusing on job creation by considering any of the 20 jobs bills the House has passed with bipartisan support this year.

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

FAILURE OF THE SELECT COMMITTEE

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

Mr. BURGESS. Mr. Speaker, it was about a week ago that the Joint Select Committee announced that they were unable to reach an agreement in finding $1.2 trillion in cuts before their deadline. Now, could they have done this without really breaking a sweat? And the answer is yes, they could have. The entire target for which they were reaching, the $1.2 trillion to $1.5 trillion, could have been cut with a single act: repealing the Affordable Care Act.

One point five trillion dollars in new spending that this country cannot afford is contained within the confines of the Affordable Care Act. Now, look, Washington needs to quit pointing fingers and get back to work if we expect to put America back on a path to prosperity. American families are making cuts at home, and Washington should do the same thing. Families do not have the luxury of missing their deadlines, and neither should Washington.

Americans must reduce our deficit, and we need to put people back to work. The House has passed more than 25 bills that would affect employment. Twenty of these House-passed jobs bills are stalled in the Senate. You can find out more about them going to jobs.gop.gov. Let's get people back to work and focus on ways to reduce the deficit. That means creating more taxpayers, not more taxes.

BOLINGBROOK HIGH SCHOOL FOOTBALL CHAMPIONSHIP

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

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the Illinois Bolingbrook High School football team on winning the Class 8A State Championship on November 25.

Coach John Ivlow led the team to a record-breaking season of 13 wins and 1 loss. This accomplishment by the Raiders marks the first State football championship for Bolingbrook High School. Despite the absence of their star linebacker, the Raiders overcame five turnovers and won the championship game by a score of 21–17 against the top-rated Loyola Academy.

Each player this season demonstrated a tremendous level of demonstration and hard work, including seniors Antonio Morrison and Robbie Bain. Other stars of the game included junior Aaron Bailey, who scored the game-winning touchdown, and senior Diaron Rhodes, who sealed the game with an interception.

Mr. Speaker, our community is very proud of these accomplished young athletes. Once again, I would like to congratulate the Bolingbrook High School Raiders on their win and wish them continued success in all of their future endeavors.

□ 1410

IT'S TIME TO GET SERIOUS ABOUT WASHINGTON'S SPENDING ADDICTION

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

Ms. FOXX. Mr. Speaker, the so-called supercommittee announced last week that it was unable to come up with a plan to reduce the deficit by $1.2 trillion over the course of 10 years. That is a sad commentary on Washington, DC's addiction to overspending. After all, $1.2 trillion is less than 1 year's worth of overspending at the going rate.

It's time to get serious. Just consider the mess in Europe. The eurozone's bailout fund is struggling to keep debtor nations like Greece, Ireland, and Portugal afloat, while Italy also teeters on the brink of insolvency. Europe's sovereign debt crisis is not an abstract economics lesson; it is the painful reckoning after years of the debt-financed government profligacy.

What should unnerve us is that some of these nations being battered by the consequences of high debt level have debt-to-GDP ratios that are close to our own. If Congress doesn't get serious about reducing spending and ending the Federal debt addiction, we're going to find ourselves in the same boat as our friends in the eurozone.

RECOGNIZING NATIONAL ADOPTION MONTH

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

Mr. HULTGREN. Mr. Speaker, this Thanksgiving many of us had the opportunity to spend time with our families and loved ones, so I think it's fitting that November is National Adoption Month. I also think it's appropriate to take time during this holiday season to recognize the tens of thousands of families nationwide who are foster families.

Unfortunately, in my home State of Illinois, a potentially tragic situation has unfolded. Faith-based adoption agencies across the State are being shut down because of their belief in traditional marriage. The Illinois Department of Child and Family Services has declined to renew contracts with several organizations. They have decimated these agencies, some of whose work was 70 percent foster care. It's an unfortunate situation, and I'm watching it closely.

But today I want to say publicly that, as we fight to curb teenage pregnancy and abortion, the right to adoption is one thing we really must defend.

OBAMACARE JOBS

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

Mr. PITTS. Mr. Speaker, let's be perfectly clear: Our tax policy affects job growth.

When the Federal Government raises taxes, raises rates, or creates new taxes, businesses make decisions regarding their workforce. When the government takes more, businesses have to make due with less.

All told, last year's health care reform law will raise taxes by $800 billion over the next 10 years. One of the new taxes is a 2.3 percent tax on medical devices.

Michigan-based manufacturer Stryker recently announced that they will reduce their work force by 5 percent so that they will be prepared to pay this new tax beginning in 2013. Stryker is just one of the first to announce reductions in the layoffs.

In the next year, medical device companies will be faced with difficult decisions about where they will cut in

order to pay this massive new tax bill. Many will have no choice but to reduce the workforce.

We don't need a health reform law that destroys jobs; we need one that encourages the creation of good jobs with good benefits. We must repeal the so-called Affordable Care Act.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 13 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1605

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 4 o'clock and 5 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

FAIRNESS FOR HIGH-SKILLED IMMIGRANTS ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3012) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3012

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 ''Fairness for High-Skilled Immigrants Act of 2011''.

SEC. 2. NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.

(a) IN GENERAL.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended—

(1) in the paragraph heading, by striking ''AND EMPLOYMENT-BASED'';

(2) by striking ''(3), (4), and (5),'' and inserting ''(3) and (4),'';

(3) by striking ''subsections (a) and (b) of section 203'' and inserting ''section 203(a)'';

(4) by striking ''7'' and inserting ''15''; and

(5) by striking ''such subsections'' and inserting ''such section''.

(b) CONFORMING AMENDMENTS.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)(3), by striking ''both subsections (a) and (b) of section 203'' and inserting ''section 203(a)'';

(2) by striking subsection (a)(5); and

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

''(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If it is determined that the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, in determining the allotment of immigrant visa numbers to natives under section 203(a), visa numbers with respect to natives of that state or area shall be allocated (to the extent practicable and otherwise consistent with this section and section 203) in a manner so that, except as provided in subsection (a)(4), the proportion of the visa numbers made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total number of visas made available under the respective paragraph to the total number of visas made available under section 203(a).''.

(c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a), by striking ''subsection (e))'' and inserting ''subsection (d))''; and

(2) by striking subsection (d) and redesignating subsection (e) as subsection (d).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on September 30, 2011, and shall apply to fiscal years beginning with fiscal year 2012.

(e) TRANSITION RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to the succeeding paragraphs of this subsection and notwithstanding title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.), the following rules shall apply:

(A) For fiscal year 2012, 15 percent of the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2010 under such paragraphs.

(B) For fiscal year 2013, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2011 under such paragraphs.

(C) For fiscal year 2014, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2012 under such paragraphs.

(2) PER-COUNTRY LEVELS.—

(A) RESERVED VISAS.—With respect to the visas reserved under each of subparagraphs (A) through (C) of paragraph (1), the number of such visas made available to natives of any single foreign state or dependent area in the appropriate fiscal year may not exceed 25 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas.

(B) UNRESERVED VISAS.—With respect to the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) and not reserved under paragraph (1), for each of fiscal years 2012, 2013, and 2014, not more than 85 percent shall be allotted to immigrants who are natives of any single foreign state.

(3) SPECIAL RULE TO PREVENT UNUSED VISAS.—If, with respect to fiscal year 2012, 2013, or 2014, the operation of paragraphs (1) and (2) of this subsection would prevent the total number of immigrant visas made available under paragraph (2) or (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) from being issued, such visas may be issued during the remainder of such fiscal year without regard to paragraphs (1) and (2) of this subsection.

(4) RULES FOR CHARGEABILITY.—Section 202(b) of such Act (8 U.S.C. 1152(b)) shall apply in determining the foreign state to which an alien is chargeable for purposes of this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3012, as amended, currently under consideration.

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

There was no objection.

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

I rise in support of H.R. 3012, the Fairness for High-Skilled Immigrants Act. I would first like to thank Chairman SMITH for his work and diligence and commitment on this issue. We wouldn't be here today without his efforts and his commitment to this. I also want to thank Ranking Member CONYERS and Immigration Subcommittee Ranking Member ZOE LOFGREN. She cares deeply about this and has also been very instrumental in putting this bill together to make it something that we hope will pass today, and I thank her for her work on the Judiciary Committee.

The Immigration and Nationality Act generally provides that the total number of employment-based immigrant visas made available to natives of any single foreign country in a year cannot exceed 7 percent of the total number of such visas made available in that year.

The bill completely eliminates the per-country caps for employment-based visas and raises the per-country cap from 7 percent to 15 percent for family-based visas—all without adding even a single additional visa. In other words, there is no net increase in the total number of visas. What I want Members on both sides of the aisle to understand and recognize is that there is not a net increase in the total number of visas; but it does make important adjustments that will allow us to better service and fix legal immigration, which is one of the commitments that I have in working in this Congress.

While per-country limits make some limited sense in the area of family immigration, they make no sense in the context of employment-based immigration. American companies treat all highly skilled immigrants equally regardless of where they come from. Our

immigration policy should do the same. H.R. 3012 creates a fair and equitable, first-come-first-served system. Under this system, U.S. companies will be able to focus on what they do best: hiring smart people to create products, services, and jobs for Americans.

Per-country caps are the antithesis of the free market. Companies recruit employees based on their talent, not their country of origin. Hiring and keeping the best people, whether from America or around the world, is the primary objective of American companies. This bill will help ensure that employers meet that objective.

Fears that these changes will lead to an influx of cheap labor are totally unfounded. Two concerns in particular rely on the false assumption that the removal of these caps will have a negative impact on American workers. The first concern applies to the removal of the per-country cap on employment-based visas. Some people argue this provision will displace American workers with cheap foreign labor, which will not and cannot happen. Current law prohibits U.S. employers from hiring foreign workers to fill these jobs unless there are insufficient U.S. workers who are able, willing, qualified, and available. This bill does not change that requirement, but it does encourage high-skilled immigrants who are educated in the U.S. to stay and help build our economy rather than using the skills they learned here to aid our competitor nations.

□ 1610

The second criticism I hear applies to the provision that raises the family-based per-country cap from 7 percent to 15 percent. The fear seems to be that this change will result in an increase of unskilled foreign immigrants who will be a burden to our system. To the contrary, those who benefit most under the family cap adjustment are the law-abiding workers who have demonstrated their respect for the rule of law by waiting in line for many years, if not decades. An unmarried minor child in Mexico, for example, who is the son or daughter of U.S. citizens and will receive a green card in November of this year has been waiting in line since April, 1993. That's an 18½-year wait. Rewarding those who are patiently waiting to come to this country legally will incentivize more people to enter our country legally through the means that we have set forth.

This bill does not add a single new green card to the system. There's no trick or compromise involved. We are sending a message we want people to come to America legally, and we're sending that message without massive comprehensive reforms. This is simple, straightforward, and consistent with where I think most Members from both sides of the aisle stand on the issue of immigration.

This legislation is pro-growth, pro-jobs, and pro-family. I would like to thank Compete America and Immigration Voice for their tireless efforts in helping to get this bill passed, and again thank Chairman SMITH, Ranking Member CONYERS, and Ms. LOFGREN for their work in helping to bring this bill forward.

I reserve the balance of my time.

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

I also rise in support of this bipartisan proposal that provides two small, technical fixes to our country's immigration laws.

The bill removes the so-called ''per-country'' limits from applying to employment-based green cards. Current immigration law provides 140,000 green cards annually to employment-based immigrants. The law, however, prevents any one country from receiving more than 7 percent—or 9,800—of the total 140,000 visas. Because of this per-country limit, a country like India, with a population of 1.2 billion, is limited to the same number of visas as a country like Iceland, with a population of 300,000 and a lot of ice. This makes no sense and has resulted in decades-long backlogs for nationals from India, as well as China, and it makes it impossible for certain U.S. employers to attract and retain certain essential workers they need to help keep America competitive. Indeed, from India and China there are many people trained in STEM areas that we need in our country to keep competitive.

Eliminating the per-country limit for employment-based immigrants would level the playing field and treat everyone on a first-come, first-served basis. Because the bill does not provide additional green cards, it does not address the current overall backlogs. And that's unfortunate. But the bill does treat people and those backlogs more equitably. And to make sure that there are no unintended consequences, the elimination of the per-country limit is phased in slowly over 3 years.

The bill also raises the per-country limit for family-based immigrants from 7 percent to 15 percent. This would have a similar effect of making the treatment of such immigrants more equitable. These fixes are small, but they mean a great deal to the people they will help.

H.R. 3012 is supported by quite a few business groups, including the United States Chamber of Commerce, Compete America, and the American Council on International Personnel. It is supported by advocates for American and immigrant families, including the Asian American Justice Center and the National Immigration Law Center.

I, like my colleague on the other side, want to thank the people who are above me on the committee level, the chairman in particular, Chairman SMITH; and the ranking member of our subcommittee, ZOE LOFGREN, who has worked with Congressman CHAFFETZ, who has worked so hard on this bill, as has Chairman SMITH, to get this bipartisan bill through the committee and to the floor.

It's important that we do get bipartisan bills through, and because of our chairman, we have that opportunity on occasion to do such a thing. I urge my colleagues to support this important legislation, and I reserve the balance of my time.

Mr. CHAFFETZ. I yield such time as he may consume to the chairman of our full committee, Mr. LAMAR SMITH of Texas.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Utah for yielding me time, and I also want to thank him for his sponsorship of this legislation.

Mr. Speaker, our immigration system should be designed to benefit Americans and our economy. And this bill introduced by Congressman CHAFFETZ does just that, and I'm happy to be a cosponsor.

The Immigration and Nationality Act generally provides that the total number of family-sponsored and employment-based green cards available to natives of any one country cannot exceed 7 percent of the total number of green cards available each year. Because of these annual numerical caps on green cards and the fact that some countries have more of the skilled workers that American employers want, natives of these countries must often wait years longer for green cards than natives of other countries.

For foreign professionals with advanced degrees and aliens of exceptional ability, green cards are now immediately available to approved applicants from most countries. However, because employers seek so many workers from India and China, the per-country caps result in green cards only being available to these individuals who first applied before November 2007, 4 years ago.

For foreign professionals with bachelor's degrees and skilled workers, green cards are now available to applicants from most countries who first applied on or before December 2005. However, for the same reason, because employers seek so many workers from India and China, the per-country cap results in green cards only being available to those from China who first applied before August 2004 and for those from India before July 2002.

Similar per-country caps exist in the family-sponsored green card categories. That's why natives of most countries who are siblings of U.S. citizens will get green cards only if they first applied before June 2000, 11 years ago, and the siblings from the Philippines have had to wait since 1988.

H.R. 3012, the Fairness for High-Skilled Immigrants Act, eliminates the employment-based per-country cap entirely by fiscal year 2015. It also raises the family-sponsored per-country cap from 7 percent to 15 percent. This legislation makes sense. Why should American employers who seek green cards for skilled foreign workers have to wait longer just because the workers are from India or China? American business employers have already proved to

the U.S. Government that they need these workers, that qualified workers are not available, and that American workers will not be harmed.

It makes sense to repeal the employment-based per-country caps. So I urge my colleagues to support H.R. 3012. Again, I want to thank the gentleman from Utah for sponsoring this legislation.

Mr. COHEN. Mr. Speaker, I yield 2 minutes and 56 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I will try to take full advantage of those extra 56 seconds.

Mr. Speaker, I'm a cosponsor of this bipartisan legislation, and I want to speak on its behalf.

I heard about a conversation that Bill Clinton had with Steve Jobs. Apple Computer has about 200,000 employees outside of the borders of the United States, I understand. I believe it's Walter Isaacson in his biography of Steve Jobs who talks about a conversation he had with President Clinton, where the former President asked, What would it take to get all these employees back into the United States? Mr. Jobs said, You give me 30,000 highly skilled workers in the United States and we'll bring those jobs back.

And that's what this is about. It's having access within the United States to the most highly skilled engineers, scientists, and mathematicians, who will in turn generate the kind of economic activity that we all want in terms of job creation and national economic growth.

In the northern Virginia area, we're very fortunate to have a strong high-tech sector.

□ 1620

But for that tech sector to continue to grow and expand, we have got to have a workforce not only adequate in terms of quantity, but particularly in terms of quality. We know how important technology firms are going to be in the global economy of the 21st century; but I don't think we fully take into account how important it is to continue to attract the best and brightest from around the world who, in fact, do want to go to graduate school here and do want to continue residing in the United States and to work here applying their talents and skills.

Now, under current law, employment-based and family-sponsored immigrant visas for the natives of any particular country can't exceed 7 percent of the total of those visas made available that year. That cap hinders the ability of high-tech firms in the United States to hire the top talent from countries like India and China who have a disproportionately large number of individuals with the education and the experience that are sought after by many of these technology companies. It doesn't make sense to continue enforcing outdated, arbitrary caps that make it harder for companies to hire the employees that they need and that we need to grow and prosper within the United States.

This legislation eliminates per-country limits on the allotment of high-skilled green cards without adding a single additional green card to the system. It also increases per-country limits from 7 percent to 15 percent—more than double—in the family-based immigration system, helping reduce substantial backlogs in the family-based system as well. It doesn't add any additional visas but, rather, it more rationally distributes the allotment already available.

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

Mr. COHEN. I yield the gentleman as much time as he may consume.

Mr. MORAN. I will try to be judicious in using that time. I very much thank my good friend from Memphis for yielding me the time.

This legislation is modest in scope, but it is very important because it puts this country in the right direction of economic growth.

Now, I want to say I wish we would set our ambitions higher in the whole area of immigration. Our immigration system is broken; it needs a fundamental overhaul. We ought to have comprehensive immigration reform that makes strategic investments in border security, improves workplace verification of employees, and establishes a path to legalization for undocumented immigrants currently in the country. But maybe we can use this kind of a debate to reflect upon the much broader benefits to our country that would accrue by improving our immigration system and continuing to pursue a comprehensive solution.

But regardless of whether we can get the more ambitious legislation, the bill before us today fixes a real problem that today harms our Nation's competitiveness. That's why it has bipartisan support; that's why it's the right thing to do; and I think it's terribly important for the area of our economy which is going to produce the most jobs in the future, the most competitive jobs, with the highest profit margins that we can then sell to the rest of the world.

So, Mr. Speaker, I congratulate the sponsors of this legislation and would hope that we would get unanimous support for it.

Mr. COHEN. I thank the gentleman from Virginia. I appreciate his statement, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers.

I just want to, again, thank Chairman SMITH. I also want to recognize the good work and the working relationship that I have with Ms. LOFGREN of California and the gentleman from Illinois, LUIS GUTIERREZ, who was also very instrumental. I think it does demonstrate that we can work in a bipartisan way to pass important legislation that really will have an effect on businesses, jobs, our economy, and a whole lot of families that are deserving.

I urge support of H.R. 3012, and I would yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, this country has needed to eliminate the "per country" limits for employment-based immigrants, and increase those for family-based immigrants, for a very long time.

Although these are relatively small fixes, and a great deal more needs to be done, these fixes represent a balanced approach to addressing some of the long-standing problems in our broken immigration system. And they are the right thing to do.

We all know that our immigration system is severely broken, and it has been broken for decades. At the heart of this broken system are the outdated employment- and family-based immigration systems, which suffer under decades-long backlogs. In combination with the per country limits, these backlogs keep nuclear families apart for decades, while preventing U.S. employers from accessing and retaining the employees they need to stay competitive.

H.R. 3012 begins to address these problems by eliminating the employment-based per-country limits and adjusting the family-based per-country limits to make the system fairer for people caught in the backlogs. This is a good step that will lead to more equitable outcomes.

But I must note that until we do something about the backlogs themselves, we will continue to have a dysfunctional system. This bill will help certain Indian nationals, who now face a wait of 70 years to get green cards,; But because the bill does not address the scope of the backlogs, it will increase the wait time for many others. Under this bill, everyone seeking an employment-based third preference green card will have to wait 12 years. That may be more equitable, but it doesn't fix the underlying problem.

In any event, the bill makes the system fairer, and that is why I support it. I just hope that we can come together, as we have done today, to fix other areas of our immigration law.

Hopefully, this type of balanced legislation, in combination with true cooperation across the aisle, can serve as a model for addressing other areas of our broken immigration system. This country desperately needs that we try.

I thank the author of the bill, JASON CHAFFETZ, as well as Judiciary Committee Chairman LAMAR SMITH and Ranking Member JOHN CONYERS, for working with me on this bill and addressing some of my concerns.

I urge my colleagues to support the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 3012, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

NATIONAL GUARD AND RESERVIST DEBT RELIEF EXTENSION ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2192) to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2192

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 ''National Guard and Reservist Debt Relief Extension Act of 2011''.

SEC. 2. NATIONAL GUARD AND RESERVISTS DEBT RELIEF AMENDMENT.

Section 4(b) of the National Guard and Reservists Debt Relief Act of 2008 (Public Law 110–438; 122 Stat. 5000) is amended by striking ''3-year'' and inserting ''7-year''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2192 currently under consideration.

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

There was no objection.

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

Before us today is an important bill sponsored by my colleagues from Tennessee (Mr. COHEN) and Virginia (Mr. FORBES).

On the 10th anniversary of September 11, 2001, Americans paused to honor the memory of the innocent victims who perished that tragic day. We also were reminded of the bravery of American military personnel and thanked military families for their sacrifice. The last 10 years have been trying on our uniformed men and women, including our military reservists and members of the National Guard. About 1 million reservists and guardsmen have been deployed to Iraq or Afghanistan over the past 10 years. For that, we are very, very grateful.

The Federal Government has a responsibility to ease the transition of reservists and guardsmen back into civilian life upon their return home from war. Many of them return home with physical handicaps. For many others, psychological challenges face them and their families. Some of these veterans and their families have suffered financial hardships, and frequently bankruptcy is, unfortunately, the last resort.

In a chapter 7 bankruptcy, a debtor surrenders virtually all their assets to the bankruptcy trustee and receives a discharge at the end of the short case. In contrast, in a chapter 13 case, the debtor retains their assets but must commit their disposable income over the next 3 to 5 years to the repayment of their creditors before receiving a discharge from their debts.

In 2005, Congress enacted the Bankruptcy Abuse Prevention and Consumer Protection Act, often referred to as BAPCPA. A significant policy goal of that act was to combat a perceived abuse of chapter 7 bankruptcy. In BAPCPA, Congress inserted into the Bankruptcy Code a way to determine whether a debtor has a disposable income that can be used to pay their debts. This is commonly referred to as the means test. If a debtor is able to pay some portion of their debts from their disposable monthly income, then their filing of a chapter 7 bankruptcy is presumed to be an abuse of the bankruptcy system. The debtor remains eligible for relief under other bankruptcy chapters, including chapter 13, where they can restructure how they pay their debts from their disposable income.

In 2008, Congress recognized that military reservists and National Guardsmen sometimes suffer unique financial difficulty resulting from their military service, so we enacted the National Guard and Reservist Debt Relief Act, which President Bush signed into law in October of 2008. That act allows reservists and National Guardsmen to bypass the means test, making it easier for them to file a chapter 7 case. When they return from the front lines of war, they have endured enough. They do not need to also suffer a presumption of bankruptcy abuse if they are in need of a quick, fresh start in bankruptcy. That act expires in December of this year. H.R. 2192, which Mr. COHEN and Mr. FORBES have introduced, extends the sunset date of the act that was passed in 2008.

America is still a nation at war, and we continue to call on our guardsmen and reservists to perform heroic tasks. During these trying times, Congress should not make life more difficult for these brave men and women by allowing these means test exemptions to lapse. The bill extends the sunset date by 4 years, at which time Congress will have the opportunity to reexamine whether this means test carveout has served its purpose and whether it is needed any longer.

I want to thank, again, Mr. COHEN and Mr. FORBES for introducing this important and timely legislation. I encourage my colleagues to vote ''yes'' on the bill.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of H.R. 2192, the National Guard and Reservist Debt Relief Extension Act of 2011. This bipartisan legislation, which I introduced in June of this year with Mr. FORBES, Mr. ROHRABACHER and others, ensures that certain members of the National Guard and Reserves who fall on hard economic times after their service to this country will continue to obtain bankruptcy relief without having to fill out the substantial paperwork required by the so-called means test under chapter 7 of the Bankruptcy Code.

□ 1630

H.R. 2192 simply extends the existing means test exception, which will expire in a few weeks if Congress fails to act, and act we should for our reservists and National Guardspeople who have put themselves in the line of fire for our country and our safeties and liberties.

Under the means test, a chapter 7 bankruptcy case is presumed to be an abuse of the bankruptcy process if it appears that the debtor has income in excess of certain thresholds.

The National Guard and Reservist Debt Relief Act of 2008 created an exception to the means test's presumption for members of the National Guard and Reserves who, after September 11, 2001, served on active duty or in a homeland defense activity for at least 90 days. The exception remains available for 540 days after the servicemember leaves the military.

The National Guard and Reservist Debt Relief Extension Act of 2011 would simply extend that exception until December 2015. This modest, but important exception to the means test allows qualifying members of the National Guard and Reserves to obtain chapter 7 bankruptcy relief without fulfilling the means test paperwork requirements.

Since September 11, 2001, more than 815,000 members of the National Guard and Reserves have been deployed to Iraq and Afghanistan, with many having served multiple tours of duty.

As of August of this year, members of the National Guard and Reserves made up 43 percent of U.S. forces in Iraq and Afghanistan and represent more than 20 percent of those killed in action and 20 percent of those wounded in action. Many of these citizen warriors have been asked to disrupt their civilian lives with little notice to serve their country in active war zones, and like other veterans returning from war zones, they often have difficulty adjusting to civilian life.

It is estimated that approximately 40 percent of all Guard members will experience some sort of financial hardship and that 26 percent of Guard members had money problems related to their deployment into war zones.

H.R. 2192 is a meaningful way for our Nation to recognize the tremendous sacrifice made by National Guard and Reserve members who have served on active duty or homeland defense since

September 11, 2001, and may be suffering financial hardship. This bipartisan measure is in the tradition of the GI Bill, the Servicemembers Civil Relief Act, and numerous other provisions of law enacted to benefit military veterans.

I thank Representatives FORBES and ROHRABACHER, two members of the Republican Party who worked with me on this and helped cosponsor it, and Representatives SCHAKOWSKY and NADLER of my party for cosponsoring H.R. 2192. I also thank the Judiciary Chairman, Mr. SMITH, the Ranking Member, Mr. CONYERS, and the Subcommittee on Courts, Commercial and Administrative Law chairman, the distinguished Mr. HOWARD COBLE, for their assistance in moving this bill.

This bill does indeed help Reservists and National Guardsmen in a special way. But it also shows that the previous bill that Mr. CHAFFETZ sponsored shows that we in the Judiciary Committee can work in a bipartisan manner, and that Congress can work, and that we should be at least in double digits.

I urge my colleagues to support H.R. 2192, and I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I have no additional speakers at this time. I would encourage my colleagues to vote for this. It's a good day when we can come to the floor of the House and vote in support of our Guardsmen and those serving in our military.

I appreciate, again, the good bipartisan support and work of Mr. COHEN, Mr. FORBES, and others.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 2192.

The question was taken.

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

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

The yeas and nays were ordered.

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

RISK-BASED SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES ACT

Mr. CRAVAACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1801

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 ''Risk-Based Security Screening for Members of the Armed Forces Act''.

SEC. 2. SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(m) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

''(1) IN GENERAL.—The Assistant Secretary shall develop and implement a plan to provide expedited security screening services for a member of the Armed Forces, and any accompanying family member, when the member of the Armed Forces presents documentation indicating official orders while in uniform through a primary airport (as defined by section 47102 of this title).

''(2) PROTOCOLS.—In developing the plan, the Assistant Secretary shall consider—

''(A) leveraging existing security screening models used by airports and air carriers to reduce passenger wait times before entering a security screening checkpoint;

''(B) establishing standard guidelines for the screening of military uniform items, including combat boots; and

''(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 613; 49 U.S.C. 114 note), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

''(3) REPORT TO CONGRESS.—The Assistant Secretary shall submit to the appropriate committees of Congress a report on the implementation of the plan.''.

(b) EFFECTIVE DATE.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall implement the plan required by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. CRAVAACK) and the gentlewoman from California (Ms. RICHARDSON) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

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

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

There was no objection.

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

The bill under consideration today, H.R. 1801, the Risk-Based Security Screening for Members of the Armed Forces Act, is a bipartisan effort which directs TSA to establish an expedited screening process for members of the Armed Forces and their families when they are traveling on orders throughout our Nation's airports. Currently, military servicemembers traveling on orders must remove their Class A uniform blouse jackets, metal belt buckles and insignia devices before proceeding through security checkpoints.

While it is important every passenger undergo a security screening before boarding a plane, it makes absolutely no sense to require American servicemembers to take off their jackets and medals for TSA screening before boarding their flights home. Unless intelligence identifies a specific threat, we should honor our servicemembers' willingness to sacrifice themselves for our country by treating them as patriots, not operating under the assumption that everyone intends to harm our country's transportation system.

Importantly, this commonsense bill will streamline the screening process for our servicemembers and lead to decreased checkpoint wait times for other American travelers. Moreover, this legislation will complement TSA Administrator Pistole's move toward a risk-based checkpoint screening system for passengers and will prioritize members of the Armed Forces for inclusion into that process.

I am pleased to report that since H.R. 1801 was passed unanimously with bipartisan support in committee, TSA has now begun testing a military ID reading pilot program for U.S. armed servicemembers at Monterey Peninsula Airport in California. While this bill will not let a member of the Armed Forces bypass security, it will require TSA to develop an expedited screening process designed to reduce our servicemember's checkpoint waiting times and focus more resources on unknown and high-risk passengers.

To be clear, this program does not impact the TSA's existing layered aviation security approach that includes Federal air marshals—the last line of defense—Federal flight deck officers, secure flight vetting, AIT machines, TSA intelligence analysts, explosive trace detection, canine teams, credentialing and boarding pass scanning systems, and behavior detection. It is merely part of the highly integrated risk-based analysis system that allows further concentration of limited resources on potentially higher risk passengers.

In closing, I'd like to thank Transportation Security Committee Chairman MIKE ROGERS and Homeland Security Committee Chairman PETER KING for moving this legislation, and all of my colleagues in committee, particularly Ranking Member BENNIE THOMPSON and Subcommittee Ranking Member SHEILA JACKSON LEE, for their support.

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

Ms. RICHARDSON. Mr. Speaker, I rise in support of H.R. 1801, and yield myself such time as I may consume.

First of all, I'd like to acknowledge the work of Chairman KING and Ranking Member THOMPSON.

As a member of the Committee on Homeland Security, I'm pleased that, for the first time in this 112th Congress, the House is considering important transportation security legislation. H.R. 1801, the Risk-Based Security Screening for Members of the Armed Forces Act, requires the Transportation Security Administration to

develop a plan for providing expedited screening for our military personnel at airport security checkpoints.

Since 2001, there have been more than 2 million troops that have been deployed to Iraq and Afghanistan. Last Congress an earlier version of this legislation was accepted as an amendment on a bipartisan basis, as my colleague mentioned earlier, during consideration of the Transportation Security Administration Authorization Act, which passed this House by 397 votes in the ''aye'' and 25 in the ''nay,'' but it was not acted upon by the Senate, unfortunately.

□ 1640

H.R. 1801 properly recognizes the preciousness of time to our patriotic men and women serving in our armed services without compromising aviation security. This legislation will ensure that our troops and their families, including 236,963 defense personnel in my own home State in California, are given the opportunity to board an aircraft in a security-approved, expedited manner.

Our troops help keep our country safe. The least we can do is devise methods that help speed up the screening process for our troops that are in uniform and are traveling on airplanes while on official duty.

As our military presence in Iraq winds down, it is important that we remain cognizant of the burdens that deployments and travel have on servicemembers and their families in times of war and peace.

In addition to travel services, I support and urge this Congress, the administration, and the Department of Homeland Security to strengthen all military services and programs for our troops, including increasing veteran recruitment efforts.

Some of the additional military support that this Congress should consider would be, one, providing tax credits for hiring veterans looking for work; two, strengthening much-needed training programs for separating servicemembers; three, encouraging businesses and government contractors to hire the brave men and women who have been deployed and have now returned with developed valuable skills and professionalism while in the Armed Forces; four, ensuring that the servicemembers leave the military career-ready.

H.R. 1801 is one of many opportunities for the American public and this Congress to demonstrate their support to those who are serving bravely. Further, it is important to note that consideration of H.R. 1801 marks the first time in this Congress that the House is considering a bill reported by the Committee on Homeland Security. I and other members of this committee look forward to this legislation not being our last.

A number of commonsense homeland security bills are on the U.S. House of Representatives calendar and warrant timely consideration.

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

Mr. CRAVAACK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. I rise also in support of H.R. 1801.

As we come off a holiday weekend, the busiest travel time in this country, many Americans have gone through the screening at our numerous airports. The TSA works hard screening everybody and keeping our flights safe, but we must always be looking for ways to make that system more efficient and safer. Members of our military whom we know have served and put their lives on the line for this country should be among those who are first in a program where we trust our travelers.

We must continue to look for efficiencies to speed air travel. We must continue to look for fewer invasive ways to screen passengers. We must look for ways to make traveling a more pleasant experience and a more profitable experience for the businessmen and -women who travel.

I urge support of this bill, which is where we should start—with members of our armed services; but there are other places we need to look, too—to trusted-traveler programs and flight crews receiving expedited screening. The TSA must continue to work to improve this process to make it safer and more efficient. This bill gives the TSA the encouragement that they need, and is a great step along the way to more efficient, private and better screening for our airport security.

Ms. RICHARDSON. Mr. Speaker, I have no more speakers. If the gentleman from Minnesota has no more speakers, I am prepared to close.

Mr. CRAVAACK. I am prepared to close after the gentlewoman from California closes.

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

H.R. 1801 is needed. It's common sense, and it's a piece of legislation with a history of bipartisan support. I urge my colleagues to support this measure and our troops.

Their time is limited, and it certainly shouldn't be wasted in long lines at the airport. Airports all around the country have multiple checkpoints that expedite the security screening process, and our service personnel have earned this privilege as well.

Likewise, I urge the Republican leadership to put on the House floor additional Homeland Security bills and bills aimed at easing our veterans' transition from military service to civilian careers. It's late November in the first session of this 112th Congress. It's coming to an end, the public is hurting, and Congress must act.

With that, Mr. Speaker, on H.R. 1801 I urge my colleagues to unanimously support this bill, and I yield back the balance of my time.

Mr. CRAVAACK. Mr. Speaker, I would like to thank my colleague from California for her support on this very important bill and the shared importance, value, and trust we place in our military servicemembers.

I urge support of H.R. 1801, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, as the Ranking Member of the Committee on Homeland Security's Subcommittee on Transportation Security, I am pleased that, for the first time this Congress, the House is considering important transportation security legislation.

In this budgetary climate, we must ensure that the Transportation Security Administration is maximizing its resources and adequately integrating efficient screening processes across its checkpoint security programs.

This legislation strives to do that by ensuring that an expedited screening program is established for members of the Armed Forces.

These are the men and women who sacrifice their time and family life to defend our liberty.

Affording them the opportunity to be respectfully screened in an expedited manner will ensure that we continue to honor their service and what their commitment means to the American public.

H.R. 1801 represents common-sense legislation with bipartisan support.

I am happy that I was able to work with Mr. ROGERS and others members of the Subcommittee and Full Committee on Homeland Security on this bill.

I look forward to continuing our work on the Committee on Homeland Security and producing additional bipartisan measures that strive to enhance our nation's transportation security efforts.

I urge my colleagues to support this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. CRAVAACK) that the House suspend the rules and pass the bill, H.R. 1801, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

FEDERAL WORKERS' COMPENSATION MODERNIZATION AND IMPROVEMENT ACT

Mr. WALBERG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2465) to amend the Federal Employees' Compensation Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2465

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 ''Federal Workers' Compensation Modernization and Improvement Act''.

SEC. 2. PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES.

(a) DEFINITION OF MEDICAL SERVICES.—Section 8101(3) of title 5, United States Code, is amended—

(1) by striking ''law. Reimbursable'' and inserting ''law (reimbursable''; and

(2) by inserting before the semicolon, the following: '', and medical services may include treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor)''.

(b) MEDICAL SERVICES AND OTHER BENEFITS.—Section 8103 of title 5, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a), the following:

''(b) Medical services furnished or prescribed pursuant to subsection (a) may include treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, consistent with regulations prescribed by the Secretary of Labor.''.

(c) CERTIFICATION OF TRAUMATIC INJURY.—Section 8121(6) of title 5, United States Code, is amended by inserting before the period, the following: ''(except that in a case of a traumatic injury, a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by State law, may also provide certification of such traumatic injury and related disability during the continuation of pay period covered by section 8118, in a manner consistent with regulations prescribed by the Secretary of Labor)''.

SEC. 3. COVERING TERRORISM INJURIES.

Section 8102(b) of title 5, United States Code, is amended in the matter preceding paragraph (1)—

(1) by inserting ''or from an attack by a terrorist or terrorist organization, either known or unknown,'' after ''force or individual,''; and

(2) by striking ''outside'' and all that follows through ''1979)'' and inserting ''outside of the United States''.

SEC. 4. DISFIGUREMENT.

Section 8107(c)(21) of title 5, United States Code—

(1) by striking ''For'' and inserting the following: ''(A) Except as provided under subparagraph (B), for''; and

(2) by adding at the end the following:

''(B) Notwithstanding subparagraph (A), for an injury occurring during the 3-year period prior to the date of enactment of the Federal Workers' Compensation Modernization and Improvement Act for which the Secretary of Labor has not made a compensation determination on disfigurement under subparagraph (A), or for an injury occurring on or after the date of enactment of such Act resulting in a serious disfigurement of the face, head, or neck, proper and equitable compensation in proportion to the severity of the disfigurement, not to exceed $50,000, as determined by the Secretary, shall be awarded in addition to any other compensation payable under this schedule. The applicable maximum compensation for disfigurement provided under this subparagraph shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a.''.

SEC. 5. SOCIAL SECURITY EARNINGS INFORMATION.

Section 8116 of title 5, United States Code, is amended by adding at the end the following:

''(e) Notwithstanding any other provision of law, the Secretary of Labor may require, as a condition of receiving any benefits under this subchapter, that a claimant for such benefits consent to the release by the Social Security Administration of the Social Security earnings information of such claimant.''.

SEC. 6. CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.

Section 8118 of title 5, United States Code, is amended—

(1) in subsection (b), by striking ''Continuation'' and inserting ''Except as provided under subsection (e)(2), continuation'';

(2) in subsection (c), by striking ''subsections (a) and (b)'' and inserting ''subsections (a) and (b) or subsection (e),'';

(3) in subsection (d), by striking ''subsection (a)'' and inserting ''subsection (a) or (e)'';

(4) by redesignating subsection (e) as subsection (f); and

(5) by inserting after subsection (d) the following:

''(e) CONTINUATION OF PAY IN A ZONE OF ARMED CONFLICT.—

''(1) IN GENERAL.—Notwithstanding subsection (a), the United States shall authorize the continuation of pay of an employee as defined in section 8101(1) of this title (other than those referred to in subparagraph (B) or (E)), who has filed a claim for a period of wage loss due to traumatic injury in performance of duty in a zone of armed conflict (as so determined by the Secretary of Labor under paragraph (3)), as long as the employee files a claim for such wage loss benefit with his immediate superior not later than 45 days following termination of assignment to the zone of armed conflict or return to the United States, whichever occurs later.

''(2) CONTINUATION OF PAY.—Notwithstanding subsection (b), continuation of pay under this subsection shall be furnished for a period not to exceed 135 days without any break in time or waiting period, unless controverted under regulations prescribed by the Secretary of Labor.

''(3) DETERMINATION OF ZONES OF ARMED CONFLICT.—For purposes of this subsection, the Secretary of Labor, in consultation with the Secretary of State and the Secretary of Defense, shall determine whether a foreign country or other foreign geographic area outside of the United States (as that term is defined in section 202(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(7))) is a zone of armed conflict based on whether—

''(A) the Armed Forces of the United States are involved in hostilities in the country or area;

''(B) the incidence of civil insurrection, civil war, terrorism, or wartime conditions threatens physical harm or imminent danger to the health or well-being of United States civilian employees in the country or area;

''(C) the country or area has been designated a combat zone by the President under section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c));

''(D) a contingency operation involving combat operations directly affects civilian employees in the country or area; or

''(E) there exist other relevant conditions and factors.''.

SEC. 7. SUBROGATION OF CONTINUATION OF PAY.

(a) SUBROGATION OF THE UNITED STATES.—Section 8131 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting ''continuation of pay or'' before ''compensation''; and

(2) in subsection (c), by inserting ''continuation of pay or'' before ''compensation already paid''.

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 of title 5, United States Code, is amended—

(1) by inserting ''continuation of pay or'' before ''compensation'' the first, second, fourth, and fifth place it appears;

(2) by striking ''in his behalf'' and inserting ''on his behalf''; and

(3) by inserting ''continuation of pay and'' before ''compensation'' the third place it appears.

SEC. 8. FUNERAL EXPENSES.

Section 8134 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''If'' and inserting ''Except as provided in subsection (b), if'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) Notwithstanding subsection (a), for deaths occurring on or after the date of enactment of the Federal Workers' Compensation Modernization and Improvement Act, if death results from an injury sustained in the performance of duty, the United States shall pay, to the personal representative of the deceased or otherwise, funeral and burial expenses not to exceed $6,000, in the discretion of the Secretary of Labor. The applicable maximum compensation for burial expenses provided under this subsection shall be adjusted annually on March 1 in accordance with the percentage amount determined by the cost of living adjustment in section 8146a.''.

SEC. 9. EMPLOYEES' COMPENSATION FUND.

Section 8147 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''except administrative expenses'' and inserting ''including administrative expenses''; and

(B) by striking the last 2 sentences; and

(2) in subsection (b)—

(A) in the first sentence, by inserting before the period ''and an estimate of a prorata share of the amount of funds necessary to administer this subchapter for the fiscal year beginning in the next calendar year''; and

(B) in the second sentence, by striking ''costs'' and inserting ''amount set out in the statement of costs and administrative expenses furnished pursuant to this subsection''.

SEC. 10. CONFORMING AMENDMENT.

Section 8101(1)(D) of title 5, United States Code, is amended by inserting before the semicolon ''who suffered an injury on or prior to March 3, 1979''.

SEC. 11. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act, shall take effect 60 days after the date of enactment of this Act.

SEC. 12. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. WALBERG) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2465.

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

There was no objection.

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

I rise today in support of H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act. The legislation was approved unanimously by the House Education and Workforce Committee, a testament to its commonsense bipartisan policies. I urge my colleagues to support it.

For more than 90 years, our workers' compensation program has provided assistance to Federal employees who become injured or ill through a work-related activity. The program reflects our commitment to the men and women who serve our country in the Federal Government.

Established by the Federal Employees' Compensation Act, the program is administered by the Department of Labor; and, in recent years, it has grown significantly in size and in cost. An estimated 3 million employees are covered by the program. During fiscal year 2010, beneficiaries receive nearly $3 billion in workers' compensation.

Unfortunately, this Federal program has not been significantly reformed or updated in almost 40 years; and as is too often the case with government programs left unchecked for decades, waste and inefficiencies have crept into the system, leading to poor use of taxpayer resources and diminished support for the individuals the program is intended to serve.

Through the oversight efforts of the Education and Workforce Committee, we've learned about a number of challenges confronting the program. For example, workers in rural areas like my own may have limited access to medical care. Additionally, Mr. Speaker, some compensation levels remain set to formulas that made sense during the days of the Second World War, but are inappropriate today. Clearly, reform is long overdue.

Federal employees should have access to a program that reflects the realities of today's economy and that takes into account the best practices in medical care. Taxpayers deserve a program that operates efficiently and effectively. That's why I, along with the other leaders on the Education and Workforce Committee, introduced the Federal Workers' Compensation Modernization and Improvement Act, an initial step in our effort to strengthen the program and bring it into the 21st century.

□ 1650

The bill before us today advances this goal in three important ways:

First, Mr. Speaker, H.R. 2465 enhances the efficiency of the Federal Workers' Compensation Program. The legislation allows physician assistants and advanced practice nurses—highly trained individuals in the medical profession—to certify a worker's disability and ensure these professionals are reimbursed for their services. The bill also streamlines the claims process for workers who sustain a traumatic injury in an area of armed conflict. These individuals can work in hostile and even deadly environments, and they should not have to wait months for benefits they are entitled to and the taxpayer wishes to afford them;

Second, the legislation, Mr. Speaker, improves the integrity of the Workers' Compensation Program. The Labor Department would be allowed to cross-check an employee's earnings with information held at the Social Security Administration, helping to provide workers the benefits they deserve, no more and no less. The Department would also be empowered to collect administrative costs and other expenses from agencies employing the workers, promoting greater accountability within the program for all Federal agencies;

Finally, Mr. Speaker, the legislation modernizes benefits to better meet the needs of today's workers, providing the level of support employees need and guaranteeing that injuries or illnesses resulting from an act of terrorism are treated like other war-risk hazards.

The Federal Workers' Compensation Modernization and Improvement Act represents commonsense reform Federal workers and taxpayers deserve. I encourage my colleagues to support the legislation.

I reserve the balance of my time.

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

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act.

This legislation is the product of bipartisan cooperation and consensus, and I thank the chairman of the Workforce Protections Subcommittee for being here and being the leader on this today.

This legislation updates and improves the Federal Employees' Compensation Act, or FECA, which provides a safety net to 2.7 million Federal civilian and postal employees, ensuring they can continue to support their families and pay their bills if they're injured on the job. A core principle embedded in FECA is that workers should be no better off, or no worse off, for having suffered a work-related injury.

The reforms in this bill are an initial step toward making FECA fairer and more efficient for taxpayers and the Federal employees who depend on the program. H.R. 2465 updates benefits for funeral expenses and facial disfigurement, both of which have not been updated since 1949. It ensures that injuries caused by acts of terrorism are covered and expands the pool of medical providers to include advanced practice nurses and physician assistants. It also expands the continuation of ''pay period'' from 45 days to 135 days for those who are injured overseas in a ''zone of armed conflict'' to make it easier to file for benefits.

This legislation also will improve program integrity by allowing the Department of Labor to match its records against Social Security earnings information, ensuring that beneficiaries are not receiving prohibited salary or outside income at the same time they're receiving FECA benefits. Consistent with a Government Accountability Office recommendation, the bill allows the government to recover a portion of payments that were secured from third parties. Mr. Speaker, these commonsense, bipartisan changes will make FECA more efficient and, according to the Congressional Budget Office, will produce savings for taxpayers and the postal service.

The committee is also aware of Department of Labor proposals to slash benefits for workers with dependents, reduce benefits for permanently disabled workers when they reach retirement age, and shrink survivor benefits. While the Department contends their proposal addresses inequities, they have not presented evidence that these changes will not create unintended consequences.

For that reason, I was pleased to join Chairman KLINE, Subcommittee Chairman WALBERG, and Ranking Member MILLER in sponsoring a July 8 request to the GAO asking that it assess the impacts of the Labor Department's proposed changes. The GAO report will be vital—it will be so important—as we look for ways to further improve FECA without undermining its core values.

Before we consider what we're going to be doing, we have to consider who is impacted by changes when we modify this law. And when we do, we have to keep in mind that FECA is these workers' exclusive remedy, which means injured workers and survivors of those killed on the job cannot sue the government for their losses.

Leslie Black was a correctional officer at the Federal Correctional Institution in Bennettsville, South Carolina, when she was attacked by an inmate on May 2, 2007. She wrote this:

> The inmate who attacked me had embedded two razors into a plastic spoon by melting the spoon around the razors, creating a lethal weapon. With this weapon, he slashed my throat and right arm, causing severe bleeding, blood loss, and lacerations.
>
> Since this attack, my family and I have survived on a reduced income of my workers' compensation benefits and my husband's income, including his wages as a member of the Army National Guard. We have three children at home, and my workers' compensation benefits have been the difference between financial survival and financial ruin. We hardly live in the lap of luxury.

She hopes to return to work at the prison in a suitable position in the near future, Mr. Speaker. She asked, ''Why would anyone want to cut benefits for someone who was hurt trying to keep the community safe?''

Given the public service provided by Leslie and other Federal workers, I was disappointed to see that the Senate Committee on Homeland Security and Government Affairs has reported out postal reform legislation that adopted many of the Department of Labor's proposals to cut FECA and then went a step further and cut them even more deeply without having first undertaken an analysis of the impacts. The Senate committee even imposed some of these cuts retroactively. Frankly, taking a meat axe to the FECA program without first doing your homework is irresponsible. It is my hope that the legislation before us today, coupled with a bipartisan commitment to study the matter with care, can serve as an example for the correct path forward for improving FECA.

These are not just numbers. They're not just percentages that we're dealing with. These changes could mean unjust impoverishment for a Federal firefighter injured while battling a forest fire or the widow of an FBI officer killed in the line of duty. Representative GABBY GIFFORDS and her staff were covered under FECA following the tragic assault that killed six in Tucson, Arizona, earlier this year.

As we move forward, it is important that any further reforms are fair to both taxpayers and injured workers. While I appreciate the desire of some colleagues to move quickly to address their concerns about FECA, it is prudent to allow a few months for GAO to complete its work before redesigning the benefit structure.

Mr. Speaker, I am also troubled to learn that the House Committee on Oversight and Government Reform decided to include changes to FECA in a postal reform bill that would create a separate postal workers' compensation system outside of FECA. All Federal workers—all Federal workers—should be covered under the same workers' compensation system, regardless of which agency employs them. So pursuant to House rules, Workers' Compensation Programs, including FECA, have been within the primary jurisdiction of the House Committee on Education and the Workforce, and I expect that members of our committee will have an opportunity to weigh in on that bill before it moves forward.

□ 1700

Mr. Speaker, H.R. 2465 enjoys the support of a broad coalition of labor unions, organizations of health care providers, and retiree groups.

In closing, I would like to thank Chairman KLINE, Ranking Member MILLER, and Subcommittee Chairman WALBERG for their work on this legislation.

It has been truly a gift to work in a bipartisan manner.

AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS,
Alexandria, VA, July 12, 2011.

Hon. JOHN KLINE,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.
Hon. TIM WALBERG,
Chairman, Subcommittee on Workforce Protections, Washington, DC.
Hon. GEORGE MILLER,
Ranking Member, Committee on Education and the Workforce, House of Representatives, Washington, DC.
Hon. LYNN WOOLSEY,
Ranking Member, Subcommittee on Workforce Protections, Washington, DC.

DEAR MR. CHAIRMAN AND REPRESENTATIVES MILLER, WALBERG, AND WOOLSEY: On behalf of the 75,000 clinically practicing physician assistants (PAs) represented by the American Academy of Physician Assistants (AAPA), the Academy would like to commend you for your leadership to reauthorize the Federal Employees' Compensation Act (FECA) and to make the program more efficient and responsive to federal workers who are injured on the job. AAPA supports the provisions in H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act, to amend FECA to allow PAs to provide care for federal employees with traumatic job-related injuries.

Currently, physician assistants (PAs) are not covered providers under FECA and are unable to treat and diagnose federal employees injured on the job. However, many federal employees, particularly postal workers, are employed in rural and other medically underserved communities where a PA may be the only health care professional available. Consequently, a PA who is the sole provider present at a medical practice or clinic, is faced with an unacceptable dilemma when a federal employee requests medical care for a job-related injury—i.e., either provide the care and know that the federal workers' compensation program will not provide payment for a claim or direct the injured federal worker to the nearest hospital emergency room where a PA will likely provide the care at 4 to 5 times the cost.

PAs are covered providers in virtually all private and public health insurance plans, including the Federal Employee Health Benefits Program. PAs are employed throughout the federal government to provide medical care, including the White House, all branches of the Armed Services, the Department of Veterans Affairs, and the U.S. Public Health Service and Indian Health Service. Additionally, PAs are covered providers in the overwhelming majority of state workers compensation programs.

AAPA praises the efforts by the leading members of the House Education and Workforce committee to resolve this disparity in the law and help make health care more accessible to all federal employees.

We look forward to working with the committee further to ensure passage of H.R. 2465. Should you have any questions regarding the PA profession, the AAPA, and/or the role of PAs in occupational medicine, please do not hesitate to contact Sandy Harding, AAPA Senior Director of Federal Advocacy, at 571–319–4338 or sharding@aapa.org.

Sincerely,

ROBERT L. WOOTEN, PA–C,
President.

Hon. JOHN KLINE,
Chairman, Education and Workforce Committee, House of Representatives, Washington, DC.
Hon. GEORGE MILLER,
Ranking Member, Education and Workforce Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER:

We appreciate your efforts on the Federal Workers' Compensation Program Improvement Act, which is a step in the right direction to ensuring patients have the care they need in a timely manner. We support the effort to strengthen the work Physician Assistants and Advanced Practice Registered Nurses (APRNs) provide in the Federal Workers' Compensation program today, and would like to highlight one minor technical change that will improve the legislation.

While this legislation has a number of strong points, we feel that one clarification will make the bill even stronger. There are four APRN specialties: Nurse Practitioners, Certified Registered Nurse Anesthetists, Certified Nurse-Midwives, and Clinical Nurse Specialists. The legislation indicates that ''physician assistants and advanced practice nurses, such as a nurse practitioner,'' be included as those providing medical services in the Federal Workers' Compensation program and related to certification of traumatic injury. Since there are four, and only four, APRN specialties, we ask that all four specialties be listed in the legislation either in the parenthetical references where only nurse practitioners are now listed or in a new definition section for Advanced Practice Registered Nurses. The term APRN encompasses only four nursing specialties, and while the legislation includes all four specialties solely by using the term ''APN,'' we feel that it is important to clearly indicate the four specialties in order to protect these providers from losing payment for services they are already providing in the Federal Workers' Compensation program. We do not want this legislation to inadvertently provide an impetus for the agency to deny reimbursement for care that these other three APRN specialties are already providing to patients in this federal program.

Thank you again for your work on this important bipartisan legislation, as you seek to ensure our federal employees have the care they need when they need it. We look forward to working with you to make this legislation as strong as possible, working with the APRN community to resolve any concerns that may arise with the bill, and working with the full House, Senate and the Administration to ensure our federal employees have the care they need and deserve. If you have questions, please contact Ann Walker-Jenkins at the American Association of Nurse Anesthetists at 202–741–9083 or via email at awalker-jenkins@aanadc.com.

Sincerely,

AMERICAN ASSOCIATION OF NURSE ANESTHETISTS,
AMERICAN COLLEGE OF NURSE-MIDWIVES,
AMERICAN NURSES ASSOCIATION,
NATIONAL ASSOCIATION OF CLINICAL NURSE SPECIALISTS.

AMERICAN POSTAL WORKERS UNION, AFL–CIO,
Washington, DC, July 8, 2011.

Hon. JOHN KLINE,
Chairman, House Committee on Education and the Workforce, Washington, DC.
Hon. GEORGE MILLER,
Ranking Member, House Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER: Let me begin by expressing my

gratitude for giving the APWU the opportunity to share our views with the Committee regarding reforms to the Federal Employees Compensation Act. We have reviewed the proposed legislation. In our opinion, it facilitates program integrity without undercutting benefits from workers while still ensuring the modernization of program benefits. H.R. 2465 is a vast improvement to the Administration's proposals and those being offered by others.

The APWU is supportive of this bipartisan measure, and looks forward to working with you in the months ahead to remedy other segments of the law that are in need of legislative attention. We are particularly interested in working together to achieve meaningful change that would help injured workers return-to-work without subjecting them to the harmful consequences that currently exist. Further, the APWU strongly agrees with the Committee's request for GAO to examine various factors to help assess whether additional FECA amendments could compound inequities to injured workers.

In closing, we would like to express our appreciation for the concern you have demonstrated towards postal and federal workers who are injured on-the-job by working in mutual cooperation to draft this bipartisan legislation. Should you have any questions, or concerns please do not hesitate to contact my office.

Sincerely,

SUSAN M. CARNEY,
Human Relations Director.

NATIONAL ACTIVE AND RETIRED FEDERAL EMPLOYEES ASSOCIATION,
Alexandria, VA, November 28, 2011.

DEAR REPRESENTATIVE: On behalf of the 4.6 million federal employees and annuitants represented by the National Active and Retired Federal Employees Association (NARFE), I urge you to vote for H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act of 2011. The bill provides a thoughtful approach to reforming federal workers' compensation laws, one that does not reduce the basic benefits paid to employees who suffer a debilitating injury or illness as a result of their public service.

The legislation combines much-needed adjustments to compensation for the worst case injuries and commonsense cost-saving measures that should improve the processing of claims and reduce improper payments and fraud. Specifically, NARFE supports the bill's provisions to expand coverage for injuries or illnesses caused by a terrorist attack; to increase the maximum compensation to employees for serious disfigurement of the head, face or neck from an outdated $3,500 to a more reasonable $50,000; to extend the time period for a continuation of pay in a zone of armed conflict to 135 days; and to increase compensation for funeral expenses from an outdated $800 to a more reasonable $6,000.

H.R. 2465 represents the best path to reform, one that will achieve cost savings and improve fairness, and not coincidentally, enjoys broad bipartisan support.

Thank you for working together on this issue to craft this commonsense legislation.

Sincerely,

JOSEPH A. BEAUDOIN,
President.

AMERICA FEDERATION OF GOVERNMENT EMPLOYEES, AFL–CIO,
Washington, DC, November 28, 2011.

DEAR REPRESENTATIVE: On behalf of the American Federation of Government Employees, AFL-CIO, which represents more than 650,000 federal workers, I strongly urge you to support the bipartisan Federal Workers' Compensation Modernization and Improvement Act (H.R. 2465), when the full House considers the bill this week.

As you know, the Federal Employees' Compensation Act (FECA) provides wage-loss compensation benefits to federal workers who become injured or ill through a work-related activity. However, the FECA program has not been significantly reformed since 1974, and as a result, a number of weaknesses have emerged.

H.R. 2465 will enhance and update the FECA program, thereby ensuring the program meets the needs of both workers and taxpayers. The bill will reform the FECA program by:

Authorizing physician assistants and advanced practice nurses, such as nurse practitioners, to provide medical services and to certify traumatic injuries.

Updating benefit levels for severe disfigurement of the face, head, or neck (up to $50,000) and for funeral expenses (up to $6,000)—both of which have not been increased since 1949.

Making clear that the FECA program covers injuries caused from an attack by a terrorist or terrorist organization.

Giving federal workers who suffer traumatic injuries in a zone of armed conflict more time to initially apply for FECA benefits and extending the duration of the ''continuation of pay period from 45 days to 135 days.

Including program integrity measures recommended by the Inspector General and the Government Accountability Office.

AFGE supports this bipartisan measure because it modernizes the FECA program without undercutting federal workers' compensation benefits. We look forward to working with you in the months ahead to remedy other aspects of the FECA law that are in need of legislative attention. We are particularly interested in working together to help injured workers return to work without subjecting them to the harmful consequences that currently exist. In addition, AFGE agrees with the House Education and Workforce Committee's request for the Government Accountability Office to examine certain FECA program changes proposed by the U.S. Department of Labor before lawmakers consider any FECA reforms beyond those in H.R. 2465.

Thank you for your attention to this important matter. If you have any thoughts or questions, please feel free to contact Milly Rodriguez (rodrim@afge.org) in our Field Services & Education Department or Alan Kadrofske (kadroa@afge.org) in our Legislative & Political Department.

Sincerely,

BETH MOTEN,
Legislative and Political Director.

I urge my colleagues to support H.R. 2465, and I yield back the balance of my time.

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

Let me close by acknowledging the bipartisan effort that went into crafting the legislation, as my ranking member of the subcommittee, Ms. WOOLSEY, has already stated.

It was a bipartisan effort that worked toward a very satisfactory, even more so, unnecessary conclusion, as well as bringing the bill before the House today.

I'd like to express my gratitude to the chairman and ranking member of the Education and the Workforce Committee, Congressmen JOHN KLINE and GEORGE MILLER, for their work and the work of their staffs on this important legislation. I'd also recognize the hard work of the staffs of our Workforce Protection Subcommittee, both Congresswoman WOOLSEY's and mine, in this effort as well.

The committee on which we are privileged to serve brings together individuals from very different walks of life and with very different views on how to fix the problems facing this great Nation, in many cases; but I'm encouraged that we've been able to work together on this legislation, demonstrating our shared commitment to serve American workers and taxpayers.

I urge my colleagues to support the Federal Workers' Compensation Modernization and Improvement Act.

I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I am pleased to offer the following Managers' Joint Statement of Legislative Intent on H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act, which I also offer on behalf of the Senior Democratic Member of the Committee on Education and the Workforce, Mr. GEORGE MILLER (D–CA), and the Chairman and Senior Democratic Member of the Committee's Subcommittee on Workforce Protections, Mr. TIM WALBERG (R–MI) and Ms. LYNN WOOLSEY (D–CA).

JOINT STATEMENT OF LEGISLATIVE INTENT ON H.R. 2465, THE FEDERAL WORKERS' COMPENSATION MODERNIZATION AND IMPROVEMENT ACT

PURPOSE

H.R. 2465 amends the Federal Employees' Compensation Act (FECA), 5 U.S.C. §§8101 et seq., the federal statute providing workers' compensation benefits to federal employees who become injured or ill due to a work-related activity. As further discussed below in the Joint Statement of Legislative Intent, the bill enhances the efficiency of the FECA program, which is administered by the Department of Labor's (DOL) Office of Workers' Compensation Programs (OWCP); improves the integrity of the FECA program; and modernizes two FECA benefit levels that have not been adjusted for inflation in over six decades.

COMMITTEE ACTION

On May 12, 2011, the Committee on Education and the Workforce, Subcommittee on Workforce Protections, held a hearing entitled, ''Reviewing Workers' Compensation for Federal Employees.'' The purpose of the hearing was to review the current state of the FECA program and discuss ways to improve and modernize FECA. Testifying before the subcommittee were: Mr. Scott Szymendera, Congressional Research Service, U.S. Library of Congress, Washington, D.C.; Mr. Daniel Bertoni, Director of Education, Workforce, and Income Security, U.S. Government Accountability Office, Washington, D.C.; Mr. Gary Steinberg, Acting Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, D.C.; Ms. Susan Carney, Director, Human Relations Department, American Postal Workers Union, Washington, D.C.; and Mr. Elliot Lewis, Assistant Inspector General for Audit, Office of Inspector General, U.S. Department of Labor, Washington, D.C. Testimony for the record was submitted by the National Treasury Employees Union, the American Federation of Government Employees, AFL–CIO, and the National Active and Retired Federal Employees Association.

On July 8, 2011, I introduced H.R. 2465, along with cosponsors Reps. Miller, Walberg,

and Woolsey. The Committee on Education and the Workforce considered H.R. 2465 in legislative session on July 13, 2011, and ordered the bill favorably reported to the House of Representatives by voice vote. There were no amendments.

The committee received letters of support for H.R. 2465 from the following organizations: the American Academy of Physician Assistants, the American Association of Nurse Anesthetists, the American College of Nurse-Midwives, the American College of Occupational and Environmental Medicine, the American Nurses Association, the American Postal Workers Union, the Federal Law Enforcement Officers Association, the National Active and Retired Federal Employees Association, the National Treasury Employees Union, the American Federation of Government Employees, the Workers' Injury Law & Advocacy Group, the National Association of Clinical Nurse Specialists, and the National Association of Letter Carriers.

H.R. 2465 represents the committee's initial consideration of reforms to FECA. The committee concluded the FECA reform package advocated by DOL lacked sufficient information to consider the impact of DOL's wider reforms. The DOL Inspector General testified before the committee on May 12, 2011, that before changes to the benefit structure are considered, ''careful consideration is needed to ensure that the percent of benefits ultimately established will have the desired effect while ensuring fairness to injured workers, especially those who have been determined to be permanently impaired and thus unable to return to work.'' The May 12 hearing showed that DOL's reforms could have unintended adverse consequences and highlighted that further assessment would be needed. To that end, on July 8, 2011, the four sponsors of this legislation asked the Government Accountability Office (GAO) to evaluate the consequences of administration proposals to: modify FECA related to benefit levels when permanently injured employees reach social security retirement age; reduce benefit levels for individuals with dependents; and establish a three-day waiting period before FECA benefits can begin. GAO findings will inform further consideration of FECA program changes.

JOINT STATEMENT OF LEGISLATIVE INTENT

Section 2. Physician Assistants and Advanced Practice Nurses.

Section 2 amends FECA §§8101(3) (definition of ''medical, surgical, and hospital services and supplies'') to provide that the definition of ''medical services'' under FECA may include ''treatment by a physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of the practice as defined by state law, consistent with regulations prescribed by the Secretary of Labor.''

Section 2 amends FECA §8103 (medical services and initial medical and other benefits) to provide explicitly that a ''physician assistant or advanced practice nurse, such as a nurse practitioner,'' may provide ''medical services'' under FECA ''within the scope of their practice as defined by state law, consistent with regulations prescribed by the Secretary of Labor.''

Section 2 amends FECA §8121(6) (certification of claims) to authorize a ''physician assistant or advanced practice nurse, such as a nurse practitioner, within the scope of their practice as defined by state law,'' to certify a traumatic injury and the probable extent of related disability during the 45–day continuation of pay period covered by section 8118, in a manner consistent with regulations prescribed by the Secretary of Labor.

Expanding services provided by physician assistants and advanced practice nurses improves program efficiency by allowing injured federal workers to utilize local clinics or other health service providers in which only a physician assistant or advanced practice nurse is on site; expanding the number of providers eligible to provide certification of injury and the probable extent of disability for traumatic injuries with respect to claims for continuation of pay; and expanding eligible medical services providers, which is of particular benefit to those in rural areas and zones of armed conflict. The term ''advanced practice nurse'' may include, but is not limited to, nurse anesthetists, nurse practitioners, clinical nurse specialists, nurse midwives, and nurse psychotherapists, within the scope of their practice as defined by state law.

Section 3. Covering Terrorism Injuries.

Section 3 amends FECA §8102(b) (compensation for disability or death of employee) to provide that a disability or death as a result of ''an attack by a terrorist or terrorist organization, either known or unknown,'' is ''deemed to have resulted from personal injury sustained while in the performance of duty,'' under FECA's ''war-risk hazard'' provision. This codifies current OWCP practice of covering such disabilities or deaths as ''war-risk hazards.''

Section 4. Disfigurement.

Section 4 amends FECA §8107(c)(21) (compensation schedule for scheduled awards) to increase the maximum amount payable for ''serious disfigurement of the face, head, or neck'' from $3,500 to $50,000. This amount has not been increased since 1949. The maximum will be adjusted for inflation on March 1 of each year in accordance with FECA §8146a (cost-of-living adjustment of compensation).

Section 4 eliminates the current statutory requirement that disfigurement must be ''of a character likely to handicap an individual in securing or maintaining employment.'' Rather, pursuant to Section 4, scheduled awards will be made solely in proportion to the severity of the disfigurement, as determined by the Secretary of Labor.

Section 4 will apply to injuries occurring in the 3-year period prior to the date of enactment and for which the Secretary of Labor has not made a compensation determination on disfigurement, or for injuries which occur on or after the date of enactment.

Section 5. Social Security Earnings Information.

Section 5 amends FECA §8116 by adding a new subsection (e) authorizing the Secretary of Labor to require FECA claimants, as a condition of receiving FECA benefits, to authorize the Social Security Administration (SSA) to release earnings information to DOL. The purpose of this provision is to enable DOL to discover instances in which claimants are not disclosing earnings information to DOL as they are required to under FECA.

The FECA statute anticipates that the Secretary of Labor will require FECA claimants to submit reports of earnings, and further states that a claimant who fails to submit such a report or knowingly omits such earnings forfeits entitlement to compensation under FECA for the period covered by that report. However, the statute currently contains no mechanism whereby DOL can cross-check such reports with claimants' SSA earnings. Receipt of FECA benefits for total disability, when a claimant is, in fact, earning a wage, is antithetical to one of the statute's fundamental purposes.

Section 5 will permit DOL to obtain individual earnings reports from SSA, which are needed to verify whether individual FECA claimants have earnings not reported to DOL. Section 5 will also permit DOL and SSA to conduct computer matches between a list of claimants produced by DOL by allowing DOL to provide SSA with such a list and a certification that each of the claimants on the list has consented to the release of SSA earnings information by virtue of and as part of his or her application for FECA benefits. This will conserve scarce DOL resources by avoiding the need to obtain from the claimant and provide to SSA individual consent forms. Ultimately, Section 5 will increase the ability of DOL to detect unreported earnings by FECA claimants.

Section 6. Continuation of Pay in a Zone of Armed Conflict.

Section 6 amends FECA §8118 (continuation of pay) to provide continuation of pay for wage loss due to traumatic injury in performance of duty in a designated zone of armed conflict, as defined in this Section, for a period not to exceed 135 days, so long as the employee files a claim for such benefit no longer than 45 days after terminating service in the zone of armed conflict or the employee's return to the United States, whichever occurs later.

Section 7. Subrogation of Continuation of Pay.

Section 7 amends FECA §§8131 (subrogation) and 8132 (adjustment after recovery from third party) to authorize the United States to recover continuation of pay benefits received under FECA §8118, if such damages were paid to a FECA beneficiary by a third party (other than the United States), subject to the existing formula in FECA. This right to recover continuation of pay is in addition to the existing right of the government to secure reimbursement of compensation benefits.

Section 8. Funeral Expenses.

Section 8 amends FECA §8134 (funeral expenses) to increase the amount payable for funeral expenses for deaths occurring on or after the date of enactment from the current $800 to $6,000. This amount has not been increased since 1949. The maximum will be adjusted for inflation on March 1 of each year in accordance with FECA §8146a (cost-of-living adjustment of compensation).

Section 9. Employees' Compensation Fund.

Section 9 amends FECA §8147 to allow for administrative expenses for appropriated fund agencies to be paid out of the Employees' Compensation Fund and for a pro-rata share of administrative expenses to be included in agencies' annual chargeback. Currently, DOL charges non-appropriated fund agencies, such as the U.S. Postal Service, for administrative costs on a pro rata basis, while the administrative expenses for all other agencies are appropriated on an annual basis to DOL. This provision will have no net effect on the budget of the federal government.

Section 10. Conforming Amendment.

Section 10 amends FECA §8101(1) (definition of ''employee'') to update the law to acknowledge that on May 3, 1979, District of Columbia employees became covered under the District of Columbia Government Comprehensive Merit Personnel Act of 1978, D.C. Law 2–139; D.C. Official Code §1–601.01, et seq., instead of FECA.

Section 11. Effective Date.

This section provides that unless specified otherwise in the Federal Workers' Compensation Modernization and Improvement Act, the effective date of this Act is 60 days after the date of enactment.

CBO COST ESTIMATE

The Congressional Budget Office estimates that enacting these changes would reduce net direct spending by $22 million over the 2012–2021 period, including $6 million in on-

budget savings and $16 million in off-budget savings (to the U.S. Postal Service).

Over the 10 year period there would be a very slight decrease in spending subject to appropriation (<$500,000).

Mr. CONNOLLY of Virginia. Mr. Speaker, I want to recognize Chairman KLINE, Ranking Member MILLER, Chairman WALBERG, and Ranking Member WOOLSEY for their collaboration on this important legislation to update federal workers' compensation policy. The Federal Workers' Compensation Modernization and Improvement Act is a result of bipartisan collaboration on the Education and Workforce Committee, and it is the kind of legislation Congress should produce more often. It will save $22 million for the federal government by reducing fraudulent payments, including $16 million for the Postal Service.

The Federal Workers' Compensation Modernization and Improvement Act provides a long overdue update of the Federal Employees Compensation Act (FECA). The Federal Employees Compensation Act is important because it provides workers who are injured on the job with replacement income to substitute for wages that they would have earned but for an on-the-job injury. Consider how outdated the statute is today: Workers whose face or head is severely disfigured by an on-the-job injury only can receive $3,500 in compensation today, based on an antiquated formula established in 1949. Clearly, $3,500 cannot compensate for lost earnings potential as a result of severe head and face injuries, so this bill updates it to $50,000. This legislation also updates the definition of war-related injuries to include terrorist attacks, a commonsense reform to reflect new realities. It also contains new reforms to prevent disability fraud by facilitating income checks by the Department of Labor and Social Security Administration. These improvements will help ensure that federal disability payments only go to injured workers, not perpetrators of fraud.

The leadership of the Education and Workforce Committee deserves credit for drafting this legislation in a thoughtful, collaborative process. The Congressional Budget Office notes that this legislation will reduce total disability payments, but it will do so in a fair and humane manner. That is why a wide range of federal employee groups including postal unions, NTEU and NARFE have endorsed this bill. The legislation before us demonstrates that we can save money in collaboration with public employees rather than using them as a scapegoat for budgetary challenges.

This bill's timing is propitious, because the Oversight and Government Reform Committee, of which I am a member, has reported a divisive, partisan bill which also would change workers' compensation policy. Unfortunately, that legislation (H.R. 2309) was written in a secretive, partisan manner and enjoys none of the bipartisan support that the Federal Workers' Compensation Modernization and Improvement Act does. When we marked up H.R. 2309 in subcommittee and full committee, some members noted that it intruded on the jurisdiction of the Education and Workforce Committee. Incredibly, the Committee Chairman ignored the ruling of the Parliamentarian and included a non-germane provision on FECA changes in the Subcommittee mark. Not surprisingly, federal employee organizations condemned the harsh proposals in H.R. 2309.

Their criticisms were appropriate, as H.R. 2309 contains provisions of appalling cruelty. It would terminate workers compensation payments in a mere two years and shift those workers to retirement benefits. Remember, these are previously healthy workers who were crippled on the job. The only reason that they cannot support themselves is an on-the-job injury, yet H.R. 2309 would terminate those worker compensation payments and make them try to survive on small annuity payments. These annuity payments would often be insufficient to survive because the affected worker would have been injured on the job before he had time to finish his career and accrue an adequate retirement savings.

Fortunately, the Education and Workforce Committee chose a thoughtful, collaborative process which saves money and protects workers rights rather than producing the secretive, partisan, and cruel workers compensation provisions in H.R. 2309. I applaud their leadership on this important legislation and urge my colleagues to support the Federal Workers' Compensation Modernization and Improvement Act.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the Federal Workers' Compensation Modernization and Improvement Act. This bill reflects an initial step to modernize and reform the Federal Employees Compensation Act (FECA).

FECA has provided workers' compensation benefits to federal civilian workers injured or killed on the job since 1916.

Administered by the Labor Department, FECA provides workers' compensation coverage to over 2.7 million civilian federal and postal employees.

The law covers FBI agents shot in the line of duty, guards wounded in facilities operated by the Bureau of Prisons, and federal firefighters risking their lives to protect lives and property. It also covers Members of this body and their staff.

For example, following the January 8th tragic shooting in Tucson, Arizona, which killed 6 and injured 13, Congresswoman GABBY GIFFORDS began receiving medical care and intensive rehabilitation services covered by FECA. This law also covers her staff.

As we examined reforms, the Committee was guided by three key principles embedded in the law:

First, workers and their families should be no better off, and no worse off, than if the worker had not been injured.

Second, all federal civilian workers, regardless of the branch of government in which they are employed, should be covered under the same benefit structure.

Finally, workers are entitled to be fairly compensated in a timely manner, with benefits administered in a non-adversarial manner.

As the committee worked in a bipartisan manner to update the law, there were immediate areas of agreement. Specifically,

This bill increases maximum benefits for funeral expenses and facial disfigurement, both of which haven't been raised since 1949.

H.R. 2465 clarifies that injuries caused by acts of terrorism are covered.

The bill expands the pool of medical providers and expands their authority to certify traumatic injuries for purposes of authorizing claims for continuation of pay. The added providers include physician assistants and advanced practice nurses, such as nurse practitioners, consistent with the scope of practice authorized by state law.

The bill includes program integrity improvements that were recommended by the Department of Labor's Inspector General and the Government Accountability Office. For example, the Department of Labor will have authority to access a claimant's Social Security earnings information to track whether the claimant is receiving prohibited payments.

The bill addresses the difficulty in filing workers' compensation claims for federal employees injured in ''zones of armed conflict'' by extending ''continuation of pay'' for traumatic injury from 45 days to 135 days.

The Committee received other reform proposals from the Department of Labor at a May 12, 2011 Subcommittee hearing, but there was insufficient evidence to support adoption of these changes, and the hearing revealed that further detailed study was needed to ensure there were not unintended effects.

We note with some concern that the Senate has reported legislation modeled after the Department of Labor's proposal which would reduce benefits for permanently injured workers with dependents, cut benefits for permanently injured workers when they reach retirement age, and slash benefits for survivors of workers killed on the job.

As previously mentioned, workers and their families should be no better off, nor worse off, because of a disabling injury or death caused by while in service to the federal government. Members of Congress must be assured that reform proposals do not lead to inequitable outcomes, particularly in light of the fact that FECA is an exclusive remedy.

To assess the impact of DOL's other proposals, the Education and Workforce Committee has agreed on a bipartisan basis to ask GAO to evaluate the Administration's additional proposed reforms. This approach is consistent with the recommendation of the Inspector General, who has urged careful consideration before Congress changes the structure of benefits to ensure that injured workers are treated fairly. Before Congress acts, it is important that we take great care to ensure that further reforms are fair to taxpayers and injured workers.

Once GAO completes its work, we will analyze their findings. At that time I believe we should also examine whether Congress can generate savings from measures to further reduce work-related injuries and illnesses and to better facilitate the re-employment of injured workers.

I am encouraged we have advanced bipartisan bill to improve the program and deliver savings to taxpayers and the Postal Service.

I want to thank Chairman KLINE, Chairman WALBERG, Senior Democratic Member WOOLSEY for their cooperation and efforts in developing this legislation.

Attached to this statement are letters of support for this bill from the Federal Law Enforcement Officers Association, the National Treasury Employees Union, the American College of Occupational and Environmental Medicine, the National Association of Letter Carriers, and the Workers' Injury Law and Advocacy Group.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION,
Washington, DC, July 18, 2011.

Hon. JOHN KLINE,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.
Hon. GEORGE MILLER,
Ranking Member, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER MILLER: I am writing on behalf of the 26,000 members of the Federal Law Enforcement Officers Association (FLEOA), to express our support for H.R. 2465, the ''Federal Workers' Compensation Modernization and Improvement Act.'' Our organization, has long worked to address major flaws with the Federal Employees' Compensation Act (FECA) system, and we appreciate your efforts to advance these common sense reforms.

On July 21, 2010, I testified before the House Subcommittee on the Federal Workforce and highlighted situations in which federal law enforcement officers injured in the line of duty were made worse by the FECA-Office of Workers' Compensation Program (OWCP) system. One of those officers—Special Agent Mike Vaiani, who was injured in the September 11th terrorist attacks in New York City—summed it up best: ''I would rather run back into the tower while it's on fire than have to deal with the Department of Labor.'' To their credit, after the hearing both the Directors of the Federal Employees Compensation Program and OWCP met with FLEOA and agreed to establish traumatic care nurses for law enforcement injuries and a law enforcement officer Ombudsman in each OWCP district.

Despite this positive development more work is still needed, and FLEOA applauds this legislation which the Education and the Workforce Committee unanimously approved last week. This bill is a positive step towards addressing many of the underlying issues with FECA that prevent injured federal law enforcement officers from receiving responsive care. Specifically, FLEOA fully supports the ability to allow physician assistants or advanced practice nurses to provide certifications of traumatic injury and related disability; the extension of compensation for death and disability for individuals employed outside the United States to include death or disability caused by terrorist attack; and providing additional compensation for funeral expenses and for injuries that lead to facial disfigurement.

Further, FLEOA fully supports the provisions of your bill to extend continuation of pay (COP) for traumatic injuries sustained in a ''Zone of Armed Conflict'' to 135 days. On this particular point, FLEOA has long advocated for increasing the COP time frame. For those officers assaulted by a suspect, exposed to a toxic substance, or shot or stabbed, or involved in an explosive blast while enforcing the law, this time frame would better allow for a proper evaluation to determine if a return to work will be possible. We would therefore request that due to the often traumatic nature of the injuries incurred, that you consider including all Federal law enforcement officers under this extended COP period.

On behalf of the membership of the Federal Law Enforcement Officers Association, thank you for your efforts on this important legislation and for taking the steps to bring these long overdue reforms to FECA. Our organization stands ready to work with the Committee on further common sense reforms and to include federal law enforcement officers in the extended COP provision of this bill.

Sincerely,

JON ADLER,
National President.

THE NATIONAL TREASURY EMPLOYEES UNION,
Washington, DC, July 19, 2011.

Hon. JOHN P. KLINE, *Chairman*,
Hon. GEORGE MILLER, *Ranking Member*,
Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER: One of the most important programs for federal workers is the Federal Employees Compensation Act (FECA). This program provides federal employees with workers' compensation coverage for injuries and diseases sustained while performing their duties. The program seeks to provide adequate benefits to injured federal workers while at the same time limiting the government's liability strictly to workers' compensation payments. Payments are to be prompt and predetermined to provide benefits while relieving employees and agencies from uncertainty over the outcome of court cases and to eliminate costly litigation. It was 100 years ago this year that the State of Wisconsin enacted the first Workers' Compensation law. Five years later, federal employees were covered by the passage of the Kern-McGillicuddy Act (FECA). Workers' compensation is America's oldest social insurance program and one that is invaluable for covered workers.

The National Treasury Employees Union (NTEU), which represents 150,000 federal employees in 31 different agencies, is pleased the committee has reported H.R. 2465, a bipartisan bill to make certain improvements, reforms, efficiencies, and modernizations of the program. NTEU hopes the House will give speedy and favorable consideration to this legislation. We are urging all House members to vote ''YES'' on this bipartisan bill.

The bill makes several benefit improvements. It would increase the amount payable for funeral expenses to a maximum of $6,000 and index it to inflation for the future. Currently, the benefit is $800, the same amount it has been since 1949. It would increase the maximum award for severe disfigurement of the face, head, or neck from $3,500 to $50,000. This amount also has not been increased since 1949 and like funeral expenses, the bill would index it to inflation. It eliminates a provision in current law that limits benefits for facial disfigurement to only those who directly deal with the public as part of their job. This is a very harsh provision that should have been repealed long ago.

The bill gives certain health care professionals such as physician assistants and nurse practitioners greater ability to treat and certify disabled employees under FECA. This has been a particular concern for federal employees in rural areas and working in war zones where they do not have the access to medical doctors.

The waste of funds through fraud or abuse is neither in the interest of taxpayers nor of labor unions such as NTEU who advocate for legitimate FECA claimants. That is why I suggested to the committee that it include a provision allowing the matching of FECA claims with Social Security earnings information in order to detect fraud. NTEU thanks the committee members for the inclusion of this provision in the bill.

NTEU appreciates the bipartisan committee leadership in advancing this bill, and I thank you for your consideration of our views in this process.

Sincerely,

COLLEEN M. KELLEY,
National President.

AMERICAN COLLEGE OF OCCUPATIONAL AND ENVIRONMENTAL MEDICINE,
August 31, 2011.

Hon. JOHN KLINE,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.
Hon. GEORGE MILLER,
Ranking Member, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR SIRS: I am writing on behalf of the American College of Occupational and Environmental Medicine (ACOEM) to express our support for H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act. Specifically, we support the provisions in the bill that update the Federal Employees Compensation Act (FECA) to allow for reimbursement of certain services provided by a physician assistant (PA) or nurse practitioner (NP).

ACOEM represents more than 4,500 physicians and other health care professionals specializing in the field of occupational and environmental medicine (OEM). ACOEM members are knowledgeable and capable of treating job-related injuries and diseases, recognizing and resolving workplace hazards, instituting rehabilitation methods, and providing well-managed care.

Physician assistants and nurse practitioners are health care professionals licensed to practice medicine with physician supervision and are an integral part of the occupational health team in the occupational medicine clinics. They work with the supervising physician to provide quality medical care to workers. While most private and public insurance plans recognize PAs and NPs as covered providers for purposes of reimbursement, FECA does not. Medical care provided by the PA or NP is not included in FECA's definition of ''medical, surgical, and hospital services and supplies,'' and claims signed by a NP or PA are denied. Unnecessary restrictions on the ability of PAs and NPs to diagnose and treat injuries and diseases within the scope of their practice, as defined by state law, limits the ability of the occupational medicine clinic to provide access to care in a timely and efficient manner. Those instances where direct physician supervision may be necessary, such as a complex medical issue, can be addressed in the regulations to be prescribed by the Secretary of Labor.

Thank you for your consideration of our comments on H.R. 2465.

Sincerely,

T. WARNER HUDSON,
President.

WORKERS' INJURY LAW AND ADVOCACY GROUP,
July 20, 2011.

JOHN KLINE,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.
GEORGE MILLER,
Ranking Member, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER: The Workers' Injury Law and Advocacy Group (WILG) is writing in support of the enactment of H.R. 2465, the Federal Workers' Compensation Modernization and Improvement Act, a bill that will modernize and reform a federal program that has not been significantly updated in 40 years.

The bill would provide improved protection for federal workers by updating benefit levels and insuring the use of best practices in medical treatment, while at the same time, adopting proposals that will promote more efficient use of federal dollars.

We also support the committee's decision to defer action on more controversial measures until the GAO conduct-het a comprehensive review of those proposals.

We thank you again for your leadership on this issue and your efforts to protect the rights of injured federal employees.

Sincerely,

ANDREW J. REINHARDT,
President.
JENNIFER L. COMER,
Executive Director.

NATIONAL ASSOCIATION OF LETTER CARRIERS,
Washington, DC, November 22, 2011.

COMMITTEE ON EDUCATION AND THE WORKFORCE,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN KLINE AND RANKING MEMBER MILLER: I write on behalf of the nearly 300,000 members of the National Association of Letter Carriers (NALC) to express our support for the Federal Workers' Compensation Modernization and Improvement Act of 2011 (H.R. 2465) as the House considers this bill in the coming weeks.

This bipartisan legislation makes several sensible benefit improvements to the Federal Employees' Compensation Act (FECA), while maintaining the basic benefits paid to employees who suffer a debilitating injury or illness as a result of their public service. The bill would increase the amount payable for funeral expenses from $800 to a more reasonable $6,000. It also increases the maximum compensation to employees for serious disfigurement of the head, neck or face to $50,000 from a long-outdated $3,500.

H.R. 2465 is a positive step towards fully addressing the many underlying issues with FECA. We would like to express our appreciation for your concern demonstrated towards federal and postal workers injured on the job in drafting this bill. Our organization urges the House to give speedy and favorable consideration to this bill, and is prepared to work with the committee on further common-sense FECA reforms.

Sincerely,

FREDRIC V. ROLANDO,
President.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. WALBERG) that the House suspend the rules and pass the bill, H.R. 2465, as amended.

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

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 5 o'clock and 3 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3012, de novo;

H.R. 2192, by the yeas and nays;

H.R. 1801, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FAIRNESS FOR HIGH-SKILLED IMMIGRANTS ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3012) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

The question was taken.

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

Mr. CAPUANO. Mr. 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 389, nays 15, not voting 29, as follows:

[Roll No. 860]

YEAS—389

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blumenauer
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Butterfield
Calvert
Camp
Canseco
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—15

Burgess
Burton (IN)
DesJarlais
Duncan (TN)
Franks (AZ)
Hunter
Jones
King (IA)
Kissell
Marchant
McCotter
McIntyre
Posey
Webster
Westmoreland

NOT VOTING—29

Bachmann
Blackburn
Bono Mack
Broun (GA)
Campbell
Cantor
Carter
Costa
Costello
Deutch
Diaz-Balart
Dreier
Fortenberry
Giffords
Gonzalez
Gutierrez
Hinchey
Inslee
Mack
Miller (FL)
Noem
Paul
Pence
Platts
Rokita
Ruppersberger
Rush
Schilling
Sutton

□ 1856

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL GUARD AND RESERVIST DEBT RELIEF EXTENSION ACT OF 2011

The SPEAKER pro tempore (Mr. WEST). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2192) to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 1, not voting 25, as follows:

[Roll No. 861]

YEAS—407

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

NAYS—1

Amash

NOT VOTING—25

Bachmann
Blackburn
Bono Mack
Broun (GA)
Campbell
Carter
Costa
Costello
Deutch
Diaz-Balart
Dreier
Fortenberry
Giffords
Gonzalez
Gutierrez
Hinchey
Inslee
Mack
Miller (FL)
Noem
Paul
Pence
Rokita
Rush
Schilling

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Acting CHAIR (during the vote). There are 2 minutes remaining.

□ 1904

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RISK-BASED SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. CRAVAACK) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 862]

YEAS—404

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blumenauer
Bonner
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver

Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—29

Bachmann
Bass (CA)
Blackburn
Bono Mack
Broun (GA)
Campbell
Cardoza
Carson (IN)
Carter
Costa
Costello
Deutch
Diaz-Balart
Dreier
Giffords
Gonzalez
Goodlatte
Gutierrez
Hinchey
Inslee
Mack
Miller (FL)
Noem
Paul
Pence
Rokita
Rush
Schilling
Serrano

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1911

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GOODLATTE. Mr. Speaker, on rollcall No. 862 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 860, 861, and 862.

THE JOURNAL

The SPEAKER pro tempore (Mr. SCOTT of South Carolina). 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.

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

NAVY INTELLIGENCE SPECIALIST SEAMAN ANTHONY T. SCHMALZ

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

Mr. TIPTON. Mr. Speaker, I rise today to honor Navy Intelligence Specialist Seaman Anthony T. Schmalz, who serves our country with great honor and pride. Seaman Schmalz has been awarded the Joint Service Achievement Medal for his meritorious achievements during Operation Odyssey Dawn.

Seaman Schmalz served as a United States Africa Command Targets Branch analyst from February to April of 2011, providing in-depth analysis of Libyan targets. During this time he provided over 25 percent of the electronic target folders written by the United States Africa Command and expertly managed the classification, downgrading, and dissemination of over 248 targets.

Additionally, as a Remote Terminal Security Officer, Seaman Schmalz managed new accounts for 15 temporarily assigned duty personnel, allowing them to provide immediate support for the mission.

Seaman Schmalz graduated from Montrose High School in Montrose, Colorado, in 2009 before enlisting in the United States Navy. For his critical contributions to the success of Operation Odyssey Dawn, he has been presented with the Joint Service Achievement Medal and is an example to the citizens of Colorado and to the United States of America.

Mr. Speaker, it is an honor to recognize Intelligence Specialist Seaman Anthony T. Schmalz. His courage and selfless efforts on behalf of our country are worthy of our highest respect.

UNIVERSITY OF HOUSTON COUGARS

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

Ms. JACKSON LEE of Texas. Mr. Speaker, what I like about the University of Houston is, one, many of their campuses are in the 18th Congressional District, but they believe that a university, as they seek tier one status, is best when they support academic excellence and, of course, athletic excellence.

So I am very pleased today to show this picture of UH students standing in line for the championship game, that the Cougars have managed to have a 12–0 season and now are the Conference USA West Division champions and will play their championship game at Robertson Stadium with one of their opponents.

We're excited about Cougars. We're Cougar Red. And we thank Coach Kevin Sumlin for not being interested about where he goes next year but is focused on the kids and the championship.

Coach Kevin, you are the best.

To the leadership and academic leadership of the University of Houston, to all of the students, I want to say to you on the floor of the House, go Cougars. We're all red about this. We're excited in the city of Houston for a fine academic institution that cares about their students, that believes in the integrity of the athletic department, and is ready to have outreach to young people. They are going to play on Saturday.

Go Cougars. It's going to be a great day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair and not to a viewing audience.

NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH

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

Mr. PAULSEN. Mr. Speaker, November is National Alzheimer's Disease Awareness Month. And as this month comes to a close, I want to draw attention to H.R. 1897, the Alzheimer's Breakthrough Act.

With over 5 million Americans suffering from this degenerative disease of the brain, Alzheimer's is the sixth-leading cause of death in the United States, and it's important that we find a cure, and work to find a cure, to ease the suffering of those who are affected as well as their families.

Mr. Speaker, the Alzheimer's Breakthrough Act would encourage the development of public-private partnerships with universities, pharmaceutical companies, biotech firms, and help them pursue the development of Alzheimer's treatments.

As a cosponsor of this legislation, the Alzheimer's Breakthrough Act, I do ask my colleagues, whether you have a loved one affected by this disease or not, to sign on as a cosponsor of this legislation so we can find a cure to this terrible disease.

AMERICAN EXCEPTIONALISM

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

Mr. WOODALL. We have just gotten back from Thanksgiving, a uniquely American holiday. We're grateful for all of the blessings that we have, blessings that come from God the Father and blessings that come from having won the birth lottery and being born an American.

As I watch the challenges that are going on around the globe, Mr. Speaker—I look at the challenges in Europe, I look at the challenges in Africa, I look at the challenges in Asia—we need to be proud of American exceptionalism. We need to focus on those things that exist here and here alone. Mr. Speaker, in the coming weeks with the challenges that we are going to face, let us not look to nations around the world and see how they are doing it. Let's look to those values and principles that have made this country great for over 200 years, and let's double down on those.

□ 1920

JOBS FOR AMERICANS

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, it's good to be back, and I hope all of my colleagues had as enjoyable a Thanksgiving as I did with my family and with our constituents back in our districts.

We have much to be thankful for. After all, this is America, and this has always been the place of dreams. This is America. It's always been the place where people have found opportunity; where, whatever they wanted to do, they could achieve it; and it's still that America today.

But it's up to us, in the third year of this recession, to restore the American Dream, and there are ways that we can do it. And tonight, together with my colleagues who will soon be joining me, we will talk about various ways in which the Democrats in this House will and have made numerous proposals to restore the American Dream.

I was out in the district for five of the days that we were gone, talking to people. In fact, one fellow who has a book binding company—a man who's 85 years old and is about to retire and turn that company over to his employees—was talking about the enormous strength of this Nation, and he was sharing the story of himself and his employees and the way in which they came here. And many struggled from very bad situations in other countries, but they came here with optimism. They came here with a true belief that in America you can make it, that if you follow the rules, if you work hard, you can make it. You can have a good life. You can take care of your family.

Unfortunately, for all too many Americans, that's not the case today. So restoring the American Dream is our task, and we can do it.

The President, more than 2 months ago, proposed the American Jobs Act, a proposal that would put 2 to 3 million Americans back to work immediately. And tonight, on the other side of this Nation's Capitol, the U.S. Senate is debating a portion of that American Jobs Act, a portion of it that is a very, very significant tax cut for men and women that are working. Their Social Security payments would be reduced by 50 percent. No longer would they pay 6.2 percent of their wages into the Social Security fund. They would pay 3.1 percent—and for their employers, the same reduction—providing a very powerful incentive for individuals to have money in their pockets, about $1,500 a year, money in their pockets so that they could participate in buying gifts for their children. As we look to Christmas, we know there are many, many Americans that are not going to be able to do that.

Mr. Speaker, it's time for us in this House to follow the lead of the President and to give every American worker, 98 percent of Americans, a very significant tax reduction, $1,500, by reducing that Social Security tax. And for their employers, the same. If their employers are up to $50 million of payroll, they can reduce, by 50 percent, their Social Security tax so that that employer has more money to hire people. That debate is going on in the U.S. Senate today. Unfortunately, here in this House, we've not been able to even take up that issue. We should, because it's part of what we must do to put Americans back to work, to give them a break.

Joining me in this discussion tonight as we talk about restoring the American Dream and about the things that we can do to make that happen is my colleague from the great State of New York (Mr. TONKO). We have often been here. We call ourselves the East-West Team.

It is good to see you back. I hope you had as good a Thanksgiving as I did, and I'm sure you worked as hard in your district as I did during those days. Please share with us, and welcome back.

Mr. TONKO. Thank you, Representative GARAMENDI, and thank you for leading us in an hour of discussion, of dialogue, that is most critical to the economic viability, to the economic comeback of America's middle class.

You talk about some of these incentives that would be addressed through a payroll tax deduction. It's all about empowering our middle class, enhancing their purchasing power, enabling us to enhance that demand out there for products that then obviously translates into job growth; because with more demand upon manufacturers in this country, with more consumer confidence, with absolute increase in purchasing power, there will be a positive outcome.

There's no denying that unemployment is driving the deficit; and if we can turn that around, if we can invest in ways that enhance the middle class, that's good for all strata, all income strata in this Nation. And what's been lost in the logic here for the majority is that the empowerment of the middle class stands to produce gains for everybody, and we saw what happened in the buildup before our entry here into the House.

In the period of the recession, it was all about borrowing, totally, the money that was necessary to spend on a tax cut for millionaires and billionaires. And some would suggest those are the job creators. But what happened was we realized 8.2 million jobs lost, and so that didn't work.

We ought not go back and revisit that formula, because it was not a formula for success. What we need here is to bring about the long overdue empowerment of the middle class. And it is working families across this country that need that assistance today; and, by the way, it works in everybody's favor.

So that's what we're promoting, and it's good to start off with that discussion; because as we move forward, investments are what it's about: investing our way to prosperity, investing

our way to opportunity, investing our way to a stronger tomorrow for all Americans. It's not going to come by cutting into situations that relieve the liability, the responsibility of those who have been most profitable here. That didn't work, and that is not going to be the formula for a comeback for most Americans.

What we need is to be sensitive to the investments in education, higher education, in sounder tax policy, reforms of tax policy, and certainly investment in research because, as we invest in research, that equals jobs, and that's still the highest priority of America's general public out there. We need jobs, and the dignity of work is what ought to be front and center for the work that we do here in public policy format or in resource advocacy so as to go forward and herald the need of the middle class.

Mr. GARAMENDI. Thank you so much.

The experiences that we have as we return to our districts and talk to our constituents and share with our families, these are the stories of life. These are the stories of real Americans that are out there. Not that we're not real. We've got a very special task as their Representatives to represent them here, and they do want jobs. They want to go back to work. We know that many of them are unable to find jobs.

In American Jobs Act, in addition to the tax issues I just talked about—and I must say we actually got something done just before the Thanksgiving recess—there was another provision, and that was for the veterans. This was part of the President's proposal that actually did become law. What he wanted to do—and we agreed with him—was to give veterans, those men and women that are out there fighting for this country in Iraq and in Afghanistan and even way back into the Vietnam War and the first Gulf War, a chance for a job. There's a very special tax provision that's totally paid for, not borrowed, that we actually voted out of here so that employers got a tax credit, which is a reduction in their taxes, for every veteran they hired—$5,600 for an unemployed veteran or $9,600 for a disabled veteran. I'm very, very pleased that we were able to do that for the veterans.

□ 1930

That's one very important slice of the American public that is facing unemployment; but there are many, many more. And if I can just pick up for a second on a couple of words you said; you talked about investment. In the American Jobs Act, there is a very, very important investment, and you mentioned it. It's the education investment. The President proposed that we spend about $30 billion to keep teachers in the classroom now so that our kids would be able to continue to learn. That's the future; and if they miss a year of learning, they're going to be behind the rest of their lives. And so he proposed that. It's still out there. It's open, and it hasn't had a chance to come forward yet. We'll see, maybe we can get that one done. That's a critical investment in our children. What's more important than our children.

Mr. TONKO. Representative GARAMENDI, as you talk about the loss in any given year where a student may lose the opportunity in the classroom because of these cuts that are significant to education, that is one measurement; but let me suggest another. We see aggressive investment going on around the world in emerging powers out there, nations competing with us in that global marketplace on clean energy, innovation, an ideas economy. An ideas economy is a robust opportunity for a sophisticated Nation like ours; but it requires commitment, commitment to investment, investment in education. We take that intellectual capacity, and we make it work.

We did that in the space race of the 1960s. President Kennedy, a rather youthful President in his time, offered a challenge to America, offered a challenge in a way that enabled us to invest in research, that enabled us to win the global race in space. That was an unleashing of technology in all told sectors of the economy and from every perspective of quality of life that was enhanced by the investments that were made.

Mr. GARAMENDI. Mr. TONKO, you were talking about the need for investment; and, indeed, in the area of education and research, critical functions, I do want to stay with that subject for a while.

Our colleague from the great State of Ohio, Ms. BETTY SUTTON, has joined us. Thank you very much for being with us this evening. I know you, too, had a family and a constituency to work with this last week, so please share with us your thoughts.

Ms. SUTTON. I thank the gentleman.

Representative GARAMENDI, you have done a tremendous job in leading the way and showing the American people, because we all know that things don't have to be the way that they are. We all know that we can invest in the things that have always made our country strong, things like education, that we know not only strengthens the individual but is key to the success of our future, investing in policies that will enable us to make it in America.

And when we talk about make it in America, Representative GARAMENDI and Representative TONKO, I know that we are often talking about manufacturing. And coming from Ohio, manufacturing of course is not just a part of our past and our history. It is a strong part of what is going to make us successful in the future.

I will tell you, I'm excited because in the coming days I'll be introducing a number of bills that are all related to how we can strengthen U.S. manufacturing and bolster U.S. manufacturing for our workers and our productivity right here in the United States. So I'm grateful to be down here with you. I can just tell you, I went out and talked to our folks and there is a growing belief that there is a better way. There's a comprehensive understanding that things have not been fair, that the deck has been stacked, and that there are still those here who are trying to protect the wealthiest and the most privileged at the expense of the others. And that's why I'm so grateful to have the chance to be here and fight alongside you and Representative TONKO and others, like Representative JACKSON LEE from Texas who has just joined us.

In the last election, we heard over and over again the refrain that people don't want a government on their back. And I agree, and I know you do, too, that people don't want a government on their back. But they do want a government on their side, and that's what we're here to make sure that they get, because that is not what they're getting with the Republican legislature as it exists today.

So carry on, Representative GARAMENDI, and count me in as somebody who supports those investments in education and in making it in America.

Mr. GARAMENDI. Well, indeed, you are carrying many pieces of legislation. I like your one—what was it, don't flush America down the drain—having to do with rebuilding our sanitation systems here in the United States.

Ms. SUTTON. Representative GARAMENDI, if you'll yield just a moment, the name of the bill, just to set the record very clear, is Stop American Jobs from Going Down the Drain Act. The whole point of that bill is when we are building our infrastructure, our water and sewer systems, as you point out, that really need to be built in this country, and of course it would put people to work, it would help our communities, spur our economy; and if we do it using U.S.-manufactured goods and iron and steel, which is what the bill would require, then we put even more people to work while we're strengthening our community. So it's the Stop American Jobs from Going Down the Drain Act.

Mr. GARAMENDI. I appreciate your correction of my characterization of the bill. Nonetheless, it's a great piece of legislation; and it's part of the Make It In America agenda, using our tax money, in this case to build the sanitation systems, the water systems, and requiring that that money be used to buy American-made equipment.

I have a bill that would do the same thing for solar and wind programs—wind turbines and solar, as well as for trains, buses and the like. It's our tax money; use it to buy American-made equipment. That's part of the Democratic agenda. And it works. I can give some examples a little later. I do want to thank you because there is nobody working harder in this entire Capitol building—Democrat, Republican, or the Senate—than you are in rebuilding the

manufacturing center of America, the great State of Ohio.

Now, Texas is a little far from Ohio, but you've got a few things going for you in Texas. Let me introduce SHEILA JACKSON LEE. Thank you for joining us once again.

Ms. JACKSON LEE of Texas. It is a delight to have been here with the gentlelady from Ohio. We have worked together closely, as I have with the gentleman from New York. I always want to ask him how his fair constituents are dealing. They have some serious mountains to climb, if you will, with their recent hurricane, a very unusual set of circumstances. We joined together to allow those communities to come back. Wouldn't that be a perfect investment of rebuilding infrastructure.

Mr. GARAMENDI, let me thank you for your long-standing history of putting things back together. I'm not going to call you the Humpty-Dumpty man, but recognizing that we can put America back together and make it in America. Let me share some anecdotal uniqueness to this whole question of make it in America. I hope everybody had a wonderful Thanksgiving. It's a special holiday where we find time to say thanks. I heard that the gentleman from New York might have been giving away a ham, made in America. And I know the people who received the ham were grateful for it.

I had the opportunity to work with those, we had over 800 turkeys—made in America—to be able to give to seniors and families. The joy was, of course, that it was in the giving. But more importantly, it was a product that we made from start to finish. Yes, it's food. As we went down the aisles of many grocery stores, since the highlight of that season is eating, people were buying goods in most instances that were made in America. And they bought them.

And then, of course, that famous Friday that we can now tout to be the best Friday over a number of years, certainly 2010; $52 billion was spent by Americans in many instances on the electronic goods that were made in America. Steve Jobs is no longer with us, but he created that infrastructure of technology and software and the sophistication of pretty things that many Americans went to buy, some $7 billion over 2010. And the studies indicated that—and that's all right to my good friends out there—that Americans were buying first for themselves those electronic items that they wanted to have for this holiday season.

□ 1940

As I begin to look at legislation to talk about jobs, I'm going to try to make the energy industry a little bit more friendly. And we'll be introducing legislation that talks about creating jobs in that industry, but working in the environmental aspect of it—fixing the coastline, for example.

As you well know, we have suffered through Hurricanes Rita, Katrina, Ike and the deterioration of the coastline, so if somebody wants to stop us from going down the drain, I want to stop us from a disappearing coastline. I want you to have the beautiful beaches, whether it is in Alabama and Louisiana and Texas, Florida. Those coastlines have been deteriorating. We can find work. Individuals can have work in fixing the beautiful coastlines. Even in South Carolina, I know that the gentleman wants the coastline to be fixed. So there is not a lack of opportunity-to-fix work.

I just heard my good friend from Massachusetts in the Rules Committee indicate that there are bridges in the State of Massachusetts—my good friend, Mr. MCGOVERN—that are older than some States and that they need to be fixed. And that would be a sharing of the wealth to many, many different districts and States if we were to engage, as the President wanted us to do, to look at how we do the infrastructure.

But making it in America is happening. Right now, in the Carolinas, a young lady is bringing her company back from Sri Lanka, and she is using the textile industries—I don't have its full name, but it begins with ''Mic''—using the textile industry to now make her product.

So I came today to say that I have hope. I'm an optimist, and many of the economists that we've been listening to—Jeffrey Sachs, for example, and Mr. Spence, who I think I heard in the last couple of days, has indicated that we worry too much about the deficit and the debt, not to ignore it but we really should be worrying about investing in America, rebuilding, make it in America, investing in infrastructure, creating jobs. And Americans will do what they did on last Friday, November 25, and they went out and they bought goods, by and large, made in America.

Let's do more of that. Let's have the incentives that they need. And, by the way, let's add the small business component to it. We had the buy from a small business on Saturday. These small businesses are in America. And if you support a small business, you support one or two or three or four employees.

So I am grateful, as I said. I'm going to do this coastline bill. I can see just persons for eons being put to work. I can see moneys going in to reduce the deficit. We'll join that with the drain, if you will, or the infrastructure for our sewage and wastewater. It comes under homeland security, by the way. We have to protect that. The infrastructure of security provides jobs as well.

I want to close on this note, which sound as if it's not tied in, but it is. It really is tied in. We have, in the Thanksgiving backdrop, was the acknowledgment—I'm not going to call it failure—by the supercommittee that they could not complete their task. Let me, on the record—I have said it in public settings—thank the colleagues that accepted the challenge. But I want to say to my colleagues, let us not be nonoptimistic. Let us not be unhappy or disappointed or sad. Frankly, the job of the Congress is to formulate the vision going forward on behalf of the American people.

Let me tell you why I see we have been given an opportunity. Some people only talk about defense. I talk about 46 million Americans that are on SNAP. Here's our chance. We can take the works of a Jeffrey Sachs. We can take the works of Mr. Spence, who talks about infrastructure investment. We can find these long-term cuts of a trillion dollars, leaving out Medicare and Social Security and Medicaid, and we can find them in a way that talks about Bush tax cuts but has a thoughtful way of looking at tax reform, and then we can put our vision forward that includes making it in America.

My friends, we make defense products in America. I don't want to be a war promoter—I want our troops home—but I believe in military preparedness. Those are jobs. We have a year to do it. We can throw off the shackles of partisanship and thoughtfully put forward a legislative initiative which the President will not veto if there is a plan that includes deficit reduction. Don't be afraid of doing it on jobs.

So I'm willing to say we have been given an opportunity, just like my Cougars are being given an opportunity for a championship this coming weekend at the University of Houston, which will, by the way, create a lot of revenue with folks coming in from all over.

But we have been given an opportunity. And I am glad that we're here on the floor to point out that it is not the end, but it is the beginning. I simply ask there be friends on the other side of the aisle that will join us in revenue, job creation, deficit reduction, revenue, job creation. We can pass these bills. We can join the Senate. We can do the payroll tax relief for a little bit and the unemployment, but we can create jobs.

I thank the gentleman for allowing me to participate with you. I'm excited about the legislation that my colleagues have. I know I have worked with Mr. TONKO for all that he has done in the legislative initiative and, also, you. Thank you so very much.

Mr. GARAMENDI. Thank you very much. You are always on top of the issues and you're always so very, very correct. SHEILA JACKSON LEE, thank you for the enormous amount of work you have done for your constituents in the city of Houston.

You mentioned the supercommittee. We ought to spend at least a few moments on that. Everybody says it was a failure and they did not achieve the goal that was set out; however, the public needs to know that the legislation that set up the supercommittee actually reduced the deficit of the United States by $2.1 trillion. A $2.1

trillion reduction in the deficit in the legislation that established the supercommittee. One trillion of that is already going into place. The other $1.1 trillion, it was the specific task of the supercommittee to try to find out if there was a better way to make the cuts, or adding revenue. They were unable to put the revenue together, but the cuts remain, and those are going to go forward.

You're quite correct, Ms. JACKSON LEE, that we do have the next 13 months, almost 14 months, to figure out a better way. Maybe it's revenue or less cuts. Maybe it's different cuts that are currently across the board in the Defense Department as well as in the discretionary funding. But we have a chance to do that. We have time to do that. It's not all lost. The deficit has been reduced. Now we need to do it in a smarter way, one that actually promotes American jobs, puts people to work, and creates more jobs and manufacturing in America.

Mr. TONKO, you come from a State that really started the great American Industrial Revolution and an area in which it actually began, the Hudson River Valley, so why don't we carry on our conversation here. You were talking about research, or take it wherever you would like to go.

Mr. TONKO. Absolutely. Let me just respond to the absolute clear focus of our friend, the gentlewoman from Texas, and for the strength of Texas. Representative JACKSON LEE is constantly talking about the opportunities to make it in America, but she cited, also, the flood damage in my district, in the Mohawk Valley, the Schoharie Valley of upstate New York.

Sometimes we will sit around and try to tout the effect of infrastructure for our job growth. There are different ways to express the economic development quotient related to infrastructure, the traditional roads and bridges, but then broadband and our grid system for our electric utilities, what role does it play?

□ 1950

Well, sometimes the best expression is done when that is taken from you. And when roads and bridges were washed away, we saw immediately what the effect was on the regional economy—and therefore the State economy—and then we're all connected one to another so that the national economy hurts through the ravages of flood waters that impacted this district, some would say with 500-year storm impact.

What did that mean? It meant that you couldn't haul milk that was processed, produced on these farms; and you could not ship products being manufactured. It stopped the economic viability of a district and of a region. So it's important for us to look at those bridges that measure in deficient form. We need to make certain that we have state-of-the-art infrastructure and broadband. We began to talk about this with the space race of the sixties; we unleashed untold amounts of investment in technology that enabled us to stretch opportunity here. Think of the rotary phone that's now moved all the way up to what is a changing telephone by the week. And that all happened because of an investment in the intellect of this Nation.

So the intellectual capacity of this Nation has been an inspiration to not only this country but to folks around the world where the quality of life was raised simply by the inventive qualities of American workers. And so that's what we're calling for here. The Democrats of the House of Representatives believe in investing in the worker and in research. Research equals jobs, and research equals opportunities. The intellectual capacity that was developed here, I'm told by the most recent former energy minister of Denmark, influenced the turnaround of thinking in Denmark where they transitioned their economy, created energy-innovative outcomes, all inspired by patents coming from the United States of America. So we have that intellect.

We talk about manufacturing as a base. We saw the exodus of manufacturing jobs to the millions—to the millions. We're still perched highest on the list for manufacturing jobs; but if we allow that trend where we were disinterested, paid no attention to manufacturing and agriculture, if we allow that to continue, we will sink as an economy. What we need to do is now bring the focus back to manufacturing and to agriculture. The focus was totally on the service economy, and there more narrowly to the financial services. We know what happened.

Ms. JACKSON LEE of Texas. Would the gentleman pause for just a moment.

Mr. TONKO. Absolutely.

Ms. JACKSON LEE of Texas. You're saying something that is just so inspirational, and I just want to add these two points: one, we are still the greatest and largest economic engine in the world in spite of China, in spite of Russia and in spite of India, our good friends. We're the largest, still percolating along.

Second, when we've had our difficulties in the past, there have been recessions in the fifties, post-World War II, on into our good friends both former Presidents Ford and Carter, as you well know for those who read the history books we had some moments, but the reason why we are in troubling waters that people can't seem to comprehend, they just need to read, we never had a euro.

We never had Europe in the state that it is presently in. And when the markets were troubled on Monday—it was Monday, even post—I think Monday they percolated, but when they were troubled, they were looking at Europe. And so if we get obsessed with other than what you're saying about how we can get back in the game at the peak that we want to be, we don't take in the great picture. And that great picture is our markets are not necessarily troubled about how we're percolating on.

We need to do better. We need to create jobs. But they're international markets, and they're troubled by the euro, which I never agreed with. I would just say, let's understand that so we can do our business here in the United States and focus on the American people, tend to the markets, but go ahead and invest and realize that the markets are interrelated. We can overcome that by doing exactly what the gentleman from New York has said, make it in America.

Mr. GARAMENDI. Ms. JACKSON LEE, you've talked about the investments; you've talked about the international aspects of our economy. Mr. TONKO, you were so correct when you talk about what happens when those infrastructures are not there.

Now, in the American Jobs Act, which we ought to be working on and passing, there is $50 billion over and above the ongoing money. This is new money, additional money, that would be immediately available to restore the coastal areas of the United States, to rebuild the infrastructure and those areas that have been hard hit by the floods of this year, to improve the 100-year-old-plus bridges in America. Those are all things that we need to move our economy.

Ms. SUTTON from Ohio talked earlier about the sanitation and water systems. Each and every one of these should be framed in such a way as to create American jobs, not just the construction jobs but the rest of the story, which is the concrete, the steel, the bolts, the pumps. All of those things that go into the infrastructure can and should be American made if we have a policy.

Now, on the floor here 3 weeks ago, we were talking about this; and our colleague from Illinois (Ms. SCHAKOWSKY) brought something to the floor that just blew me away. She brought a document that was prepared in 1788 by George Washington, and it was a manufacturing policy for America. He told Hamilton, who was then the Secretary of the Treasury, to go out and to develop eight steps for an American manufacturing policy.

So this is not new in America, folks. We need a manufacturing policy in America. We call it Make It in America. It's a tax policy, an educational policy, an infrastructure policy, and it is an international trade policy where we don't give it away, but we require fair trade—not free trade—fair trade. These are American manufacturing policies of today. Thank you, George Washington, for setting us on the course. We need to continue it.

Mr. TONKO. Absolutely. I hear in your statement the wisdom of sound planning. We need that for a government to be smart and efficient, which is the call by the general public. We want smart investment from our government. Ask any competitor out there

in the global economy. They are competing against industries that are being co-invested in by their native lands. There are co-investments with governments and their private sector, and we're moving in the other direction.

So a couple of things come to mind here. I participated this past weekend in Small Business Saturday. And the spirit I detected was a leap of faith, a sound leap of faith, by many small business leaders who said, I want to offer a service, I'm going to put my creative genius to work. I'm going to make my commitment to community a response here that's tangible.

I saw a lot of belief in the American public, a belief in the American system; and it offers a warm and fuzzy, cozy personalized relationship. People come in; they're known when they walk into the shop; they see the creative flair that's been introduced into that small business. I also see more technically savvy qualities that are engaged in the district I represent with a lot of start-ups, incubators, again, another leap of good faith but needing an investment, a co-partnering with government, especially in a very tenuous economy where there's still a lot of guesswork. We need to be there to remove some of that risk. That is so critically important.

Representative GARAMENDI, you mentioned earlier the fact that my district is that donor district to the Erie Canal/Barge Canal, which was the westward movement that triggered an industrial revolution. These mill towns that were given birth to by the canal became the epicenters of invention and innovation—manufacturing towns and mill towns that had blue collar workers coming up with tremendously clever ideas.

And for people to throw up their arms and say manufacturing then is what it was, it was our greatness, it's gone today, nothing could be farther from the truth. What is the challenge today to a sophisticated society like the American society is that while we have a number of product lines that we developed through our decades of manufacturing, the challenge to a sophisticated society is to build the products that are in demand today.

And if we believe that every product that's ever required by society has been conceived, engineered, designed and manufactured, then the story is over. But if we believe, as so many of us do believe, that we can be the wizards of those new products and we develop it by investing in ideas and investing in research, then we build those products that are now the step up, if you will.

□ 2000

That's where we are with our policy initiatives as a Democratic Caucus in the House of Representatives. Make it in America by embracing the intellectual capacity of this Nation and holding fast to innovation, entrepreneurs, and the manufacturing of today, spun up to a new level, that's America at her greatest moment.

Mr. GARAMENDI. If I might interrupt you for just a moment. Every hour we're here we're joined by men and women who are working hard on behalf of the American people. The stenographers taking down our words here deserve a praise of thanksgiving; not that our words are so worthwhile to put into the American RECORD, but they do it, nonetheless, and I want to thank them for their good work, and for the staff behind us as we go through this hour.

Mr. TONKO. Absolutely. Let me just, if you'll suffer an interruption, or yield, please, Representative GARAMENDI, I absolutely endorse what you just said. They are devoted. They are an essential part of this body to introduce all of the statements into the annals of history, making certain that statements that might inspire the sort of progress that is required by this Nation right now—they provide an awesome, awesome task.

Mr. GARAMENDI. If I might take up, after interrupting you, some of the things that you were talking about. Down through the years, from the very earliest days of this country, there has been a joining of the government and the private sector to accomplish, really, the building of America. And it's been done in many, many ways.

I was startled and surprised and frankly, very, very happy when Ms. SCHAKOWSKY brought that document in from George Washington's administration about the establishment of industrial policy that placed the American government in synchronization with the then-new manufacturing program industries in America.

You talked about the mill towns. They didn't just happen. They happened because there was a government policy working with them, those entrepreneurs, to create these new businesses, these new jobs. And down through the centuries, more than 2½, almost 2½ now, we have been able to use this synergy, this government working with the American public, the private sector, to create this incredible country we call America and really, to create the American Dream that all of us possess or have participated in.

Today, we're in a discussion, if you will, with the American public about whether to continue that coordination of the public governments—State, local, Federal governments—working to achieve a goal in the private sector. There's a different vision out there that basically says, get out of the way. Get government away and things will go well. Eliminate all regulation, eliminate all of the programs, and let the free market do it.

It's never worked, and the proof of it is found in the first decade of this century. In the first decade of this century, that philosophy of push government aside, deregulate, reduce taxes, and get government out of the way actually created a situation of the Great Recession and no jobs; in fact, 8 million American jobs lost.

We need to go back to the policies that actually created growth in America, the policies of Franklin Roosevelt, carried out by Truman and Eisenhower. Even Ronald Reagan and Lyndon Johnson carried out the very basic policies that, working together, we can build a great country.

Mr. TONKO. You're absolutely right. And I believe, as you just indicated, our history, our American history is replete with the soundness of government planning and policies that incorporated investments from the public sector. And it made us strong. It retained our strength. It was a sustainable outcome. And the way of the world today is other nations are doing that with their private sector co-investing with them.

And when you look at the scenario of threats to cut some very valuable programs, you know you're going to place our businesses at risk. And if there's anything I hear from my middle class that is disgruntled with Washington is that they're not against people making money. They're not against that.

They're concerned, and they're deeply upset by the undue influence that a few, a growing few, most powerful have on the process. They see it as insatiable greed. They see it as a rejection of what worked in the past, where people shared the wealth, shared by investing in America's middle class, which is that intellectual capacity, is that innovative spirit, is that potential for the next generation of jobs. And that's where our strength lies, and that's why they're upset. The undue influence has caused this insatiable greed that produces a drain on the middle class of this country and, therefore, reduces the number of jobs that we could possibly have in this Nation.

Mr. GARAMENDI. Before I turn to my colleague from Ohio (Ms. KAPTUR) who has just joined us, I want to pull up this chart. If only you had had this next to you while you just made this statement about the change in the nature of America's wealth. This chart has become, I think, rather famous—or infamous, I think, is a better word.

The blue line here is a chart that shows the growth in the wealth, the income of the top 1 percent of Americans. And down here is what the rest of Americans have had over the last 20 years or so. What we've seen is basically a flat-lining for the middle class, and certainly for the poor—no improvement, or very, very little improvement, in their situation. This is the 99 percent here. This is the 1 percent.

This is the anger that you now see on the streets of America, and it's exactly what you were talking about, Mr. TONKO, with a few, 1 percent of the American public, getting an ever increasing share of the American income and wealth, creating a bifurcated society, one with very few that are extremely wealthy, and the rest that are actually growing poorer.

With that, I'd like to turn to a woman from the great Midwest, the State of Ohio that is enduring this exact hollowing out of the American middle class.

MARCY KAPTUR, thank you so much for joining us, and thank you for years of work representing your part of what was once the great industrial strength of America. I know that you want to share with us tonight some thoughts that you shared with me earlier this day, as you went home, as you talked to the men and women in Cleveland. Please.

Ms. KAPTUR. Thank you very much, Congressman GARAMENDI, for your leadership in bringing us together so often. You are absolutely unrelenting, and that's the spirit that is America, so we thank you for your time tonight.

And Congressman TONKO of New York, your steadfast service here in representing a State that has some similar situations to Ohio's in the industrial and agricultural heartland of our country. It's really a special privilege to be here tonight with both of you.

This morning, one of my first visits was with a company in Avon Lake, Ohio, PolyOne. This is a company that makes products in America. Yes, it's a global player, but its innovation center is in Ohio. Hundreds and hundreds and hundreds and hundreds of jobs are associated with its plastic products, made both out of traditional petroleum-based inputs as well as the new carbohydrate economy that you can see developing, and it was really quite exciting.

We know that real wealth is created in our country when we make goods in America, when we make it in America. I think the problem over the last several years has been that if you travel to any city in America and you look at the tallest building, what are they? Are they the firms making things or are they merely, as I saw in Michigan recently, a gigantic bank whose headquarters is on Wall Street, a bank that just got bailed out by the American people?

I stopped my car and I looked at that building, and then I looked at the devastation of the communities around that particular part of Michigan, and I thought, what's wrong with this picture? Basically, this institution has sucked up the wealth of neighborhood after neighborhood and left rubble in its way.

They're not being held accountable. Yet I see companies like PolyOne trying to make it in a global economy with a very unfair set of trade practices—closed markets around the world, currency manipulation, intellectual property theft.

□ 2010

I look at what's happening with competitors, with competition to U.S. industry, and you have to say to those patriots who are making goods in America, we stand with you. We should be rewarding those companies. We should be making more goods in our country.

I wanted to just add a word about the automotive industry. There were those in this Chamber that voted against the refinancing of the automotive industry. Without that industry, this country would not have a defense base, and we would not be a great industrial power. And now I see in our region of the country—I was just at Chrysler Fiat. They announced billions of dollars of investment. There's going to be over a thousand more people hired at their main production facility in Toledo, Ohio. Chrysler Jeep makes the Wrangler and the Liberty and likely vehicles that will follow on.

The feeling inside that plant of people who have given their lives to keeping America competitive and to manufacturing a label that is known throughout the world, it was a wonderful day to be there. And I was reminded, and I said very frankly, You know, there were 170 Members of Congress that didn't think you should be here and didn't think that this company should be here. And the company has paid back the loan that was made, and now we're going to have good jobs by making goods in America. So I wanted to share those experiences.

I feel bad that we have a country where certain financial firms that have, totally speculative, have brought us to this point. But I stand with those who have weathered the storm and who are now hiring and trying to move this economy back where we know it can be.

I was very proud to be a Member, as are those who are here with us tonight, to vote for that refinancing of the automotive industry and with its procurement from suppliers—whether it's plastics, whether it's glass, whether it's fibre, whether it's textiles, whatever, that's helping to lift this economy to where last week, on the day after Thanksgiving, retail sales in our country went up about 16.7 percent, I guess. It shows that people have more spending power. That's what we should be doing. We should be using our power here to lift those industries that can really make goods in our country and help recreate a strengthened middle class.

Mr. GARAMENDI. We have maybe 10 more minutes here.

You talked about the purchasing power of Americans. On January 1, unless we act, American workers will lose about $1,500 of purchasing power. We must renew and continue the reduction in the Social Security tax that American workers are paying and businesses are paying. And by the way, it's totally paid for by those superwealthy—a 3.5 percent increase on their taxes over a million dollars a year. So it's totally paid for. It's part of the American Jobs Act.

I was just talking to the gentleman from New York, and it came about because of what you said about those men and women that have spent their lifetime working here in America. And I want to end on this between the three of us.

We Democrats have made a promise to America. It's not a contract. It is a promise. It's a pledge. And that pledge is to protect Social Security and Medicare, two of the most fundamental American programs, both of which are at risk of being significantly modified or, in the case of Medicare, destroyed by our Republican colleagues.

I want to make it very, very clear and get the comments from my two colleagues here about our commitment to these programs.

Social Security is the bedrock foundation for every American's retirement; and given the way the stock market gyrates because of those financial institutions and the games they play, you can't count on your 401(k).

But here's the promise to America from the Democrats: you will always be able to count on Social Security. If they want to fight about it, then this is the fight we will have and we will win.

On Medicare, millions of seniors are not in poverty today and alive today because they have Medicare insurance, a fundamental American program.

Mr. TONKO.

Mr. TONKO. I think you highlight some of the major differences and disagreements that have highlighted the debate on the Hill here in Washington between the two parties. And I would suggest it's probably some of the reasons that the supercommittee could not come to consensus, because we have called upon an outcome that is fair, balanced, and bold—that we will not allow for the price tag on further continuing tax cuts for millionaires and billionaires to be paid for by cuts to Medicare. There were those who fought Social Security at its inception and have fought it for 76 years and want to deny it.

It's about making certain that there is an underpinning of support for our elderly as they grow into what is a longer life span. We have to have measures in place that enable there to be a quality of life that provides economic vitality, economic balance for those who move into their retirement years.

I think that when we look at some of the measurements of Medicare, for instance, where it's about 5 percent of the GDP, much more modest than private sector health care is to GDP, and here's a program that has worked tremendously well. Can it be made better? Absolutely. That's where we stand. Make it better. Make it more secure. Make it more sustainable.

But do not deny the masses of this country who have prospered, who have been strengthened, who were lifted by programs like Medicare and Social Security. And I am proud to serve in the caucus that, as a conference, has said we stand for keeping these programs in place, strengthening them, not denying them, which I think is a major disagreement on the Hill.

Mr. GARAMENDI. Mr. TONKO, you are absolutely correct. This is where we stand. This is where we fight.

Ms. KAPTUR.

Ms. KAPTUR. Thank you so much, Congressman GARAMENDI and Congressman TONKO.

I just wanted to say on Social Security and Medicare, I'm proud to stand with my Democratic colleagues. Social Security is an earned benefit, and it's one that belongs to the American people. We all know its power, not just to allow seniors to live a decent life in their retirement years. But also it's power to lift the economy because seniors spend, mainly on their grandchildren. And they move those dollars into the economy. You watch with that cost-of-living increase, which I'm very happy about, next year, and the fact that the Medicare offset will not be so great that seniors will have extra buying power and they will watch every penny.

I am just so proud to be a part of a tradition of the Democratic Party that has fought for Social Security and has fought for Medicare, not just for the few but for all. And we have made the country a better country as a result.

So I think it's fair to say that, yes, it is true the Republican Party has fought Social Security. Can't they find something else? I don't know what the problem is when the vast majority of the American people, I think like 99.99 percent of the American people, agree with this. I don't know what their problem is. Maybe they're not living in reality most of the time.

I am just very proud to be a part of this tradition along with my colleagues and to say to our senior citizens that next year will be a better year than this year.

My hat's off to Franklin Roosevelt and Frances Perkins and all of the people that fought back in the 1930s to make this program part of the American way of life.

Mr. GARAMENDI. And then carried on in the 1960s with Medicare.

We have much to be thankful for as Americans, don't we?

Mr. TONKO. We do.

Mr. GARAMENDI. We have much to be thankful for. We are thankful for those men and women that served here in this House over the years that brought us to where we are—the world's strongest, greatest country with the greatest opportunity. Even with all of the troubles we have today, it's still a country with great opportunity.

Mr. TONKO. Absolutely.

Mr. GARAMENDI. It's a country in which the American Dream lives, and we have the obligation to make sure that it's there for future generations.

Mr. TONKO, we're going to do a rapid 30 seconds around.

Mr. TONKO. We've had a wonderful hour of discussion, and I give thanks for the wonderful investments that have made us this strong Nation. In conclusion, if we invest in the middle class of this Nation, our greatest days lie ahead of us. We have a chance to be continually investing in a way that allows us to make it in America and allow for our intellectual capacity to reign supreme. It's been our history. It's our DNA. Let's make it happen. I'm optimistic about the tomorrows for this country with the appropriate investments.

Mr. GARAMENDI. Ms. KAPTUR.

Ms. KAPTUR. America has always been a Nation of great promise, a Nation of great hope; and I like to quote in my speeches the last four letters of the word ''American'' are ''I can.'' It's positive energy. It's promise that we all work toward, and the American people know it. It's great to be a part of a party of hope and promise for the American people.

I say what a pleasure it has been to join my colleagues here this evening.

Mr. GARAMENDI. With that, Mr. Speaker, I yield back with great thanks to my colleagues and for the opportunity to be a Member of Congress.

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

Mr. WOODALL, from the Committee on Rules (during the Special Order of Mr. GARAMENDI), submitted a privileged report (Rept. No. 112–296) on the resolution (H. Res. 477) providing for consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SUTTON (at the request of Ms. PELOSI) for today on account of travel delays.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 30, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3973. A letter from the Under Secretary, Department of Defense, transmitting Selected Acquisition Reports for the quarter ending June 30; to the Committee on Armed Services.

3974. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement: Fire-Resistant Fiber for Production of Military Uniforms (DFARS Case 2011-D021) (RIN: 0750-AH22) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3975. A letter from the Secretary, Department of Defense, transmitting first report on the Responsible Redeployment of U.S. Armed Forces from Iraq; to the Committee on Armed Services.

3976. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement: Simplified Acquisition Threshold for Humanitarian or Peacekeeping Operations (DFARS Case 2011-D032) (RIN: 0750-AH29) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3977. A letter from the Under Secretary, Department of Defense, transmitting a study pursuant to the Conference Report of the National Defense Authorization Act for Fiscal Year 2010; to the Committee on Armed Services.

3978. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement: Representation Relating to Compensation of Former DoD Officials (DFARS Case 2010-D020) (RIN: 0750-AG99) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3979. A letter from the Deputy Director, Office of Labor-Management Standards, Department of Labor, transmitting the Department's final rule — Labor Organization Officer and Employee Reports (RIN: 1215-AB74) (RIN: 1245-AA01) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3980. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Frequency Regulation Compensation in the Organized Wholesale Power Markets [Docket Nos.: RM11-7-000 and AD10-11-000; Order No. 755] received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3981. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-36, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3982. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-38, pursuant to the reporting requirements of Section 36(b)(1) of

the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3983. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-35, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3984. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-09, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3985. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-74, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3986. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-71, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3987. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-29, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3988. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-27, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3989. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-17, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3990. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-26, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3991. A letter from the Director, Defense Security Cooperation Agency, transmitting a report submitted in accordance with Section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3992. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of Commerce, transmitting the Department's final rule — Amendment to Existing Validated End-User Authorizations in the People's Republic of China: National Semiconductor Corporation and Semiconductor Manufacturing International Corporation [Docket No.: 110804481-1527-01] (RIN: 0694-AF32) received November 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3993. A letter from the Secretary, Department of Defense, transmitting a letter pursuant to the authority of section 1033 of the National Defense Authorization Act for Fiscal Year 1998; to the Committee on Foreign Affairs.

3994. A letter from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting the Report on Compliance with the Treaty on Conventional Armed Forces in Europe; to the Committee on Foreign Affairs.

3995. A letter from the Under Secretary, Department of Defense, transmitting the annual report on ''The Worldwide Nuclear, Biological, and Chemical Weapons and Ballistic and Cruise Missile Threat''; to the Committee on Foreign Affairs.

3996. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Filing, Retention, and Return of Export Licenses and Filing of Export Information (RIN: 1400-AC91) received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3997. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d)(3) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Mexico (Transmittal No. DDTC-11-117); to the Committee on Foreign Affairs.

3998. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List all chemical toilets and their related components, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3999. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-064, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4000. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-121, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4001. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-062, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4002. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-122, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4003. A letter from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-062, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4004. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-081, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4005. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-098, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4006. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-084, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4007. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-066, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4008. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-111, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4009. A letter from the Assistant Secretary for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 11-086, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4010. A letter from the Assistant Secretary, Department of State, transmitting Transmittal No. DDTC 11-069, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4011. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to section 81(d) of the Arms Export Control Act and Section 11C(d) of the Export Administration Act of 1979; to the Committee on Foreign Affairs.

4012. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 51th report prepared pursuant to Section 3204(f) of the Emergency Supplemental Act, 2000; to the Committee on Foreign Affairs.

4013. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a letter responding to GAO report number GAO-11-431C; to the Committee on Foreign Affairs.

4014. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a signed determination pursuant to Section 620H of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

4015. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on CWC Compliance; to the Committee on Foreign Affairs.

4016. A letter from the Delegated Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Nebraska Advisory Committee; to the Committee on the Judiciary.

4017. A letter from the Delegated the Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the California Advisory Committee; to the Committee on the Judiciary.

4018. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report on the Secretary of State's decision to designate an entity and its aliases as a ''foreign terrorist organization'', pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

4019. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bumpass, VA [Docket No.: FAA-2011-0377; Airspace Docket No. 11-AEA-10] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4020. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Gordonsville, VA [Docket No.: FAA-2011-0375; Airspace Docket No. 11-AEA-9] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4021. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Miles City, MT [Docket No.: FAA-2011-0515; Airspace Docket No. 11-ANM-11] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4022. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Orangeburg, SC [Docket No.: FAA-2010-1325; Airspace Docket No. 10-ASO-40] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4023. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Gary, IN [Docket No.: FAA-2011-0427; Airspace Docket No. 11-AGL-7] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4024. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Shelby, MT [Docket No.: FAA-2011-0536; Airspace Docket No. 11-ANM-13] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4025. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace and Establishment of Class E Airspace; Casper, WY [Docket No.: FAA-2011-0439; Airspace Docket No. 11-ANM-10] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4026. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Brunswick, ME [Docket No.: FAA-2011-0116; Airspace Docket No. 11-ANE-1] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4027. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Northway, AK [Docket No.: FAA-2011-0758; Airspace Docket No. 11-AAL-11] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4028. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cleveland, MS [Docket No.: FAA-2011-0102; Airspace Docket No. 11-ASO-39] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4029. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nahunta, GA [Docket No.: FAA-2011-0727; Airspace Docket No. 11-ASO-32] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4030. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; New Market, VA [Docket No.: FAA-2011-0380; Airspace Docket No. 11-AEA-12] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4031. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Description of VOR Federal Airway V-299; C [Docket No.: FAA-2011-1015; Airspace Docket No. 10-AWP-13] received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4032. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a Statement of Actions with respect to the GAO report entitled, ''Personal ID Verification: Agencies Should Set a Higher Priority on Using the Capabilities of Standardized Identification Cards''; to the Committee on Science, Space, and Technology.

4033. A letter from the Director of Congressional Affairs, Central Intelligence Agency, transmitting a Congressional Notification; to the Committee on Intelligence (Permanent Select).

4034. A letter from the Acting Director of Congressional Affairs, Central Intelligence Agency, transmitting a Congressional Notification; to the Committee on Intelligence (Permanent Select).

4035. A letter from the Chairman, National Health Care Workforce Commission, transmitting a letter describing the status of the National Health Care Workforce Commission; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOODALL: Committee on Rules. House Resolution 477. Resolution providing for consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents (Rept. 112–296). Referred to the House Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. Supplemental report on H.R. 527. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; Referred to the Committee of the Whole House on the state of the Union. (Rept. 112–289 Pt. 3).

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. WAXMAN (for himself, Ms. ESHOO, Mr. MARKEY, Mr. DOYLE, Ms. MATSUI, Mrs. CHRISTENSEN, Mr. PALLONE, Ms. DEGETTE, Mr. ENGEL, and Ms. SCHAKOWSKY):

H.R. 3509. A bill to provide for the creation of a public safety broadband network, to ensure a more efficient and innovative allocation of the electromagnetic spectrum, to permit the Federal Communications Commission to conduct incentive auctions, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Space, and Technology, and Oversight and Government Reform, 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. GRIMM (for himself, Mr. PIERLUISI, Mr. YOUNG of Alaska, Mr. GEORGE MILLER of California, Mr. KING of New York, Mr. TOWNS, Mr. DIAZ-BALART, Ms. BORDALLO, Mr. BACHUS, Mrs. MALONEY, Mr. BILBRAY, Mr. MORAN, Mr. CRENSHAW, Mr. MEEKS, Mr. FITZPATRICK, Mr. MARKEY, Mr. HANNA, Mr. SERRANO, Mr. POSEY, Ms. BROWN of Florida, Mr. TURNER of New York, Ms. MCCOLLUM, Mr. DOLD, Mr. SABLAN, Mr. GIBSON, Mr. REYES, Ms. NORTON, Ms. TSONGAS, Mr. CONNOLLY of Virginia, Mr. BLUMENAUER, Mr. FALEOMAVAEGA, and Ms. ROS-LEHTINEN):

H.R. 3510. A bill to reauthorize the Multinational Species Conservation Funds Semipostal Stamp, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OLSON:

H.R. 3511. A bill to amend the Public Health Service Act to clarify liability protections regarding emergency use of automated external defibrillators; to the Committee on Energy and Commerce.

By Mr. NADLER:

H.R. 3512. A bill to amend the Abraham Lincoln Commemorative Coin Act to adjust how surcharges are distributed; to the Committee on Financial Services.

By Ms. BROWN of Florida (for herself, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. CLARKE of Michigan, Mr. CLAY, Mr. JOHNSON of Georgia, Mr. DAVIS of Illinois, Ms. LEE of California, Mr. CONYERS, Ms. JACKSON LEE of Texas, Ms. MOORE, Mr. DAVID SCOTT of Georgia, Ms. WILSON of Florida, Ms. HANABUSA, Ms. SEWELL, Mr. SCOTT of Virginia, Ms. RICHARDSON, Mr. BISHOP of Georgia, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mrs. NAPOLITANO, Ms. CLARKE of New York, Mr. PIERLUISI, Mr. TOWNS, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS, Mr. MEEKS, Mr. HASTINGS of Florida, Ms. WATERS, Mr. RICHMOND, Mr. RUSH, Mr. RANGEL, Ms. NORTON, and Mr. CLEAVER):

H.R. 3513. A bill to require at least 10 percent of certain transportation funding to be made available for small business concerns owned and controlled by socially and economically disadvantaged individuals; to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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. CLAY (for himself, Mr. GRIJALVA, and Ms. BORDALLO):

H.R. 3514. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry Resource Center, to authorize grants for State organ and tissue donor registries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia:

H.R. 3515. A bill to save money and reduce tragedies through prevention grants; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut (for himself and Mr. LARSON of Connecticut):

H.R. 3516. A bill to amend title XVIII of the Social Security Act with respect to Medicare payment for long-term care hospital services; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 3517. A bill to amend the Passport Act of 1920 to waive the collection of passport

fees to replace passports that were lost, damaged, or destroyed as a result of major disasters or emergencies; to the Committee on Foreign Affairs.

By Mr. ROGERS of Michigan:

H.R. 3518. A bill to impose a regulatory moratorium and prevent taxes from being raised for 2 years; to the Committee on Ways and Means, and in addition to the Committees on 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. TOWNS (for himself, Mrs. CHRISTENSEN, Ms. LEE of California, Mr. CLAY, Mr. CARSON of Indiana, Ms. HANABUSA, and Mr. HASTINGS of Florida):

H.R. 3519. A bill to amend to exempt the Medicare program from fallback sequestration under the Budget Control Act of 2011; to the Committee on the Budget.

By Mr. YOUNG of Alaska:

H.R. 3520. A bill to amend title 10, United States Code, to ensure that the retired pay benefits promised a person when they join the Armed Forces are not reduced; to the Committee on Armed Services.

By Mr. ROE of Tennessee (for himself, Mr. CONAWAY, Mr. GINGREY of Georgia, Mr. DUNCAN of Tennessee, Mr. PALAZZO, Mr. BUCSHON, Mr. BARLETTA, Mr. BONNER, Mr. HARPER, Mr. BILIRAKIS, Mr. WOODALL, Mr. CRAWFORD, Mr. GOHMERT, Mr. BURGESS, Mr. ALEXANDER, Mr. MCCLINTOCK, and Mrs. MILLER of Michigan):

H. Res. 475. A resolution expressing the sense of the House of Representatives that the Patient Protection and Affordable Care Act is unconstitutional; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. CAPUANO, Ms. BORDALLO, Mr. MORAN, Mr. ISRAEL, Mr. RUPPERSBERGER, Mr. SIRES, Mr. HASTINGS of Florida, Mr. KEATING, Mr. LEVIN, Mr. LEWIS of Georgia, and Ms. TSONGAS):

H. Res. 476. A resolution recognizing the 30th anniversary of Students Against Destructive Decisions (SADD); to the Committee on Education and the Workforce.

By Ms. NORTON:

H. Res. 478. A resolution expressing the sense of the House of Representatives that the Justices of the United States Supreme Court should make themselves subject to the existing and operative ethics guidelines set out in the Code of Conduct for United States Judges, most of which are already legally binding on them; to the Committee on the Judiciary.

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. WAXMAN:

H.R. 3509.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I, and clause 18 of section 8 of article I of the Constitution

By Mr. GRIMM:

H.R. 3510.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7

By Mr. OLSON:

H.R. 3511.

Congress has the power to enact this legislation pursuant to the following:

Article 1, 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 (Commerce Clause)

By Mr. NADLER:

H.R. 3512.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clauses 1, and 18.

By Ms. BROWN of Florida:

H.R. 3513.

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. CLAY:

H.R. 3514.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. LEWIS of Georgia:

H.R. 3515.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. MURPHY of Connecticut:

H.R. 3516.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. OWENS:

H.R. 3517.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 3 (Commerce Clause).

By Mr. ROGERS of Michigan:

H.R. 3518.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. TOWNS:

H.R. 3519.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8, Clause 1 of the United States Constitution, known as the ''General Welfare Clause.'' This provision grants Congress the broad power ''to pay the Debts and provide for the common defense and general welfare of the United States.''[1]

[1] Please note, pursuant to Article I, section 8, Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. YOUNG of Alaska:

H.R. 3520.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

ADDITIONAL SPONSORS

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

H.R. 12: Mr. MURPHY of Connecticut.

H.R. 100: Mr. KING of Iowa and Mr. YOUNG of Alaska.

H.R. 115: Mr. MCGOVERN.

H.R. 190: Ms. MCCOLLUM and Mr. MCGOVERN.

H.R. 200: Mr. LEWIS of California.

H.R. 265: Mr. RANGEL and Mr. SCOTT of Virginia.

H.R. 363: Mr. SHERMAN.

H.R. 365: Mr. DANIEL E. LUNGREN of California.

H.R. 376: Mr. JACKSON of Illinois.

H.R. 452: Mrs. MYRICK and Mr. FRANK of Massachusetts.

H.R. 459: Mr. CRAVAACK and Mr. LANDRY.

H.R. 487: Ms. LEE of California.

H.R. 640: Mr. ENGEL, Mrs. MALONEY, and Mr. LEWIS of Georgia.

H.R. 719: Mr. ROE of Tennessee.

H.R. 721: Mr. CRAVAACK and Mrs. BLACKBURN.

H.R. 787: Mr. HUIZENGA of Michigan.

H.R. 807: Mr. LOEBSACK.

H.R. 809: Mr. MORAN.

H.R. 835: Mr. PAYNE and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 860: Mr. LAMBORN, Mr. DENT, Mrs. MILLER of Michigan, Mr. SESSIONS, Mr. TERRY, Mr. REYES, and Ms. EDWARDS.

H.R. 890: Ms. HIRONO and Mr. RUPPERSBERGER.

H.R. 891: Mr. WALZ of Minnesota.

H.R. 993: Mr. MILLER of Florida.

H.R. 996: Mr. RAHALL.

H.R. 1145: Mr. MCCOTTER.

H.R. 1148: Ms. JENKINS, Mr. HONDA, Mrs. HARTZLER, Mr. ISRAEL, Mr. SCHRADER, Mr. WOLF, Ms. MATSUI, Mr. SIRES, Ms. FUDGE, Mr. LANCE, Mr. RUPPERSBERGER, Mr. CICILLINE, Ms. CASTOR of Florida, Mr. GERLACH, Mr. DUNCAN of South Carolina, Mr. LABRADOR, Mrs. MYRICK, and Mr. STARK.

H.R. 1161: Mr. CARSON of Indiana.

H.R. 1164: Mr. LONG and Mr. THORNBERRY.

H.R. 1219: Mr. BARTON of Texas.

H.R. 1244: Mr. CARSON of Indiana and Mr. SENSENBRENNER.

H.R. 1295: Ms. CASTOR of Florida.

H.R. 1307: Mr. LONG.

H.R. 1350: Mr. JONES.

H.R. 1370: Mr. DUNCAN of Tennessee and Mr. JOHNSON of Ohio.

H.R. 1394: Ms. MATSUI, Mr. GUTIERREZ, Mr. LYNCH, Mr. WATT, Mr. BUTTERFIELD, Mr. PAYNE, Mrs. MALONEY, Mr. COSTA, Mr. HINOJOSA.

H.R. 1426: Ms. DEGETTE and Mr. TURNER of Ohio.

H.R. 1449: Ms. CLARKE of New York and Ms. ROYBAL-ALLARD.

H.R. 1488: Ms. HAHN.

H.R. 1509: Mrs. MYRICK.

H.R. 1511: Mr. MCINTYRE.

H.R. 1513: Mrs. DAVIS of California, Mr. PAYNE, Mr. LANCE, Mr. WELCH, Mr. DOYLE, and Mr. DAVIS of Illinois.

H.R. 1558: Mr. BASS of New Hampshire.

H.R. 1621: Mr. AUSTIN SCOTT of Georgia.

H.R. 1653: Mr. BISHOP of Georgia and Mr. KINGSTON.

H.R. 1704: Ms. CASTOR of Florida.

H.R. 1718: Mr. ROSS of Florida.

H.R. 1744: Mrs. MYRICK, Mr. AMODEI, and Mr. YODER.

H.R. 1776: Mr. JOHNSON of Georgia.

H.R. 1792: Mr. JOHNSON of Ohio.

H.R. 1798: Mr. HURT.

H.R. 1809: Mr. BISHOP of New York.

H.R. 1815: Mrs. BONO MACK.

H.R. 1821: Mr. HOLT.

H.R. 1834: Mr. CASSIDY and Mr. WESTMORELAND.

H.R. 1903: Mr. HOLT and Mr. DOYLE.
H.R. 1905: Ms. PINGREE of Maine and Mr. RICHMOND.
H.R. 1956: Mr. LABRADOR and Mr. BERG.
H.R. 1988: Mr. VAN HOLLEN.
H.R. 2012: Mr. HONDA.
H.R. 2014: Mr. YOUNG of Alaska.
H.R. 2071: Ms. DEGETTE.
H.R. 2077: Mr. YOUNG of Indiana.
H.R. 2082: Mr. ROTHMAN of New Jersey.
H.R. 2139: Mr. BOUSTANY, Ms. JACKSON LEE of Texas, and Ms. DELAURO.
H.R. 2161: Mr. STARK.
H.R. 2185: Mr. STARK and Mr. HASTINGS of Florida.
H.R. 2248: Mr. KILDEE and Mr. PLATTS.
H.R. 2299: Mr. SIMPSON and Mr. SMITH of Nebraska.
H.R. 2342: Mr. RAHALL.
H.R. 2408: Mr. AMODEI.
H.R. 2412: Mrs. MALONEY and Ms. SCHAKOWSKY.
H.R. 2414: Mr. LONG, Mr. CRAVAACK, Mr. HANNA, Mr. COBLE, and Mr. BRADY of Texas.
H.R. 2459: Mr. SOUTHERLAND.
H.R. 2479: Mr. LARSON of Connecticut, Mr. NEAL, and Mr. BRALEY of Iowa.
H.R. 2513: Mrs. LOWEY.
H.R. 2528: Mr. DUNCAN of South Carolina.
H.R. 2569: Mr. REED, Mr. MARCHANT, Mr. MICHAUD, Ms. ESHOO, and Mr. CLEAVER.
H.R. 2580: Mr. HOLT, Mr. HIGGINS, and Mr. CROWLEY.
H.R. 2643: Mr. KUCINICH.
H.R. 2672: Mr. THOMPSON of Pennsylvania.
H.R. 2674: Mr. COHEN.
H.R. 2730: Mr. MCDERMOTT and Mr. GUTIERREZ.
H.R. 2733: Mr. KISSELL.
H.R. 2735: Mr. LARSON of Connecticut.
H.R. 2742: Ms. RICHARDSON and Ms. SEWELL.
H.R. 2815: Ms. LEE of California.
H.R. 2827: Mr. QUAYLE, Mr. GARY G. MILLER of California, and Mrs. ELLMERS.
H.R. 2828: Mr. GARAMENDI.
H.R. 2866: Ms. SLAUGHTER.
H.R. 2885: Mr. AMODEI.
H.R. 2899: Mr. DUNCAN of South Carolina.
H.R. 2918: Mr. RANGEL.
H.R. 2948: Mr. MILLER of North Carolina and Mr. HIMES.
H.R. 2955: Ms. PINGREE of Maine.
H.R. 2966: Mr. KILDEE, Mr. COHEN, Mr. COURTNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TURNER of New York, and Mr. DAVIS of Illinois.
H.R. 2980: Mr. FILNER.
H.R. 2982: Mr. MCCOTTER, Mr. NADLER, and Mr. POSEY.
H.R. 3032: Mr. MURPHY of Pennsylvania.
H.R. 3046: Ms. HAHN.
H.R. 3059: Mr. AL GREEN of Texas, Mr. GONZALEZ, Mr. HOLT, Mr. GARAMENDI, Mr. WALZ of Minnesota, and Mr. MCCOTTER.
H.R. 3066: Mr. PETRI.
H.R. 3074: Mr. TURNER of New York.
H.R. 3083: Mr. DIAZ-BALART.
H.R. 3145: Mr. PALLONE, Mrs. NAPOLITANO, and Mr. PASCRELL.
H.R. 3154: Mr. PETRI.
H.R. 3158: Mr. KLINE.
H.R. 3178: Ms. NORTON, Mr. HINCHEY, and Ms. DELAURO.
H.R. 3180: Mr. MCGOVERN.
H.R. 3200: Mrs. MCCARTHY of New York.
H.R. 3244: Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. FLORES, Mr. RIBBLE, and Mr. POSEY.
H.R. 3271: Ms. MOORE, Ms. LEE of California, Ms. SLAUGHTER, and Mr. GRIJALVA.
H.R. 3278: Ms. RICHARDSON.
H.R. 3286: Ms. LINDA T. SÁNCHEZ of California, Mr. CLARKE of Michigan, Mr. CARSON of Indiana, and Mrs. MALONEY.
H.R. 3307: Mr. YOUNG of Alaska, Mr. BARTLETT, Mr. WELCH, and Ms. SEWELL.
H.R. 3308: Mr. DUNCAN of South Carolina and Mr. ROSS of Florida.
H.R. 3309: Mr. BARTON of Texas, Mr. TERRY, Mr. BASS of New Hampshire, Mrs. BLACKBURN, and Mr. SCALISE.
H.R. 3310: Mrs. BLACKBURN, Mr. BASS of New Hampshire, Mr. TERRY, Mr. LANCE, and Mr. KINZINGER of Illinois.
H.R. 3316: Mr. CLARKE of Michigan, Mr. POLIS, and Ms. JACKSON LEE of Texas.
H.R. 3317: Mr. CLARKE of Michigan, Mr. POLIS, and Ms. JACKSON LEE of Texas.
H.R. 3346: Mr. WAXMAN, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Ms. WASSERMAN SCHULTZ, Mr. CAPUANO, Mr. FATTAH, Mr. PIERLUISI, Mr. SIRES, Mr. ELLISON, Ms. FUDGE and Mr. LARSON of Connecticut.
H.R. 3357: Mr. STARK, Mr. FARR, Mr. OLVER, and Mr. SHULER.
H.R. 3364: Mr. MORAN, Mr. ACKERMAN, Ms. ESHOO, and Mr. KING of Iowa.
H.R. 3365: Mr. DEFAZIO.
H.R. 3366: Mr. BOUSTANY and Mr. REICHERT.
H.R. 3368: Ms. SLAUGHTER, Mr. BRALEY of Iowa, and Mr. DEFAZIO.
H.R. 3371: Mr. MCINTYRE and Mr. JOHNSON of Georgia.
H.R. 3379: Mrs. MCMORRIS RODGERS and Mr. PETERSON.
H.R. 3393: Ms. WASSERMAN SCHULTZ.
H.R. 3405: Mr. CARSON of Indiana, Mr. LOEBSACK, and Mr. RYAN of Ohio.
H.R. 3409: Mr. SHUSTER.
H.R. 3421: Mr. MEEHAN, Mr. FILNER, Mr. PRICE of Georgia, Mr. NADLER, Mr. KING of New York, Mrs. MCMORRIS RODGERS, Mr. PAULSEN, Ms. MOORE, Mr. PRICE of North Carolina, Mr. PIERLUISI, Mr. REHBERG, Mr. ROE of Tennessee, Mr. ROGERS of Michigan, Mr. RYAN of Ohio, Mr. SABLAN, Ms. SCHWARTZ, Mrs. LUMMIS, Mr. FORTENBERRY, Mr. COLE, Mr. CULBERSON, Mr. COURTNEY, Ms. HERRERA BEUTLER, Mr. WOMACK, Ms. NORTON, Mr. TERRY, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. FATTAH, Mr. SCHOCK, Mr. BOREN, Mr. RYAN of Wisconsin, Mr. DENT, Mr. RANGEL, Mr. TONKO, Mrs. ELLMERS, Mr. COFFMAN of Colorado, Mr. GARDNER, Mr. DIAZ-BALART, Mr. COHEN, Mrs. MILLER of Michigan, Mr. BARLETTA, Mr. REED, Mr. BOUSTANY, Mr. ROKITA, Mr. TOWNS, Mr. LONG, Mr. LARSON of Connecticut, Mr. RUSH, Mr. SESSIONS, Mr. DOLD, Mr. HULTGREN, Mr. MILLER of Florida, Mr. PITTS, Mr. GERLACH, Mr. JOHNSON of Ohio, Mr. LABRADOR, Mr. AUSTRIA, Mr. ELLISON, Mr. RENACCI, Mr. MANZULLO, Mr. QUIGLEY Mr. ROGERS of Kentucky, Mr. MCCARTHY of California, and Mr. DAVID SCOTT of Georgia.
H.R. 3437: Ms. SLAUGHTER, Mr. SABLAN, and Mr. CARNAHAN.
H.R. 3462: Mr. CONYERS.
H.R. 3466: Mr. JACKSON of Illinois.
H.R. 3476: Mr. BILIRAKIS and Mr. OWENS.
H.R. 3485: Mr. WAXMAN, Mr. PRICE of North Carolina, Ms. HAHN, and Ms. BERKLEY.
H.R. 3486: Mr. BOSWELL, Mr. CHABOT, Ms. DELAURO, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. MCGOVERN, and Ms. NORTON.
H.R. 3490: Mr. GRIJALVA.
H.J. Res. 88: Mr. FILNER and Mr. BLUMENAUER.
H. Con. Res. 63: Mr. COLE.
H. Con. Res. 85: Mrs. NAPOLITANO and Mr. HONDA.
H. Res. 298: Mr. HONDA, Mr. HARPER, Mr. KISSELL, and Mr. SHIMKUS.
H. Res. 364: Mr. BILBRAY, Mr. VISCLOSKY, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUPPERSBERGER, Ms. SEWELL, Mr. BOUSTANY, Mr. BURGESS, Mr. SCOTT of Virginia, Ms. VELÁZQUEZ, Mr. NEAL, Mr. CRENSHAW, Mr. GINGREY of Georgia, Mr. ROGERS of Kentucky, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. FLEISCHMANN, Mr. ROHRABACHER, Mr. LOBIONDO, Mr. SMITH of Texas, Mr. STEARNS, Mr. BUCHANAN, Mr. CRAVAACK, Mr. CANSECO, Mr. FORTENBERRY, Mr. BILIRAKIS, Mr. BUCSHON, Mr. LAMBORN, Mr. YOUNG of Alaska, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. POSEY, Mr. DREIER, Mr. MULVANEY, and Mr. SMITH of Nebraska.
H. Res. 376: Mr. POE of Texas, Ms. BASS of California, Mr. ROYCE, Mr. MARINO, Mr. SHERMAN, Mr. PETERSON, Mr. MCGOVERN, Mr. SAM JOHNSON of Texas, and Mr. KELLY.
H. Res. 397: Mr. COHEN, Mrs. MALONEY, and Mr. FALEOMAVAEGA.
H. Res. 433: Mr. YOUNG of Alaska.
H. Res. 474: Mr. SABLAN, Mr. ISRAEL, and Ms. BORDALLO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 3463, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the US. House of Representatives.

OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

The provisions that warranted a referral to the Committee on House Administration in H.R. 3463, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election, campaigns and party conventions and by terminating the Election Assistance Commission, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, NOVEMBER 29, 2011 No. 181

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, source of all life, may Your power be felt today in the Senate. Strengthen our Senators with Your might, infusing them with faith to look beyond today's challenges with confidence that You are still in control. Impart them with knowledge that will enable them to find creative solutions to the problems that beset us. Keep Your hand upon all the citizens of this great land, protecting them from evil as You guide them along the pathway of life. Help us to remember that we should be one in purpose, seeking the best for our Republic.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 29, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS 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. Following any leader remarks, the Senate will be in a period of morning business for 1 hour, with the majority controlling the first half and the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of the Department of Defense Authorization Act.

The Senate will recess from 12:30 until 2:15 p.m. to allow for the weekly caucus meetings.

The filing deadline for all first-degree amendments to the Defense authorization bill is 2:30 p.m. today.

We will continue to work through the amendments. The managers of this bill, Senator LEVIN and Senator MCCAIN, are certainly experienced with this bill and the legislative processes, and they are going to do their best to move through this process as quickly as possible. We will notify Members when there are votes scheduled. We should be able to have a few votes today—at least I would hope so.

MEASURE PLACED ON THE CALENDAR—S. 1917

Mr. REID. Mr. President, I am told S. 1917 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 1917) to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

MIDDLE-CLASS TAX CUTS

Mr. REID. The Senate Democrats' No. 1 priority of this Congress is to pass commonsense legislation; for example, tax cuts and infrastructure investments, all these ideas we have to put Americans back to work and revive our economy. The Republicans in the House, on the other hand, are focused on gutting the safeguards to keep our air clean, make workplaces safe, and check the greed of big Wall Street firms.

Never mind that wholesale destruction of measures which save millions of lives and trillions of dollars each year have no chance of passing. Never mind that nonpartisan experts and economists on both sides of the aisle say the so-called jobs agenda will not create a single job. House Republicans have complained we have not taken up and passed these policies, which would risk American lives while doing nothing to improve our economy. They insist we should waste weeks or months on legislation that is both dangerous and proven to fail.

But the Senate has too much work to do on legislation that would create jobs without risking American lives to waste time on these ineffectual, purely partisan measures. Our jobs agenda was designed to create jobs, not headlines.

In any case, the Senate has passed its own share of legislation—40 pieces, in fact—that have yet to be taken up by the House Republican leaders. The Senate has passed legislation that would

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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stop China from cheating American workers by manipulating its currency, evening the playing field for American exporters and saving jobs.

We passed a bill to modernize the air travel system. The FAA reauthorization is so important, creating hundreds of thousands of jobs but would also keep passengers safer and save money on travel time.

We passed a measure that would protect lives by keeping our foods safe from contamination. The House Republicans are refusing to take up these, period. The House Republicans blocked many reasonable jobs proposals with a proven track record of success. They are simply too busy rooting for our economy to fail and pursuing an extreme social agenda to work with Democrats to create jobs. That will not stop the Democrats from doing everything in our power to get the economy back on track. That is why Senator CASEY has worked to put money back into the pockets of middle-class workers and small businesses by extending and expanding the payroll tax cut.

This legislation cuts taxes for 160 million American workers, saving the average family $1,500 each year. Those families will have more money to spend on their local economy, grocery stores, pharmacies, and giving communities across the country a financial shot in the arm.

The proposal would give payroll tax cuts to businesses, including 50,000 businesses in Nevada. More than 1.2 million Nevada workers would benefit from the payroll tax cut this year. Under our proposal, they will get even greater tax relief next year.

Payroll tax cuts have been a boon to the economy in every State in the Nation. In Kentucky, for example, the home of my friend the minority leader, 2.1 million workers took home $1.2 billion in payroll tax cuts this year alone. That is why the minority leader said in 2009 that a payroll tax cut ''would put a lot of money back in the hands of businesses and in the hands of individuals.'' The average Kentucky family will keep $1,330 of their hard-earned money next year under our expanded payroll tax credit, and 70,000 firms in Kentucky will benefit from these tax cuts.

Senator MCCONNELL said in 2009: ''Republicans, generally speaking, from Maine to Mississippi, like tax relief.'' Yet the Republicans already appear poised to block this legislation.

Let's be clear on what a ''no'' vote on this proposal means. It is a vote to deny tax relief to millions of businesses. It is a vote to raise taxes for 120 million families by nearly $1,000. The Republicans who vote no will literally be taking money out of the pockets of middle-class families.

Once upon a time, Republicans rushed to cut taxes, regardless of which tax cut it was and whether it added trillions to the deficit. For example, the Bush tax cuts that we hear so much about added trillions of dollars to our deficit—and it is obvious what was going on during the Bush cuts—and now these tax cuts have not created jobs that amount to anything. Today, they are lining up against a new tax cut, my Republican friends, to put money back in the pockets of the middle class, ensure that businesses have more cash to hire new workers and get our economy moving immediately.

I hope Republicans will now start working with us to pass a tax cut for 160 million American workers and nearly every business in America. As my friend the Republican leader said: ''Republicans, generally speaking, from Maine to Mississippi, like tax relief.'' I hope they remember what the Republican leader said time and time again.

Will the Chair announce the business for the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Illinois.

TRIBUTE TO MAGGIE DALEY

Mr. DURBIN. Mr. President, I would like to take a few moments in the Senate to pay tribute to a remarkable woman. Maggie Daley served with dignity and grace for 22 years as Chicago's first lady. She died on Thanksgiving evening after a nearly decade-long struggle with breast cancer. She was at home, surrounded by her loving family. There is a sad but fitting poignancy to the date. People in Chicago and far beyond have so many reasons to be thankful for the life of this exceptional woman. Maggie Daley was an adopted daughter of Chicago, but no native-born Chicagoan could have loved the city more or served it better.

Last May, as her husband Rich prepared to step down as Chicago's mayor, the Chicago Tribune wrote an article about what Maggie Daley meant to Chicago. The first paragraph put it well: ''There has never been and may never be a Chicago first lady of greater impact, influence and inspiration than Maggie Daley.''

Maggie was smart, funny, tireless, amazingly modest, and deeply compassionate. She was also a very private person. Yet she still managed to touch the lives of so many people. The love Chicagoans feel for Maggie Daley was reflected in the faces of the people who waited in a line over a block long, in the rain, this last Sunday, to attend her wake at the Chicago Cultural Center—incidentally, a building which she worked hard to restore.

I stood in that line and talked to many people. Some of them I knew from my public life and their public lives but many just private citizens, some of whom had met her briefly, some who had worked with her for years, but they all came to pay tribute to her. Among them was Hazel Holt, 74 years old. The Chicago Tribune described Mrs. Holt as a person who decided to drive:

> . . . downtown in her church finery from the Gresham neighborhood on the South Side, absorbed the cost of parking, rode the bus and then walked on a damp, chilly November day to the wake.

Mrs. Holt said Maggie Daley ''built connections to the city's people with her commitment to charities assisting children, as well as her public poise in the face of cancer that would claim her life.'' She went on to say to the reporter:

> I just loved this lady. I wish I had one-quarter of her grace. She was a role model for a lot of us.

That is a feeling shared by many of us in Chicago and beyond. Upon hearing of Maggie's death, Nancy Brinker, the founder and CEO of the Susan G. Komen Foundation for the Cure, said: ''We've lost a real general.''

Loretta and I were blessed to have known Maggie personally, and Rich has been my friend, colleague, and even boss for decades. Yesterday morning, I attended Maggie's funeral at the old St. Patrick's Church in the neighborhood parish in Chicago. I remember the last mass I attended there with Maggie and Rich Daley. It was St. Patrick's Day. It is a big day in Chicago on St. Patrick's Day and ground zero for the celebration of old St. Pat.

It was clear Maggie's health was flagging. She had to sit through most of the service. She came to the front pew in a wheelchair. But all those struggles were quickly forgotten as her children and grandkids were seated next to her, and we heard from the back of the church, after the mass, that sound we all waited for, the famous Shannon Rovers bagpipe band from the Bridgeport section of Chicago. They come marching up the center aisle with those bagpipes blasting. It is a moment I will never forget. Maggie's grandkids were nervously waiting, expectantly waiting for the sound of the bagpipes, scrambling all over the pew and all over Maggie and Rich to get to the point where they could peer out down the center aisle to watch the bagpipers come away.

I looked at Maggie and Rich at that moment and I saw them beaming with the kind of joy that loving parents and grandparents just live for. Maggie was a patron saint of social causes, but her deepest convictions were to God and family. Maggie and Rich Daley had been blessed with four children: Patrick, Nora, Kevin, and Lally. Years

ago, she made her husband keep a promise to reserve Sundays exclusively for private family time. So the bottom line was this: One could ask Mayor Daley 6 days of the week to go anywhere in Chicago or anywhere else but Sunday, no way. He made a promise to Maggie that that was family day. It is a promise he always kept, and we respect him for it.

Two weeks ago, the family announced that their youngest daughter Lally had moved the date of her wedding from New Year's Eve to late November so Maggie could attend. It was a signal that the end was near, but she was at that wedding. There she was in her wheelchair with that irrepressible smile, a beaming mother, celebrating her daughter's happiness. It is quintessential Maggie.

Part of the reason Maggie Daley found such joy in life is that she understood what a fragile gift life can be. In 1981, her third child, Kevin, died from spina bifida just shy of his third birthday. After Kevin's death, she found healing and meaning in reaching out to help others and especially in volunteering to work for kids with disabilities. Someone once called her the godmother of all Chicago's children. Mayor Rahm Emanuel said on her passing that Mayor Rich Daley may have been the head of the city, but Maggie Daley was the heart of Chicago.

In 1991, Maggie and Lois Weisberg, Chicago's long-time Commissioner of Cultural Affairs and an icon in her own right, began something called Gallery 37. There was an abandoned piece of real estate in the middle of downtown Chicago that had been lost in legal and court battles for decades. So Maggie and Lois decided to set up a tent on this old plot of land that was sitting vacant and create Gallery 37, which was an art gallery for kids. All across Chicago they invited kids—grade school and high school—to submit their artwork. We all went down there for the joy of that moment, of seeing the kids and the pride they had, and some of the magnificent artwork they produced, all because Maggie and Lois decided here was an opportunity they couldn't miss.

That program later morphed or matured into an amazing program called After School Matters. Maggie thought: If I can occupy these kids with art and music and drama and theater and chorus during the school year, let's do it after school—a vulnerable time for many kids. So over two decades, Maggie Daley nurtured the artistic talents of thousands of Chicago high school students and became a model for programs in many cities across the country and as far away as London and Australia.

The last time Maggie was in this building was in my office. She came upstairs to visit and to lobby me for money for After School Matters. Needless to say, she won my vote and my support.

Maggie Daley believed that art could change lives. She believed that artistic talent could exist in children from the Robert Taylor Homes in Chicago as surely as it could from children in better, more wealthy neighborhoods, and that all young people should have the opportunity to develop their talents together. That is why After School Matters has become such an amazing program.

Maggie Daley also served on the auxiliary board of the Art Institute and the Women's Board of the Rehabilitation Institute of Chicago. She was a very busy person.

It was a happy accident that Maggie Daley came to Chicago. Margaret Ann Corbett Daley was born and grew up in a suburb of Pittsburgh. She was the youngest of Patrick and Elizabeth Corbett's seven kids and their only girl. After graduating in 1965 from the University of Dayton, she entered a management training program for Xerox and her job took her to Chicago. She promised her dad she was going to stay in Chicago for 2 years and then come back to Pittsburgh. But in 1970 she met a young attorney named Rich Daley at a Christmas party. They decided to date, got engaged, and were married for nearly 40 years.

The average survival rate for Maggie's form of breast cancer that has spread beyond the breast and lymph nodes is very brief. Maggie Daley lived with this incurable illness for 9 years. Her doctors called it a medical miracle. She endured years of painful treatments and faced her cancer with courage, dignity, grace, and good humor. As the cancer progressed, she relied on crutches, a walker, and eventually even a wheelchair, but the smile never quit.

She donated generously to help open the Maggie Daley Center for Women's Cancer Care at Northwestern Memorial Hospital last year. The center helps other women facing cancer by providing access to doctors and important support services.

Loretta and I obviously offer our deepest condolences to Rich Daley, his wonderful children and their families—all of the Daley children and grandchildren. We trust that time and treasured memories will ease the great sorrow they obviously feel. They can also take comfort in knowing that the legacy of Margaret Corbett Daley can be seen and felt all over her adopted city of Chicago.

Maggie Daley's dedication to the arts will continue in part through the work of her daughters, Nora Daley Conroy, who chairs Chicago's Cultural Affairs Advisory Committee, and, of course, Lally, who will continue in her mom's tradition. Her commitment to education will live on in the lives of the young people she has touched. Her courage will endure in women she inspired who can now find medical care at the center she helped establish.

Maggie Daley was a modest person. She didn't like to talk about herself; she preferred speaking of others. Two years after she was diagnosed with cancer, she gave an interview to the Chicago Sun Times in which she hinted about how she felt about the future. This is what she said:

> I try not to waste any time. At the end of the day, what's important is if you think that the people around you have maybe had a better day because of some of the things you've done.

By that standard and so many others, Maggie Daley lived a good and full life. She did much good, and she will be greatly missed.

PAYROLL TAX CUT EXTENSION

Mr. DURBIN. Mr. President, I will only take a moment to say that we have an opportunity now, before we leave for Christmas, to not forget people across America who are struggling in this economy.

A payroll tax cut, instituted by President Obama and supported by Congress, basically gives more working families a little bit extra money each month. For the average working family in Illinois, it is about $1,500 a year. For some of us in the Senate, that may not seem like an enormous sum of money, but for families struggling paycheck to paycheck it makes a big difference.

We need to make certain we restore this payroll tax cut which is going to expire at the end of this year. How terrible it would be for us to impose an additional burden on working families, to impose a new payroll tax on working families when they are struggling in this economy that needs their spending power. Every economist taking a look at this has said the two best things Congress can do to help this economy move forward and not fall back is to make sure this payroll tax cut is protected and that this new payroll tax is not imposed on families; and, secondly, to extend unemployment benefits for the millions across America who are still struggling to find a job.

We need to call on our colleagues—Democrats and Republicans. For goodness sake, how can we in good conscience go home to celebrate the holiday season with our families and say to the millions of working families across America: Incidentally, on January 1, your taxes are going up. That is wrong. It is not fair. Whatever our rationale politically, it makes no sense in the family rooms and neighborhoods of America that we would impose a new payroll tax on working families who are working so hard to keep their heads above water. Before we leave, let us follow the lead of Senator BOB CASEY of Pennsylvania who is sponsoring this legislation. Let us extend this payroll tax cut to help working families and help our economy. We should not go home for Christmas without that extension and without some help when it comes to extending unemployment benefits.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

CLARIFYING CONGRESSIONAL INTENT

Mr. PRYOR. Mr. President, I come to the floor today to talk about CPT Samson Luke, 33 years old, who lived in Greenwood, AR.

Captain Luke was one of those people who had many options in life. Fortunately for us, he made the decision to serve his country, and he did so with distinction. He was a field artillery officer who served on active duty in the Army from 2000 to 2007. Afterwards, he served in the Arkansas National Guard where he was a commander of the HHB 1–142nd field artillery. Here is a photo of him with his family. His family was very important to him.

He had been to Iraq on two different deployments, after which he was awarded the Bronze Star. As I said, he elected to stay on with the Arkansas National Guard. He served with distinction there. He told his wife, who is pictured here, that he felt he was truly at his best when he was leading men.

I want to talk about him for a moment because, quite frankly, the bean counters over at the Pentagon are trying to save a little money at his family's expense. So I want to talk about his passing away on January 10 of 2010—less than a year ago. It was a weekend where he was doing his required training weekend. He was authorized, because he lived so close to the post, to spend Saturday night with his wife and his four young children at his home instead of staying on the post. In fact, he wasn't authorized to stay on the post because he was so close to home. He had to be off post. The idea was he would return to the post the next morning and finish up his weekend on that Sunday, but he never woke up. While dealing with this tragedy, his wife was informed that her family would not receive his death benefits. From my standpoint, this is a classic case of getting pencil whipped by the government.

The Arkansas National Guard has stepped up. They have done everything they could do. They have run it through all the proper channels. They have been very supportive of making sure that Captain Luke's family gets his death benefits. I feel as though—and people in the Guard do as well—that they are entitled to have the death benefits, but it is out of their hands. The law states that death benefits are allocated if a soldier dies while remaining overnight at or ''in the vicinity of the site of the inactive duty training.''

What I want to do with my amendment I am offering through the Defense authorization bill is clarify Congress's intent and make sure that the very tiny number of people who are in his shoes and his family will be entitled to these death benefits.

I spent a year working on this issue with the Army and with the Department of Defense and, again, the Arkansas National Guard has stepped up and they have been great, but we are at a standstill over the DOD's interpretation of ''vicinity.''

This is an important point that I want my colleagues to understand: Had Captain Luke stayed on base or had he stayed at a hotel at the taxpayers' expense or had he been traveling to or from his post—his training—the family would receive these benefits. In fact, the Guard has a policy that if a guardsman lives within so many miles of the post, he or she cannot stay on the post, they have to go home. They don't have arrangements for a person to stay there. They want the person to go home. This saves the government money by not putting people up in a hotel or whatever else they may have to do. When a person is on a National Guard training weekend, as Captain Luke was, that person is under orders for 48 continuous hours. Wherever they are sleeping, wherever they are traveling, whatever they are doing, they are on orders; they are on duty.

Captain Luke was on duty when he died. In fact, if his colonel had called him at 1 o'clock in the morning and said get over here, we need your help on something, he would have had to go over there. He was on duty. He was on orders. He would have done that. In fact, he would have gladly stayed on the post had they had provisions for him to do that, but it worked out in this case that he was able, because he lived so close, to stay with his wife and family.

Also, let me say this: Had he been on orders and gotten out—which, of course, would never have happened to him—but had a soldier like him gotten out and had he done something such as had a DUI that night, that soldier would have been subject to the code of military justice because he was on orders. But, nonetheless, Captain Luke died when he was on orders, and now the Pentagon is trying to deny him his death benefits.

What my amendment does is clarify congressional intent to ensure that servicemembers who live in the area or in the vicinity of their training site can return home to their families in the evening without losing benefits. Again, they are on orders; they remain on orders. This doesn't change anything along those lines; it just clarifies congressional intent. This is a gray area. We are trying to clarify the congressional intent.

This amendment will not bring back the Luke children's father and their mother's husband, but it will give them the benefits to which they are entitled.

I think we can do better for our soldiers' families. When we look at Miranda, Miller, Macklin, Larkin, and Landis Luke in this photograph, we know that this is a very patriotic family and this is a group of people who should be compensated for his loss.

Abraham Lincoln once said: ''To care for him who shall have borne the battle and for his widow, and his orphan,'' and those words apply in this instance. Captain Luke was serving his country to the fullest and his family should be granted the benefits associated with the death of a servicemember.

I am fighting on behalf of Captain Luke and his family and for others in a similarly situated circumstance to clarify that when a person is on orders when they are doing their National Guard training, they are entitled to death benefits wherever they happen to be laying their head at that particular time.

One last word on this. We don't know exactly how much this will cost, but it will not be very much money.

Someone estimated—I do not think it is an official CBO score, but someone estimated it would probably cost $1 million—that is with an ''m''—over 10 years. This is budget dust. This is so small, it is almost laughable, but it is so meaningful to this family and maybe others who in the future will find themselves in this situation.

So I would like to ask my colleagues to consider supporting the Pryor amendment. That is amendment No. 1151. I would love to work with the bill managers to see if we might get it into a managers' package and/or, if we have to, request a rollcall vote.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNS. Mr. 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.

REMEMBERING OUR ARMED FORCES

COLONEL RANDALL L. KOEHLMOOS

Mr. JOHANNS. Mr. President, I rise today to honor a great American military leader from Nebraska, Colonel Randall L. Koehlmoos, U.S. Army.

Colonel Koehlmoos died in Jakarta, Indonesia, where he was the Chief of the Office of Defense Cooperation at our U.S. Embassy.

Officers in the U.S. Army have many roles. We most often recognize those who lead soldiers in combat. Others are assigned to protecting and promoting vital American interests throughout the world. During a notable career, Colonel Koehlmoos served with equal skill and commitment in both roles.

His life of public service began early when a high school art teacher invited him to attend a National Guard drill. Randy was hooked. After joining the Nebraska Army National Guard, he attended the University of Nebraska and earned an officer's commission through the ROTC program. He spent much of his early career with the famed 82nd Airborne Division, where he became a master parachutist with over 100 jumps. He led a platoon during the 1991 gulf war and later a company during NATO operations in Bosnia-Herzegovina.

The diplomatic side of the colonel's career emerged in the 1990s. Not satisfied with what many consider easy assignments in U.S. Embassies, he immersed himself in history, culture, and language. He would become fluent in four foreign languages and attend the Pakistan Army Staff College. A crowning achievement for Colonel Koehlmoos—beyond leading soldiers in combat—was writing a major article about relations between the United States and Pakistan. His article, titled ''Positive Perceptions to Sustain the U.S.-Pakistan Relationship,'' was published in the prestigious Army War College quarterly Parameters.

The decorations and badges earned during his distinguished service speak to his dedication and his skill: Defense Superior Service Medal, Bronze Star, NATO Medal, Army Commendation Medal, Armed Forces Expeditionary Medal, Global War on Terrorism, Meritorious Unit Citation, and several foreign nation awards. He was perhaps most proud of having earned the Master Parachutist Badge.

Colonel Koehlmoos was known to be a no-nonsense individual. He was always focused on the mission. But Randy had a soft spot. An unrelenting spiritual love of family dwelled inside this stoic, professional Army officer. His wife Tracey and his sons Robert and Michael and David meant absolutely everything to him. The colonel's larger family extended through his parents Larry and Karen Koehlmoos of Norfolk, Nebraska, to friends and colleagues around the world who revered his strength, compassion and leadership.

Today, I ask that God be with the family of Colonel Randall Koehlmoos. Their faith is strong, and I pray it brings them peace at this very difficult time. And may God bless all those serving in uniform and bless their families.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PAUL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESERVING CONSTITUTIONAL LIBERTIES

Mr. PAUL. Mr. President, James Madison, the father of the Constitution, warned:

> The means of defense against foreign danger historically have become instruments of tyranny at home.

Abraham Lincoln had similar thoughts saying:

> America will never be destroyed from the outside. If we falter, and lose our freedoms, it will be because we destroyed ourselves.

During war there has always been a struggle to preserve constitutional liberties. During the Civil War, the right of habeas corpus was suspended. Newspapers were closed down. Fortunately, these rights were restored after the war. The discussion now to suspend certain rights of due process is especially worrisome given that we are engaged in a war that appears to have no end. Rights given up now cannot be expected to return.

So we do well to contemplate the diminishment of due process knowing that these rights we give up now may never be restored. My well-intentioned colleagues' admonitions in defending provisions of this Defense bill say we should give up certain rights: the right to due process. Their legislation would arm the military with the authority to detain indefinitely, without due process or trial, people suspected of association with terrorism. These would include American citizens apprehended on American soil.

I want to repeat that. We are talking about people who are merely suspected of terrorism or suspected of committing a crime and have been judged by no court. We are talking about American citizens who could be taken from the United States and sent to a camp at Guantanamo Bay and held indefinitely.

This should be alarming to everyone watching this proceeding today because it puts every single American citizen at risk. There is one thing and one thing only that is protecting American citizens, and that is our Constitution, the checks we put on government power. Should we err today and remove some of the most important checks on State power in the name of fighting terrorism, well, then, the terrorists have won.

Detaining citizens without a court trial is not American. In fact, this alarming arbitrary power is reminiscent of what Egypt did with its permanent emergency law. This permanent emergency law allowed them to detain their own citizens without a court trial. Egyptians became so alarmed at that last spring that they overthrew their government.

Recently, Justice Scalia affirmed this idea in his dissent in the Hamdi case saying:

> Where the government accuses a citizen of waging war against it, our constitutional tradition has been to prosecute him in Federal court for treason or another crime.

Scalia concluded by saying:

> The very core of liberty secured by our Anglo Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive.

Justice Scalia was, as he often does, following the wisdom of our Founding Fathers. As Franklin wisely warned:

> These who give up their liberty for security may wind up with neither.

Really, what security does this indefinite detention of Americans give us? The first and flawed premise, both here and in the badly misnamed PATRIOT Act, is that our pre-9/11 police powers were insufficient to stop terrorism. This is simply not borne out by the facts. Congress long ago made it a crime to provide or conspire to provide material assistance to al-Qaida or other foreign terrorist organizations.

Material assistance includes virtually anything of value: legal, political advice, education, books, newspapers, lodging, or otherwise. The Supreme Court sustained the constitutionality of this sweeping prohibition. We have laws on the books that can prosecute terrorists before they commit acts of terrorism. Al-Qaida adherents may be detained, prosecuted, and convicted for conspiring to violate the material assistance prohibition. In fact, we have already done this.

Jose Padilla, for instance, was convicted and sentenced to 17 years in prison for conspiring to provide material assistance to al-Qaida. The criminal law does require and can prevent crimes from occurring before they do occur. Indeed, conspiracy laws and prosecutions in civilian courts have been routinely invoked after 9/11 to thwart embryonic international terrorism. In fact, in the Bush administration, Michael Chertoff, then head of the Justice Department's Criminal Division and later Secretary of the Department of Homeland Security, testified shortly after 9/11. He underscored:

> The history of this government in prosecuting terrorists in domestic courts has been one of unmitigated success, and one in which the judges have done a superb job of managing the courtroom and not compromising our concerns about security and our concerns about classified information.

We can prosecute terrorists in our courts, and have done so. It is the wonderful thing about our country, that even with the most despicable criminal, murderer, rapist, or terrorist our court systems do work. We can have constitutional liberty and prosecute terrorists. There is no evidence that the criminal justice procedures have frustrated intelligence collection about international terrorism.

Suspected terrorist have repeatedly waived both the right to an attorney and the right to silence. Additionally, Miranda warnings are not required at all when the purpose of the interrogation is public safety. The authors of this bill errantly maintain that the bill would not enlarge the universe of detainees, people held indefinitely. I believe this is simply not the case.

The current authorization for the use of military force confines the universe to persons implicated in 9/11 or who harbored those who were. This new detainee provision will expand the universe to include any person said to be part of or substantially supportive of al-Qaida or the Taliban. But, remember, this is not someone who has been concluded at trial to be part of al-Qaida. This is someone who is suspected.

If someone is a suspect in our country they are usually accorded due process. They go to court. They are not automatically guilty. They are accused of a crime. But now we are saying

someone accused of a crime can be taken from American soil. An American citizen accused of a crime, a suspect of a crime, could be taken to Guantanamo Bay. These terms are dangerously vague.

More than a decade after 9/11 the military has been unable to define the earmarks of membership in or affiliation to either al-Qaida or other terrorist organizations. It is an accusation and sometimes difficult to prove.

Some say to prevent another 9/11 attack we must fight terrorism with a war mentality and not treat potential attackers as criminals. For combatants captured on the battlefield, I agree. But these are people captured or detained in America, American citizens. Mr. President, 9/11 did not succeed because we granted terrorists due process. In fact, 9/11 did not succeed because al-Qaida was so formidable but because of human error. The Defense Department withheld intelligence from the FBI. No warrants were denied. The warrants were not even requested. The FBI failed to act on repeated pleas from its field agents who were in possession of a laptop that may well have had information that may well have prevented 9/11. But no judge ever turned down a warrant.

Our criminal system did not fail. No one ever asked for a warrant to look at Moussaoui's computer in August, a month before 9/11. These are not failures of our law. These are not failures of our Constitution. These are not reasons we should scrap our Constitution and simply send people accused of terrorism to Guantanamo Bay—American citizens. These are failures of imperfect men and women in bloated bureaucracies. No amount of liberty sacrificed at the altar of the state will ever change that.

A full accounting of our human failures by the 9/11 Commission has proven that enhanced cooperation between law enforcement and the intelligence community, not military action or not giving up our liberty at home, is the key to thwarting international terrorism. We should not have to sacrifice our liberty to be safe.

We cannot allow the rules to change to fit the whims of those in power. The rules, the binding chains of the Constitution, were written so it did not matter who was in power. In fact, they were written to protect us and our rights from those who hold power with good intentions. We are not governed by saints or angels. Occasionally, we will elect people, and there have been times in history when those who come into power are not angels. That is why we have laws and rules that restrain what the government can do. That is why we have laws that protect us and say we are innocent until proven guilty. That is why we have laws that say we should have a trial before a judge and a jury of our peers before we are sent off to some prison indefinitely.

Finally, the detainee provisions of the Defense authorization bill do another grave harm to freedom. They imply perpetual war for the first time in the history of the United States. No benchmarks are established that would ever terminate the conflict with al-Qaida, the Taliban, or other foreign terrorist organizations. In fact, this bill explicitly says that no part of this bill is to imply any restriction on the authorization of force.

When will the wars ever end? When will these provisions end? No congressional view is allowed or imagined. No victory is defined. No peace is possible if victory is made impossible by definition. To disavow the idea that the exclusive congressional power to declare war somehow allows the President to continue war forever, at whim, I will offer an amendment to this bill that will deauthorize the war in Iraq. We are bringing the troops home in January. Is there any reason why we should have an open-ended commitment to war in Iraq when the war is ending?

If we need to go to war in Iraq again, we should debate on it and vote on it. It is an important enough matter that we should not have an open-ended commitment to the war in Iraq. The use of military force must begin in Congress. Our Founding Fathers separated those powers and said Congress has the power to declare war, and it is a precious and important power. We should not give that up to the President. We should not allow the President to unilaterally engage in war.

Congress should not be ignored or be an afterthought in these matters and must reclaim its constitutional duties. These are important points of fact. Know good and well that someday there could be a government in power that is shipping its citizens off for disagreements. There are laws on the books now that characterize who might be a terrorist: someone missing fingers on their hands is a suspect according to the Department of Justice, someone who has guns, someone who has ammunition that is weatherproofed, someone who has more than 7 days of food in their house can be considered a potential terrorist.

If someone is suspected by these activities, do we want the government to have the ability to send them to Guantanamo Bay for indefinite detention? A suspect? We are not talking about someone who has been tried and found guilty; we are talking about someone suspected of activities. But some of the things that make us suspicious of terrorism are having more than 7 days' worth of food, missing fingers on their hand, having weatherproofed ammunition, having several guns at their house. Is that enough? Are we willing to sacrifice our freedom for liberty?

I would argue that we should strike these detainee provisions from this bill because we are giving up our liberty. We are giving up the constitutional right to have due process before we are sent to a prison. This is very important. I think this is a constitutional liberty we should not look at and blithely sign away to the Executive power or to the military.

So I would call for support of the amendment that will strike the provisions on keeping detainees indefinitely, particularly the fact that we can now, for the first time, send American citizens to prisons abroad. I think that is a grave danger to our constitutional liberty. I advise a vote to strike those provisions from the bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I listened to the discussion by Senator RAND PAUL, and I understand his theory. Facts are stubborn things, and 27 percent of those who have been released have been back in the fight. That is fact. That is fact. Some of them have assumed leadership positions with al-Qaida. That is fact.

The Senator from Kentucky wants to have a situation prevail where people are released and go back in the fight and kill Americans. That is his right. He is entitled to that opinion. But facts are stubborn things. The fact is 27 percent of detainees who were released went back into the fight to try to kill Americans.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. With regard to releasing prisoners, I am not asking that we release them. I think there probably have been some mistakes with people who have been let go. What I am asking only is for due process, and we released some of those people without any kind of process and a flawed process. So we did make a mistake.

Due process does not mean, and believing in the process does not mean necessarily that we would release these people. Due process often convicts. Jose Padilla was given 17 years in prison with due process. So I do not think it necessarily follows that I am arguing for releasing prisoners. I am simply arguing that people, particularly American citizens in the United States, not be sent to a foreign prison without due process.

Mr. MCCAIN. Mr. President, in response to that, we are not arguing that they be sent to a foreign prison. What we are arguing is that they are designated as enemy combattants. When they are enemy combatants, then they are subject to the rules and the laws of war. Again, I point out the fact that there have been a number who have been released who have reentered the fight, and that kind of situation is not something we want to prevail.

So as I said, facts are stubborn things, and they are designated as enemy combatants and will be treated as such during the period of conflict.

Mr. PAUL. My question would be, under the provisions, would it be possible that an American citizen then could be declared an enemy combatant and sent to Guantanamo Bay and detained indefinitely?

Mr. MCCAIN. I take it that as long as the individual, no matter who they

are—if they pose a threat to the security of the United States of America, they should not be allowed to continue that threat. I think that is the opinion of the American public, especially in light of the facts I continue to repeat to the Senator from Kentucky—that 27 percent of the detainees who were released got back in the fight and were responsible for the deaths of Americans. We need to take every step necessary to prevent that from happening. That is for the safety and security of the men and women who are putting their lives on the line in the armed services.

I yield the floor.

Mr. DURBIN. Mr. President, is morning business time still pending?

The ACTING PRESIDENT pro tempore. Yes.

Mr. DURBIN. I ask unanimous consent that all morning business time be yielded back unless there is a request on the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1867, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1867) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Levin/McCain amendment No. 1092, to bolster the detection and avoidance of counterfeit electronic parts.

Paul/Gillibrand amendment No. 1064, to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002.

Merkley amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Feinstein amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.

Feinstein amendment No. 1126, to limit the authority of Armed Forces to detain citizens of the United States under section 1031.

Udall (CO) amendment No. 1107, to revise the provisions relating to detainee matters.

Landrieu/Snowe amendment No. 1115, to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Franken amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.

Cardin/Mikulski amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, MD.

Begich amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the Reserve components, a member or former member of a Reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

Begich amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf-Richardson, Alaska.

Shaheen amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.

Collins amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at U.S. Naval Station Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Collins amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship Program for pursuit of advanced degrees in physical therapy and occupational therapy.

Collins amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at U.S. Naval Station Guantanamo Bay, Cuba, to foreign countries and entities.

Collins/Shaheen amendment No. 1180, relating to man-portable air-defense systems originating from Libya.

Inhofe amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities.

Inhofe amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling.

Inhofe amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for traumatic brain injury and post-traumatic stress disorder.

Inhofe amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury.

Inhofe amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base.

Inhofe amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces.

Inhofe amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan.

Inhofe amendment No. 1101, to strike section 156, relating to a transfer of Air Force C–12 aircraft to the Army.

Inhofe amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.

Inhofe amendment No. 1093, to require the detention at U.S. Naval Station Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term.

Casey amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counterimprovised explosive devices.

Casey amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies.

McCain (for Cornyn) amendment No. 1200, to provide Taiwan with critically needed U.S.-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

McCain (for Ayotte) amendment No. 1066, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014.

McCain (for Ayotte) modified amendment No. 1067, to require notification of Congress with respect to the initial custody and further disposition of members of al-Qaida and affiliated entities.

McCain (for Ayotte) amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations.

McCain (for Brown (MA)/Boozman) amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation.

McCain (for Brown (MA)) amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between Active Duty and full-time National Guard duty without a break in Active service.

McCain (for Brown (MA)) amendment No. 1089, to require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense.

McCain (for Wicker) amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of marriages.

McCain (for Wicker) amendment No. 1116, to improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector.

Udall (NM) amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930.

Udall (NM) amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure.

Udall (NM)/Schumer amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense.

McCain (for Corker) amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or U.S. allies.

McCain (for Corker) amendment No. 1172, to require a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

McCain (for Corker) amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization.

Levin (for Bingaman) amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss.

Levin (for Gillibrand/Portman) amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce.

Levin (for Gillibrand/Blunt) amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of Reserve components of the Armed Forces ordered to Active

Duty in support of a contingency operation, members returning from such Active Duty, veterans of the Armed Forces, and their families.

Merkley amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry Scholarship to include spouses of members of the Armed Forces who die in the line of duty.

Merkley amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1257, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Merkley amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone Program.

Leahy amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act.

Leahy/Grassley amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund.

Wyden/Merkley amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, Oregon.

Wyden amendment No. 1253, to provide for the retention of members of the Reserve components on Active Duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life.

Ayotte (for Graham) amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general.

Ayotte (for McCain) modified amendment No. 1230, to modify the annual adjustment in enrollment fees for TRICARE Prime.

Ayotte (for Heller/Kirk) amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the U.S. Embassy in Israel.

Ayotte (for Heller) amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

Ayotte (for McCain) amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met.

Ayotte (for McCain) amendment No. 1246, to establish a commission to study the U.S. force posture in East Asia and the Pacific region.

Ayotte (for McCain) amendment No. 1229, to provide for greater cyber security collaboration between the Department of Defense and the Department of Homeland Security.

Ayotte (for McCain/Ayotte) amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs.

Ayotte (for McCain) amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts.

Ayotte (for McCain/Ayotte) amendment No. 1132, to require a plan to ensure audit readiness of statements of budgetary resources.

Ayotte (for McCain) amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands.

Ayotte (for McCain) amendment No. 1250, to require the Secretary of Defense to submit a report on the probationary period in the development of the short takeoff, vertical landing variant of the Joint Strike Fighter.

Ayotte (for McCain) amendment No. 1118, to modify the availability of surcharges collected by commissary stores.

Sessions amendment No. 1182, to prohibit the permanent stationing of more than two Army brigade combat teams within the geographic boundaries of the U.S. European Command.

Sessions amendment No. 1183, to require the maintenance of a triad of strategic nuclear delivery systems.

Sessions amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels.

Sessions amendment No. 1185, to require a report on a missile defense site on the east coast of the United States.

Sessions amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force.

Levin (for Reed) amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category.

Levin (for Reed) amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a Reserve component.

Levin (for Reed) amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians.

Levin (for Reed) amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

Levin (for Reed) amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents.

Levin amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy.

Levin (for Boxer) amendment No. 1206, to implement commonsense controls on the taxpayer-funded salaries of defense contractors.

Chambliss amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command.

Levin (for Brown (OH)) amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities.

Levin (for Brown (OH)) amendment No. 1260, to strike 846, relating to a waiver of ''Buy American'' requirements for procurement of components otherwise producible overseas with specialty metal not produced in the United States.

Levin (for Brown (OH)) amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act.

Levin (for Brown (OH)) amendment No. 1262, to clarify the meaning of ''produced'' for purposes of limitations on the procurement by the Department of Defense of specialty metals within the United States.

Levin (for Brown (OH)) amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, OH.

Levin (for Leahy) amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees.

Levin (for Wyden) amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts.

Levin (for Pryor) amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive-duty training.

Levin (for Pryor) amendment No. 1152, to recognize the service in the Reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law.

Levin (for Nelson (FL)) amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

Levin (for Nelson (FL)) amendment No. 1210, to require an assessment of the advisability of stationing additional DDG–51 class destroyers at Naval Station Mayport, Florida.

Levin (for Nelson (FL)) amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Materiel Command.

Levin (for Nelson (FL)) amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad.

Ayotte (for McCain) amendment No. 1281, to require a plan for normalizing defense cooperation with the Republic of Georgia.

Ayotte (for Blunt/Gillibrand) amendment No. 1133, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty.

Ayotte (for Blunt) amendment No. 1134, to require a report on the policies and practices of the Navy for naming vessels of the Navy.

Ayotte (for Murkowski) amendment No. 1286, to require a Department of Defense inspector general report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE program.

Ayotte (for Murkowski) amendment No. 1287, to provide limitations on the retirement of C–23 aircraft.

Ayotte (for Rubio) amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody.

Ayotte (for Rubio) amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at U.S. Naval Station Guantanamo Bay, Cuba, to foreign countries and entities.

Levin (for Menendez/Kirk) amendment No. 1414, to require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that the time between now and 12:15 be equally divided between myself, working with Senator MCCAIN in opposition to the Udall amendment, and controlled by Senator UDALL.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. I understand there is a pending UC that Senator UDALL is to be recognized.

The ACTING PRESIDENT pro tempore. Yes. Under the previous order, the Senator from Colorado is recognized.

AMENDMENT NO. 1107

Mr. UDALL of Colorado. Mr. President, I rise this morning to speak in

favor of amendment 1107. First, let me say that I know how hard Chairman LEVIN and Ranking Member MCCAIN have worked to craft a Defense Authorization Act to provide our Armed Forces with the equipment, services, and support they need to keep us safe. I also thank my colleagues from the Armed Services Committee, a number of whom I see on the floor this morning, for their diligence and dedication to this important work.

With that, let me turn to the amendment itself. I want to start by thanking the cosponsors of the amendment. They include the chairwoman of the Intelligence Committee, Senator FEINSTEIN; the chairman of the Judiciary Committee, Senator LEAHY; and Senator WEBB, a former Secretary of the Navy, someone whom I think we all respect when it comes to national security issues.

I also point out that this amendment is bipartisan. Senator RAND PAUL joined as a cosponsor this morning and gave a very compelling floor speech a few minutes ago. Senators WYDEN and DURBIN have also recently cosponsored it. I recognize their leadership as well.

Let me turn to the amendment itself. A growing number of our colleagues have strong concerns about the detainee provisions in this bill. At the heart of our concern is the concern that we have not taken enough time to listen to our counterterrorism community and have not heeded the warnings of the Secretary of Defense, Director of National Intelligence, and the Director of the FBI, who all oppose these provisions. Equally concerning, we have not had a single hearing on the detainee matters to fully understand the implications of our actions.

My amendment would take out these provisions and give us in the Congress an opportunity to take a hard look at the needs of our counterterrorism professionals and respond in a measured way that reflects the input of those who are actually fighting our enemies. Specifically, the amendment would require that our Defense intelligence and law enforcement agencies report to Congress with recommendations for any additional authorities or flexibility they need in order to detain and prosecute terrorists. My amendment would then ask for hearings to be held so we can fully understand the views of relevant national security experts.

In other words, I am saying let's ask our dedicated men and women who are actually fighting to protect Americans what they actually need to keep us safe. This is a marked departure, in my opinion, from the current language in the bill, which was developed without hearings, and seeks to make changes to the law that our national security professionals do not want and even oppose, as I pointed out.

Like other challenging issues we face here in the Senate, we should identify the problem, hold hearings, gather input from those affected by our actions, and then seek to find the most prudent solution. Instead, we have language in the bill, which, while well intended—of that there is no doubt—was developed behind closed doors and is being moved rather quickly through our Congress. The Secretary of Defense is warning us we may be making mistakes that will hurt our capacity to fight terrorism at home and abroad. The Director of National Intelligence is telling us this language will create more problems than it solves. The Director of the FBI is telling Congress these provisions will erect hurdles that will make it more difficult for our law enforcement officials to collaborate in their effort to protect American citizens. And the President's national security staff is recommending a veto of the entire Defense authorization bill if these provisions remain in the bill.

With this full spectrum of highly respected officials and top counterterrorism professionals warning Congress not to pass these provisions, we are being asked to reject their advice and pass them anyway—again, without any hearings or further deliberation. I don't know what others think, but I don't think this is what the people of Colorado expect us to do, and it is not how I envision the Senate operating.

The provisions would dramatically change broad counterterrorism efforts by requiring law enforcement officials to step aside and ask the Department of Defense to take on a new role they are not fully equipped for and do not want. And by taking away the flexible decisionmaking capacity of our national security team, by forcing the military to now act as police, judge, and jailer, these provisions could effectively rebuild walls between our military law enforcement and intelligence communities that we have spent a decade tearing down.

The provisions that are in the bill—to me and many others—appear to require the DOD to shift significant resources away from their mission to serve on all fronts all over the world. This has real consequences, because we have limited resources and limited manpower. Again, I want to say that I don't think we would lose anything by taking a little more time to discuss and debate these provisions, but we could do real harm to our national security efforts by allowing this language to pass, and that is exactly what our highest ranking national security officers are warning us against doing.

You will note I am speaking in the broadest terms here, but I did want to speak to one particular area of concern, to give viewers and my colleagues a sense of what we face.

The provisions authorize the indefinite military detention of American citizens who are suspected of involvement in terrorism—even those captured here in our own country, in the United States—which I think should concern each and every one of us. These provisions could well represent an unprecedented threat to our constitutional liberties. Let me explain why I think that is the case.

Look, I agree if an American citizen joins al-Qaida and takes up arms against the United States that person should be subject to the same process as any other enemy combatant. But what is not clear is what we do with someone arrested in his home because of suspected terrorist ties. These detainee provisions would authorize that person's indefinite detention, but it misses a critical point. How do we know a citizen has committed these crimes unless they are tried and convicted? Do we want to open the door to domestic military police powers and possibly deny U.S. citizens their due process rights? If we do, I think that is at least something that is worthy of a hearing, and the American people should be made aware of the changes that will be forthcoming in the way we approach civil liberties. But since our counterterrorism officials are telling us these provisions are a mistake, I am not willing to both potentially limit our fight against terrorism and simultaneously threaten the constitutional freedoms Americans hold dear.

As I begin my remarks, I hope I have projected my belief we have a solemn obligation to pass the National Defense Authorization Act, but we also have a solemn obligation to make sure those who are fighting the war on terror have the best, most flexible, most powerful tools possible. To be perfectly frank, I am worried these provisions will disrupt our ability to combat terrorism and inject untested legal ambiguity into our military's operations and detention practices.

We will hear some of our colleagues tell us not to worry because the detainee provisions are designed not to hurt our counterterrorism efforts. We all know the best laid plans can have unintended consequences. While I am sure the drafters of this language intended the provisions to be interpreted in a way that does not cause problems, the counterterrorism community disagrees and has outlined some very serious real world concerns. Stating in the language there will not be any adverse effects on national security doesn't make it so. These are not just words in a proposed law. And those who will be chartered to actually carry out these provisions are urging us to reject them. Shouldn't we listen to their serious concerns? Shouldn't we think twice about passing these provisions?

I have not received a single phone call from a counterterrorism expert, a professional in the field, or a senior military official urging us to pass these provisions. We have heard a wide range of concerns expressed about the unintended consequences of enacting these detainee provisions but not a single voice outside of Congress telling us this will help us protect Americans or make us safer.

In addition to our national security team, which is urging us to oppose these provisions, other important voices are also asking us to stop, to slow down, and to consider them more

thoroughly. The American Bar Association, the ACLU, the International Red Cross, the American Legion, and a number of other groups have also expressed a wide range of serious concerns.

Again, I want to underline, although the language was crafted with the best of intentions, there are simply too many questions about the unintended consequences of these provisions to allow them to move forward without further input from national security experts through holding hearings and engaging in further debate.

I am privileged to be a member of the Armed Services Committee. I am truly honored. As I have implied, and I want to be explicit, I understand the importance of this bill. I understand what it does for our military, which is why, in sum, what I am going to propose with my amendment is that we pass the NDAA without these troubling provisions but with a mechanism by which we can consider in depth what is proposed and, at a later date, include any applicable changes in the law. It is not only the right thing to do policywise, it may very well protect this bill from a veto. The clearest path toward giving our men and women in uniform the tools they need is to pass this amendment and then send a clean National Defense Authorization Act to the President.

In the Statement of Administration Policy, the President says the following—and I should again mention in the Statement of Administration Policy there is a recommendation the President veto the bill.

> We have spent 10 years since September 11, 2001, breaking down the walls between intelligence, military and law enforcement professionals; Congress should not now rebuild those walls and unnecessarily make the job of preventing terrorist attacks more difficult.

These are striking words. They should give us all pause as we face what seems to be a bit of a rush to pass these untested and legally controversial restrictions on our ability to prosecute terrorists.

I want to begin to close, and in so doing I urge my colleagues to think about the precedent we would set by passing these provisions. We are being told these detainee provisions are so important we must pass them right away, without a hearing or further deliberation. However, the Secretary of Defense, at the same time, along with the Director of National Intelligence and the Director of the FBI, are all urging us to reject the provisions and take a closer look. Do we want to neglect the advice of our trusted national security professionals? I can't think of another instance where we would rebuff those who are chartered with keeping us safe.

If we in the Congress want to constrain the military and give our servicemembers new responsibilities, as these provisions would do, I believe we should listen to what the Secretary of Defense has had to say about it. Secretary Panetta is strongly opposed to these changes, and I think we all know before he held the job he has now, Secretary of Defense Panetta was the Director of the CIA. He knows very well the threats facing our country, and he knows we cannot afford to make any mistakes when it comes to keeping our citizens safe. We have to be right every time. The bad guys only have to be right once.

This is a debate we need to have. It is a healthy debate. But we ought to be armed with all the facts and expertise before we move forward. The least we can do is take our time, be diligent, and hear from those who will be affected by these new and significant changes in how we interrogate and prosecute terrorists. As I have said before, it concerns me we would tell our national security leadership—a bipartisan national security leadership, by the way—that we will not listen to them and that Congress knows better than they do. It doesn't strike me that is the best way to secure and protect the American people.

That is why I filed amendment No. 1107. I think my amendment is a commonsense alternative that will protect our constitutional principles and beliefs while continuing to keep our Nation safe. The amendment has a clear aim, which is to ensure we follow a thorough process and hear all views before rushing forward with new laws that could be harmful to our national security. It is straightforward, it is common sense, and I urge my colleagues to support the amendment.

Mr. President, I thank you for your attention, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, we have approximately a half hour on each side. I am wondering how much time Senator GRAHAM needs?

Mr. GRAHAM. Ten minutes. Is that too much? Five minutes.

Mr. LEVIN. Could you do 5 minutes?

Mr. GRAHAM. Seven?

Mr. LEVIN. We have, I think, seven speakers on this side.

Mr. GRAHAM. I will try to be quick.

Mr. LEVIN. Can you try to do 8 minutes?

Mr. GRAHAM. I will try to do it as quickly as I can.

Mr. LEVIN. I yield 8 minutes.

Mr. MCCAIN. I object. We have had a long time from the sponsor of the amendment, the chief proponent; we are going to have 10 minutes from the Senator of Illinois. So I yield to the Senator from South Carolina 10 minutes.

Mr. LEVIN. The Senator from Arizona will control, if this is all right with the Senator, half of our time. Will that be all right?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. If the Chair will let me know when 5 minutes has passed, because there are a lot of voices to be heard on this issue, and I want them to be heard. I am just one.

The ACTING PRESIDENT pro tempore. The Chair will so advise.

Mr. GRAHAM. Let me start with my good friend from Colorado. I respect the Senator; I know his concerns. I don't agree.

I can remember being told by the Bush administration: We don't need the Detainee Treatment Act. Everybody said we didn't need it, but they were wrong. I remember being told by the Vice President's office during the Bush administration: It is OK to take classified evidence, show it to the jury, the finder of fact, and not share it with the accused, but you can share it with his lawyer.

How would you like an American soldier tried in a foreign land, where they are sitting there in the chair wondering what the jury is talking about and can't even comment to their own lawyer about the allegations against them?

I have been down this road with administrations and we worked in a bipartisan fashion to change some things the Bush administration wanted to do and I am glad we did it. We are working in a bipartisan fashion to change some things this administration is doing, and I hope we are successful, because if we fail, we are all going to be worse for it.

Here are the facts: Under this provision of mandatory military custody, for someone captured in the United States, if they are an American citizen, that provision does not apply to them. But here is the law of the land right now: If they are an American citizen suspected of joining al-Qaida, being a member of al-Qaida, they can be held as an enemy combatant.

The Padilla case in South Carolina, where the man was held 5 years as an enemy combatant, went to the Fourth Circuit Court of Appeals, and here is what that court said: You can interrogate that person in an intelligence-gathering situation. The only thing you have to do is provide them a lawyer for their habeas appeal review.

So here are the due process rights: If our intelligence community or military believe an American citizen is suspected of being a member of al-Qaida, the law of the land the way it is today, an American citizen can be held as an enemy combatant and questioned about what role they play in helping al-Qaida, and they do get due process. Everybody held as an enemy here, at Guantanamo Bay, captured in the United States, goes before the Federal judge, and the government has to prove, by a preponderance of the evidence, that the person is, in fact, an enemy combatant. There is due process. We don't hold someone and say: Good luck. They have to go before a judge—a Federal court—and prove their case as the government.

Here is the question for the country. Is it OK to hold, under military control, an American citizen who is suspected of helping al-Qaida? You had better believe it is OK.

My good friend from Colorado said this repeals the Posse Comitatus Act. The Posse Comitatus Act is a prohibition on our military being used for law enforcement functions, and it goes back to reconstruction.

This is the central difference between us. I don't believe fighting al-Qaida is a law enforcement function. I believe our military should be deeply involved in fighting these guys at home and abroad. The idea of somehow allowing our military to hold someone captured in the United States is a repeal of the Posse Comitatus Act, you would have to conclude that you view that as a law enforcement function, where the military has no reason or right to be there. That is the big difference between us. I don't want to criminalize the war.

To Senator LEVIN, thank you for helping us this time around craft a bipartisan solution to a very real problem. The enemy is all over the world and here at home. When people take up arms against the United States and are captured within the United States, why should we not be able to use our military and intelligence community to question that person as to what they know about enemy activity? The only way we can do that is hold them in military custody, and this provision can be waived. It doesn't apply to American citizens. But the idea that an American citizen helping al-Qaida doesn't get due process is a lie. They go before a Federal court and the government has to prove they are part of al-Qaida.

Let me ask this to my colleagues on the other side. What if the judge agrees with the military or the intelligence community making the case? Are you going to require us to shut down the intelligence-gathering process, read them their rights, and put them in Federal court? That is exactly what you want, and that will destroy our ability to make us safe. If an American citizen is held by the intelligence community or the military and a Federal judge agrees they were, in fact, a part of the enemy force, that American citizen should be interrogated to find out what they know about the enemy, in a lawful way, and you should not require this country to criminalize what is an act of war against the people of the United States. They should not be read their Miranda rights. They should not be given a lawyer. They should be held humanely in military custody and interrogated about why they joined al-Qaida and what they were going to do to all of us. So this provision not only is necessary to deal with real-world events; it is written in the most flexible way possible.

To this administration, the reason we are on the floor today is it was your idea to take Khalid Shaikh Mohammed and put him in New York City and give him the rights of an American citizen and criminalize the war by taking the mastermind of 9/11 and making it a crime and not an act of war.

The ACTING PRESIDENT pro tempore. The Senator has spoken for 5 minutes.

Mr. GRAHAM. Thank you. I will wrap up.

To Senator LEVIN and Senator MCCAIN, what they are accusing the Senators of doing is not true. They are codifying a process that will allow us to intelligently and rationally deal with people who are part of al-Qaida, not political dissidents.

If someone doesn't like President Obama, we are not going to arrest them. I am getting phone calls about that. That is a bunch of garbage. A person can say anything they want about the President or me, they just can't join al-Qaida and expect to be treated as if it were a common crime. When someone joins al-Qaida, they haven't joined the Mafia. They are not joining a gang. They are joining people who are bent on our destruction, and they are a military threat. If you don't believe they are a military threat, vote for Senator UDALL. If you believe al-Qaida represents a threat to us at home and abroad, give our intelligence and military agencies statutory guidance and authority to do things that need to be clear rather than uncertain.

We are 10 years into this war. Congress needs to speak. This is your chance to speak. I am speaking today. Here is what I am saying to my colleagues on the other side and to the world at large: If you join al-Qaida, you suffer the consequences of being killed or captured. If you are an American citizen and you betray your country, you are going to be held in military custody and you are going to be questioned about what you know. You are not going to be given a lawyer if our national security interests dictate that you not be given a lawyer and go into the criminal justice system because we are not fighting a crime, we are fighting a war.

There is more due process in this bill than at any other time in any other war. I am proud of the work product. There are checks and balances in this bill that we have been working on for 10 years. The mandatory provisions do not apply to American citizens. They can be waived if they impede in an investigation. We are trying to provide tools and clarity that have been missing for 10 years. This is your chance to speak on the central issue 10 years after the attacks of 9/11. Are we at war or are we fighting a crime? I believe we are at war, and the due process rights associated with war are in abundance and beyond anything ever known in any other war.

What this amendment does is it destroys the central concept that we are trying to present to the body and to the country; that we are facing an enemy—and not a common criminal organization—that will do anything and everything possible to destroy our way of life. Let's give our law enforcement and military community the clarity they have been seeking and I think now they will have.

To the administration, with all due respect, you have engaged in one episode after another to run away from the fact that we are fighting a war and not a crime. When the Bush administration tried to pass policies that undercut our ability to fight this war and maintain our values, I pushed back. I am not asking any more of the people on the other side than I ask of myself. When the Bush administration asked me, and others, to do things that I thought undercut our values, I said no. Now we have an opportunity to tell this administration we respect their input, but what we are trying to do needs to be done, not for just this time but for the future.

Ladies and gentlemen, either we are going to fight this war to win it and to keep us safe or we are going to lose the concept that there is a difference between taking up arms against the United States and being a common criminal.

In conclusion, Khalid Shaikh Mohammed and all those who buy into what he is selling present a threat to us far different than any common criminal, and our laws should reflect that.

Senators LEVIN and MCCAIN have created a legal system for the first time in 10 years that recognizes we are fighting a war within our values. I hope we get a strong bipartisan vote for the tools in this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 15½ minutes.

Mr. UDALL of Colorado. Before I recognize Senator DURBIN for 8 minutes, I just wish to respond to my friend, the Senator from South Carolina.

Mr. MCCAIN. Mr. President, how much time is on this side?

The ACTING PRESIDENT pro tempore. There is 5 minutes remaining.

Mr. UDALL of Colorado. The Senator from South Carolina is broadly admired in the Senate. If I am ever in court, I want him to be my lawyer.

I would point out, however, that what I am proposing wouldn't destroy the system we have in place—a system, by the way, that has resulted in the convictions of numerous terrorists with life sentences. What I am asking is to listen to those who are on the frontlines who are fighting against terrorists and terrorism who have said they have concerns about this new proposal and would like a greater amount of time to vet it and consider it.

I yield 8 minutes to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I have the greatest respect for Senator CARL LEVIN and Senator JOHN MCCAIN. They have done an extraordinary job on the Defense authorization bill. I would say, by and large, this bill would not have engendered the controversy that brings us to the floor today but for this provision, because it is a critically important provision which has drawn the attention not just of those in the military community—which they, of course, would expect in a Defense authorization bill—but also the attention of those in the intelligence community and the law enforcement community across the United States, as well as the President of the United States.

The provision which they include in this bill is a substantial and dramatic departure in American law when it comes to fighting terrorism. I salute Senator UDALL for bringing it to the attention of the committee and now to the floor; that before we take this step forward, we should reflect and pass the Udall amendment which calls for the necessary agencies of government—law enforcement, intelligence, and military—to reflect on the impact of this decision, not just on the impact of America's security but on America's commitment to constitutional principles. This is a fundamental issue which is being raised, and it should be considered ever so seriously. We need to ask ourselves, 10 years after 9/11, why are we prepared to engage in a rewrite of the laws on fighting terrorism?

Thank God we meet in this Chamber today with no repeat of 9/11. Through President George Bush and President Barack Obama, America has been safe. Yes, there are people who threaten us, and they always will, but we have risen to that challenge with the best military in the world, with effective law enforcement, and without giving away our basic values and principles as Americans.

Take a look at the provision in this bill which Senator UDALL is addressing. Who opposes this provision? I will tell you who opposes it. Secretary of Defense Leon Panetta, who passed out of this Chamber with a 100-to-0 vote of confidence in his leadership, has told us don't do this; this is a mistake in this provision.

Secondly, the law enforcement community, from Attorney General Eric Holder to the Director of the Federal Bureau of Investigation, has told us it is a mistake to pass this measure, to limit our ability to fight terrorism. And the intelligence community as well; the Director of National Intelligence tells us this is a mistake.

Is it any wonder Senator UDALL comes to the floor and others join him from both sides of the aisle saying, before we make this serious change in policy in America, ask ourselves: Have we considered the impact this will have on our Nation's security, our ability to interrogate witnesses, and our commitment to constitutional principles?

When I take a look at the letter that was sent to us by the Director of the Federal Bureau of Investigation, Robert Mueller, I have to reflect on the fact that Director Mueller was appointed by President George W. Bush and reappointed by President Barack Obama. I respect him very much. He has warned this Senate: Do not pass this provision in the Defense authorization bill. It may adversely impact ''our ability to continue ongoing international terrorism investigation.''

If this provision had been offered by a Democrat under Republican George W. Bush, the critics would have come to the floor and said: How could you possibly tie the hands of the President when he is trying to keep America safe?

The Director of the Federal Bureau of Investigation has made it clear the passage of this provision in this bill will limit the flexibility of the administration to combat terrorism. It will create uncertainty for law enforcement, intelligence, and defense officials regarding how they handle suspected terrorists and raise serious constitutional concerns. Listen, all those things are worthy of debate were it not for the record that for 10 years America has been safe. It has been safe because of a Republican President and a Democratic President using the forces at hand to keep us safe. If we were coming here with some record of failure when it comes to keeping America safe, it is one thing, but we have a record of positive success. This notion that there is no way to keep America safe without military tribunals and commissions defies logic and defies experience.

Since 9/11, over 300 suspected terrorists have been successfully prosecuted in article III criminal courts in America. Yes, they have been read the Miranda rights, and, yes, they have been prosecuted and sent to prison, the most recent being the Underwear Bomber, who pled guilty just weeks ago in the article III criminal courts. During this same period of time, when it comes to military commissions and tribunals, how many alleged terrorists have been convicted? Six. The score, my friends, if you are paying attention, is 300 to 6. President Bush and President Obama used our article III criminal courts effectively to keep America safe, and in those instances where they felt military tribunals could do it best, they turned to them with some success.

I might add, to those who want to just change the law again when it comes to military tribunals, this is the third try. Twice we have tried to write the language on military tribunals and commissions. It has been sent ultimately across the street to the Supreme Court and rejected. They told us to start over. Do we want to risk that again? Do we want to jeopardize the prosecution of an alleged terrorist because we want to test out a new legal and constitutional theory? I hope not.

I ask unanimous consent to have printed in the RECORD the letter from the Director of the FBI.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, November 28, 2011.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express concerns regarding the impact of certain aspects of the current version of Section 1032 of the National Defense Authorization Act for Fiscal Year 2012. Because the proposed legislation applies to certain persons detained in the United States, the legislation may adversely impact our ability to continue ongoing international terrorism investigations before or after arrest, derive intelligence from those investigations, and may raise extraneous issues in any future prosecution of a person covered by Section 1032.

The legislation as currently proposed raises two principal concerns. First, by establishing a presumption of military detention for covered individuals within the United States, the legislation introduces a substantial element of uncertainty as to what procedures are to be followed in the course of a terrorism investigation in the United States. Even before the decision to arrest is made, the question of whether a Secretary of Defense waiver is necessary for the investigation to proceed will inject uncertainty as to the appropriate course for further investigation up to and beyond the moment when the determination is made that there is probable cause for an arrest.

Section 1032 may be read to divest the FBI and other domestic law enforcement agencies of jurisdiction to continue to investigate those persons who are known to fall within the mandatory strictures of section 1032, absent the Secretary's waiver. The legislation may call into question the FBI's continued use or scope of its criminal investigative or national security authorities in further investigation of the subject. The legislation may restrict the FBI from using the grand jury to gather records relating to the covered person's communication or financial records, or to subpoena witnesses having information on the matter. Absent a statutory basis for further domestic investigation, Section 1032 may be interpreted by the courts as foreclosing the FBI from conducting any further investigation of the covered individual or his associates.

Second, the legislation as currently drafted will inhibit our ability to convince covered arrestees to cooperate immediately, and provide critical intelligence. The legislation introduces a substantial element of uncertainty as to what procedures are to be followed at perhaps the most critical time in the development of an investigation against a covered person. Over the past decade we have had numerous arrestees, several of whom would arguably have been covered by the statute, who have provided important intelligence immediately after they have been arrested, and in some instances for days and weeks thereafter. In the context of the arrest, they have been persuaded that it was in their best interests to provide essential information while the information was current and useful to the arresting authorities.

Nonetheless, at this crucial juncture, in order for the arresting agents to proceed to obtain the desired cooperation, the statute requires that a waiver be obtained from the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, with certification by the Secretary to Congress that the waiver was in the national security interests of the United States. The proposed statute acknowledges that this is a significant point in

an ongoing investigation. It provides that surveillance and intelligence gathering on the arrestee's associates should not be interrupted. Likewise, the statute provides that an ongoing interrogation session should not be interrupted.

These limited exceptions, however, fail to recognize the reality of a counterterrorism investigation. Building rapport with, and convincing a covered individual to cooperate once arrested, is a delicate and time sensitive skill that transcends any one interrogation session. It requires coordination with other aspects of the investigation. Coordination with the prosecutor's office is also often an essential component of obtaining a defendant's cooperation. To halt this process while the Secretary of Defense undertakes the mandated consultation, and the required. certification is drafted and provided to Congress, would set back our efforts to develop intelligence from the subject.

We appreciate that Congress has sought to address our concerns in the latest version of the bill, but believe that the legislation as currently drafted remains problematic for the reasons set forth above. We respectfully ask that you take into account these concerns as Congress continues to consider Section 1032.

Sincerely,

ROBERT S. MUELLER III,
Director.

Mr. DURBIN. Let me also say that section 1031 of this bill is one that definitely needs to be changed, if not eliminated. It will, for the first time in the history of the United States of America, authorize the indefinite detention of American citizens in the United States. I have spoken to the chairman of the committee, who said he is open to language that would try to protect us from that outcome. But the language as written in the bill, unfortunately, will allow for the indefinite detention of American citizens for the first time. The administration takes this seriously. We should too. They have said they will veto the bill without changes in this particular provision.

I hope we will step back and look at a record of success in keeping America safe and not try to reinvent our Constitution on the floor of the Senate. I believe we ought to give to every President, Democratic and Republican, all of the tools and all of the weapons they need to keep America safe. Tying their hands may give us some satisfaction on the floor of the Senate for a moment, but it won't keep America safe.

I reserve the remainder of my time.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. There have been so many misstatements and facts that have been made, it is hard to keep up with them. Let me just take the last statement the Senator from Illinois made about changing military tribunal law. There is no change in military tribunal law whatsoever made in this bill. I am going to address the other misstatements that have been made by my friends and colleagues, but that was the most recent, so I just want to take on that one first.

In terms of constitutional provisions, the ultimate authority on the Constitution of the United States is the Supreme Court of the United States. Here is what they have said in the Hamdi case about the issue both of our friends have raised about American citizens being subject to the law of war.

A citizen—the Supreme Court said this in 2004—no less than an alien can be part of supporting forces hostile to the United States and engaged in armed conflict against the United States. Such a citizen—referring to an American citizen—if released, would pose the same threat of returning to the front during the ongoing conflict. And here is the bottom line for the Supreme Court. If we just take this one line out of this whole debate, it would be a breath of fresh air to cut through some of the words that have been used here this morning—one line. ''There is no bar to this Nation's holding one of its own citizens as an enemy combatant.'' That is not me, that is not Senator GRAHAM, and that is not Senator MCCAIN. That is the Supreme Court of the United States recently. ''There is no bar to this Nation's holding one of its own citizens as an enemy combatant.''

Mr. GRAHAM. Would the Senator yield for a question?

Mr. LEVIN. I would rather not at this point.

There are a number of sections in this bill. My dear friend Senator UDALL says ''these sections'' as though there are a whole bunch of sections that are at issue. There is really only one section that is at issue here, and that is section 1032, and that is the so-called mandatory detention section which has a waiver in it.

Section 1031 was written and approved by the administration. Section 1031, which my friend from Illinois has just said is an abomination, was written and approved by the administration. Now, section 1031 is the authority section. This authorizes. It doesn't mandate anything with the waiver; section 1032 does. Section 1031—and now I am going to use the words in the administration's own so-called SAP, or Statement of Administration Policy. This is what the administration says about section 1031: The authorities codified in this section already exist. So they don't think it is necessary—1031—but they don't object to it. Those are their words—the authorities in 1031 already exist. They do. What this does is incorporate already existing authorities from section 1031—unnecessary in the view of the administration, yes, but they helped write it and they approved it. We made changes in it.

We have made so many changes in this language to satisfy the administration, I think it all comes down to one section: 1032. Section 1032 is the issue, not all of the sections, by the way, that would be stricken by the Udall amendment. The Udall amendment would strike all the sections, but it really comes down to section 1032.

In 1032 is the so-called mandatory provision, which, by the way, does not apply to American citizens. I better say that again. Senator GRAHAM said it, but let me say it again. The most controversial provision—probably the only one in this bill—is section 1032. Section 1032 says: The requirement to detain a person in military custody under this section does not extend to the citizens of the United States. I guess that is the second thing I would like for colleagues to take away from what I say, is that section—and Senator GRAHAM said the same thing. Section 1032—the mandatory section that has the waiver in it—does not, by its own words, apply to citizens of the United States. It has a waiver provision in it to make this flexible.

The way in which 1032 operates is it says that if it is determined that a person is a member of al-Qaida, then that person will be held in military detention. They are at war with us, folks. Al-Qaida is at war with us. They brought that war to our shores. This is not just a foreign war. They brought that war to our shores on 9/11. They are at war with us. The Supreme Court said—and I will read these words again—that there is no bar to this Nation holding one of its own citizens as an enemy combatant. They brought this war to us, and if it is determined that even an American citizen is a member of al-Qaida, then you can apply the law of war, according to the Supreme Court. That is not according to the Armed Services Committee, our bill, or any one of us; that is the Supreme Court speaking.

Who determines it? We say, to give the administration the flexibility that they want, the administration makes that determination. The procedures to make that determination—who writes those procedures? We don't write them. Explicitly, the executive branch writes those procedures. Can those procedures interfere with an ongoing interrogation or investigation? No. By our own language, it says they shall not interfere with interrogation or intelligence gathering. That is all in here. The only way this could interfere with an operation of the executive branch is if they themselves decided to interfere in their own operation. They are explicitly given the authority to write the procedures.

I think we ought to debate about what is in the bill, and what is in the bill is very different from what our colleagues who support the Udall amendment have described. Yes, we are at war, and, yes, we should codify how we handle detention, and this is an effort to do that. And as the administration itself says, we are not changing anything here in terms of section 1031. We are simply codifying existing law.

The issue really relates to 1032, and that is what we ought to debate.

Should somebody—when it has been determined by procedures adopted by the executive branch—who has been determined to be a member of an enemy force who has come to this Nation or is in this Nation to attack us as a member of a foreign enemy, should that person be treated according to the laws of war? The answer is yes. But should flexibility be in here so the administration can provide a waiver even in that case? Yes.

Finally, as far as civilian trials, I happen to agree with my friend from Illinois, and he is a dear friend of mine. Civilian trials work. There is nothing in this provision that says civilian trials won't be used even if it is determined that somebody is a member of al-Qaida. Not only doesn't it prevent civilian trials from being used, we explicitly provide that civilian trials are available in all cases. It is written right in here. I happen to like civilian trials a lot. I participated in a lot of them, and they are very appropriate, and we have a good record. In the case the Senator from Illinois mentioned, that case was a Michigan case. I know a lot about that case. It was the right way to go. I prefer civilian trials in many, many cases. This bill does not say we are going to be using military commissions in lieu of civilian trials. That is a decision we leave where it belongs—in the executive branch.

But we do one thing in this bill in section 1031 that needs to be said. We are at war with al-Qaida, and people determined to be part of al-Qaida should be treated as people who are at war with us. But even with that statement, we give the administration a waiver. That is how much flexibility we give to the executive branch.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. LEVIN. I yield the floor.

Mr. MCCAIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Arizona has just over 5 minutes. The Senator from Colorado has 8 minutes.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I want to clarify for the record before I recognize Senator WEBB for 5 minutes that some here have claimed that the Supreme Court's Hamdi decision upheld the indefinite detention of U.S. citizens captured in the United States.

It did no such thing. Hamdi was captured in Afghanistan, not the United States. Justice O'Connor, the author of the opinion, was very careful to say that the Hamdi decision was limited to ''individuals who fought against the United States in Afghanistan as part of the Taliban.'' I think that is important to be included in the RECORD.

I yield to Senator WEBB for 5 minutes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to say that I believe the Senator from Colorado has a good point. I say that as someone who is a strong supporter of military commissions, who in many cases has aligned himself with my good friend the Senator from South Carolina and Senator MCCAIN as well on these issues. To me, this is not a jurisdictional issue, and it is not an issue about whether we should be holding people under military commissions under the right cases or under military detention under the right cases.

My difficulty and the reason I support what Senator UDALL is doing is in the statutory language itself. I say this as someone who spent a number of years drafting this kind of legislation as a committee counsel. I have gone back over the last 2 days again and again, reading these sections against each other—1031 and 1032 particularly—and I am very concerned about how this language would be interpreted, not in the here and now, as we see the stability we have brought to our country since 9/11, but what if something were to happen and we would be under more of a sense of national emergency and this language would be interpreted for broader action.

The reason I have this concern is we are talking here about the conditions under which our military would be sent into action inside our own borders. In that type of situation, we need to be very clear and we must very narrowly define how they would be used and, quite frankly, if they should be used at all inside our borders. I think that is the concern we are hearing from people such as the Director of the FBI and the Secretary of Defense.

I am also very concerned about the notion of the protection of our own citizens and our legal residents from military action inside our own country. I think these protections should be very clearly stated. There is a lot of vagueness in this language.

What the Senator from Colorado is proposing is that we clarify these concepts—that we take this provision out and clarify the concepts. Protections are in place in our country. We are not leaving our country vulnerable. In fact, I think we are going to make it a much more healthy legal system if we do clarify these provisions.

That is the reason I am here on the floor to support what Senator UDALL is saying. I know the emotion and the energy Senator LEVIN has put into this, and I respect him greatly. I happen to believe we need to do a better job of clarifying our language.

I spent 16 years, on and off, writing in Hollywood. One of the things that came to me when I was comparing these sections is that this is kind of the danger we get in when we get to the fourth or the fifth screenwriter involved in a story. We want to fix one thing and we are not fixing the whole thing.

I greatly respect the legitimacy of the effort that is put into this. But when we read section 1031 against section 1032, there are questions about what would happen to American citizens under an emergency. Let's take, for instance, what happened in this country after Hurricane Katrina. It is not a direct parallel, but we can see the extremes people went to under a feeling of emergency and vulnerability. We had people who were deputized as U.S. marshals in New Orleans, and we could see them on CNN putting rifles inside people's cars, stopping them on the street, going into people's houses, making a decision—which later was rescinded—that they were going to take people's guns away from them. The vagueness in a lot of this language will not guarantee against these types of conduct on a larger scale if a situation were more difficult and dangerous than it is today.

Section 1031, which Senator LEVIN mentioned, may be clear to the administration but it is not that clear to me, when they talk about a covered person. This isn't simply al-Qaida, depending on how one wants to interpret it, in a time of national emergency. It is a person who is a part of or who substantially supported al-Qaida, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act. We might be able to agree to what that means here on the Senate floor today, but we don't know how that might be interpreted in a time of national emergency. I am not predicting that it will; I am saying we should have the certainty that it will not.

The PRESIDING OFFICER. The Senator has consumed 5 minutes.

Mr. WEBB. OK. Similar concerns also revolve around the definitions in terms of the applicability of U.S. citizens and lawful resident aliens when we go to the words ''requirement does not extend.'' What about an option? These are the types of concerns I have. We should have language that very clearly makes everyone understand the conditions under which we would be using the U.S. military inside the borders of the United States.

I yield the floor.

Mr. LEAHY. Mr. President, the Udall-Webb-Leahy-Feinstein-Durbin-Paul-Wyden amendment would remove the very troubling detention subtitle from the National Defense Authorization Act for Fiscal Year 2012. I am a cosponsor of this amendment because I believe the detention subtitle is deeply flawed. We should hear from the Pentagon and other agencies about what they believe to be the appropriate role of the Armed Forces in detaining and prosecuting terrorism suspects. Unfortunately, the language in the bill before us blatantly disregards the concerns of these agencies.

Contrary to statements by the bill's authors, the current version of the detention subtitle, considered by the Senate Armed Services Committee, SASC

on November 15, contains virtually all of the same concerns as the earlier version of the bill. The changes made by SASC do not correct the problems that have been raised by the administration.

Since the SASC marked up the new version, we have received several letters from the administration in opposition to the new language. Secretary Panetta, Director of National Intelligence Clapper, and FBI Director Mueller, have all written to Senate leaders in opposition of the language. That means this language is opposed by each of the agencies whose officers in the field will be directly affected by it.

Just yesterday, Director Mueller wrote that the ''legislation introduces a substantial element of uncertainty'' into terrorism investigations. Secretary Panetta wrote that the legislation ''may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence.'' Director Clapper wrote that ''the various detention provisions . . . would introduce unnecessary rigidity'' into investigations. And we have a Statement of Administration Policy raising very strong objections to some of these provisions. I ask unanimous consent to place these letters and the Statement of Administration Policy in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
DEFENSE PENTAGON,
Washington, DC, Nov. 15, 2011.

The Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to express the Department of Defense's principal concerns with the latest version of detainee-related language you are considering including in the National Defense Authorization Act (NDAA) for Fiscal Year 2012. We understand the Senate Armed Services Committee is planning to consider this language later today.

We greatly appreciate your willingness to listen to the concerns expressed by our national security professionals on the version of the NDAA bill reported by the Senate Armed Services Committee in June. I am convinced we all want the same result—flexibility for our national security professionals in the field to detain, interrogate, and prosecute suspected terrorists. The Department has substantial concerns, however, about the revised text, which my staff has just received within the last few hours.

Section 1032. We recognize your efforts to address some of our objections to section 1032. However, it continues to be the case that any advantages to the Department of Defense in particular and our national security in general in section 1032 of requiring that certain individuals be held by the military are, at best, unclear. This provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.

Moreover, the failure of the revised text to clarify that section 1032 applies to individuals captured abroad, as we have urged, may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States.

Next, the revised language adds a new qualifier to ''associated force''—''that acts in coordination with or pursuant to the direction of al-Qaeda.'' In our view, this new language unnecessarily complicates our ability to interpret and implement this section.

Further, the new version of section 1032 makes it more apparent that there is an intent to extend the certification requirements of section 1033 to those covered by section 1032 that we may want to transfer to a third country. In other words, the certification requirement that currently applies only to Guantanamo detainees would permanently extend to a whole new category of future captures. This imposes a whole new restraint on the flexibility we need to continue to pursue our counterterrorism efforts.

Section 1033. We are troubled that section 1033 remains essentially unchanged from the prior draft, and that none of the Administration's concerns or suggestions for this provision have been adopted. We appreciate that revised section 1033 removes language that would have made these restrictions permanent, and instead extended them through Fiscal Year 2012 only. As a practical matter, however, limiting the duration of the restrictions to the next fiscal year only will have little impact if Congress simply continues to insert these restrictions into legislation on an annual basis without ever revisiting the substance of the legislation. As national security officials in this Department and elsewhere have explained, transfer restrictions such as those outlined in section 1033 are largely unworkable and pose unnecessary obstacles to transfers that would advance our national security interests.

Section 1035. Finally, section 1035 shifts to the Department of Defense responsibility for what has previously been a consensus-driven interagency process that was informed by the advice and views of counterterrorism professionals from across the Government. We see no compelling reason—and certainly none has been expressed in our discussions to date—to upset a collaborative, interagency approach that has served our national security so well over the past few years.

I hope we can reach agreement on these important national security issues, and, as always, my staff is available to work with the Committee on these and other matters.

Sincerely,

LEON E. PANETTA.

DIRECTOR OF
NATIONAL INTELLIGENCE,
Washington, DC.

Hon. DIANNE FEINSTEIN,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: I am writing in response to your letter requesting my views on the effect that the detention provisions in the National Defense Authorization Act for Fiscal Year 2012 could have on the ability of the Intelligence Community to gather counterterrorism information. In my view, some of these provisions could limit the effectiveness of our intelligence and law enforcement professionals at a time when we need the utmost flexibility to defend the nation from terrorist threats. The Executive Branch should have maximum flexibility in these areas, consistent with our law and values, rather than face limitations on our options to acquire intelligence information. As stated in the November 17, 2011, Statement of Administration Policy for S. 1867, ''[a]ny bill that challenges or constrains the President's critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the nation would prompt the President's senior advisers to recommend a veto.''

Our principal objective upon the capture of a potential terrorist is to obtain intelligence information and to prevent future attacks, yet the provision that mandates military custody for a certain class of terrorism suspects could restrict the ability of our nation's intelligence professionals to acquire valuable intelligence and prevent future terrorist attacks. The best method for securing vital intelligence from suspected terrorists varies depending on the facts and circumstances of each case. In the years since September 11, 2001, the Intelligence Community has worked successfully with our military and law enforcement partners to gather vital intelligence in a wide variety of circumstances at home and abroad and I am concerned that some of these provisions will make it more difficult to continue to have these successes in the future.

Taken together, the various detention provisions, even with the proposed waivers, would introduce unnecessary rigidity at a time when our intelligence, military, and law enforcement professionals are working more closely than ever to defend our nation effectively and quickly from terrorist attacks. These limitations could deny our nation the ability to respond flexibly and appropriately to unfolding events—including the capture of terrorism suspects—and restrict a process that currently encourages intelligence collection through the preservation of all lawful avenues of detention and interrogation.

Our intelligence professionals are best served when they have the greatest flexibility to collect intelligence from suspected terrorists. I am concerned that the detention provisions in the National Defense Authorization Act could reduce this flexibility.

Sincerely,

JAMES R. CLAPPER.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, November 28, 2011.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express concerns regarding the impact of certain aspects of the current version of Section 1032 of the National Defense Authorization Act for Fiscal Year 2012. Because the proposed legislation applies to certain persons detained in the United States, the legislation may adversely impact our ability to continue ongoing international terrorism investigations before or after arrest, derive intelligence from those investigations, and may raise extraneous issues in any future prosecution of a person covered by Section 1032.

The legislation as currently proposed raises two principal concerns. First, by establishing a presumption of military detention for covered individuals within the United States, the legislation introduces a substantial element of uncertainty as to what procedures are to be followed in the course of a terrorism investigation in the United States. Even before the decision to arrest is made, the question of whether a Secretary of Defense waiver is necessary for the investigation to proceed will inject uncertainty as to the appropriate course for further investigation up to and beyond the moment when the determination is made that there is probable cause for an arrest.

Section 1032 may be read to divest the FBI and other domestic law enforcement agencies of jurisdiction to continue to investigate those persons who are known to fall within the mandatory strictures of section 1032, absent the Secretary's waiver. The legislation may call into question the FBI's continued use or scope of its criminal investigative or national security authorities in

further investigation of the subject. The legislation may restrict the FBI from using the grand jury to gather records relating to the covered person's communication or financial records, or to subpoena witnesses having information on the matter. Absent a statutory basis for further domestic investigation, Section 1032 may be interpreted by the courts as foreclosing the FBI from conducting any further investigation of the covered individual or his associates.

Second, the legislation as currently drafted will inhibit our ability to convince covered arrestees to cooperate immediately, and provide critical intelligence. The legislation introduces a substantial element of uncertainty as to what procedures are to be followed at perhaps the most critical time in the development of an investigation against a covered person. Over the past decade we have had numerous arrestees, several of whom would arguably have been covered by the statute, who have provided important intelligence immediately after they have been arrested, and in some instances for days and weeks thereafter. In the context of the arrest, they have been persuaded that it was in their best interests to provide essential information while the information was current and useful to the arresting authorities.

Nonetheless, at this crucial juncture, in order for the arresting agents to proceed to obtain the desired cooperation, the statute requires that a waiver be obtained from the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, with certification by the Secretary to Congress that the waiver was in the national security interests of the United States. The proposed statute acknowledges that this is a significant point in an ongoing investigation. It provides that surveillance and intelligence gathering on the arrestee's associates should not be interrupted. Likewise, the statute provides that an ongoing interrogation session should not be interrupted.

These limited exceptions, however, fail to recognize the reality of a counterterrorism investigation. Building rapport with, and convincing a covered individual to cooperate once arrested, is a delicate and time sensitive skill that transcends any one interrogation session. It requires coordination with other aspects of the investigation. Coordination with the prosecutor's office is also often an essential component of obtaining a defendant's cooperation. To halt this process while the Secretary of Defense undertakes the mandated consultation, and the required. certification is drafted and provided to Congress, would set back our efforts to develop intelligence from the subject.

We appreciate that Congress has sought to address our concerns in the latest version of the bill, but believe that the legislation as currently drafted remains problematic for the reasons set forth above. We respectfully ask that you take into account these concerns as Congress continues to consider Section 1032.

Sincerely,

ROBERT S. MUELLER III,
Director.

STATEMENT OF ADMINISTRATION POLICY

S. 1867—NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2012

(Sen. Levin, D-MI, Nov. 17, 2011)

The Administration supports Senate passage of S. 1867, the National Defense Authorization Act for Fiscal Year (FY) 2012. The Administration appreciates the Senate Armed Services Committee's continued support of our national defense, including its support for both the base budget and for overseas contingency operations and for most of the Administration's initiatives to control spiraling health costs of the Department of Defense (DoD).

The Administration appreciates the support of the Committee for authorities that assist the ability of the warfighter to operate in unconventional and irregular warfare, authorities that are important to field commanders, such as the Commanders' Emergency Response Program, Global Train and Equip Authority, and other programs that provide commanders with the resources and flexibility to counter unconventional threats or support contingency or stability operations. The Administration looks forward to reviewing a classified annex and working with the Congress to address any concerns on classified programs as the legislative process moves forward.

While there are many areas of agreement with the Committee, the Administration would have serious concerns with provisions that would: (1) constrain the ability of the Armed Forces to carry out their missions; (2) impede the Secretary of Defense's ability to make and implement decisions that eliminate unnecessary overhead or programs to ensure scarce resources are directed to the highest priorities for the warfighter; or (3) depart from the decisions reflected in the President's FY 2012 Budget Request. The Administration looks forward to working with the Congress to address these and other concerns, a number of which are outlined in more detail below.

Detainee Matters: The Administration objects to and has serious legal and policy concerns about many of the detainee provisions in the bill. In their current form, some of these provisions disrupt the Executive branch's ability to enforce the law and impose unwise and unwarranted restrictions on the U.S. Government's ability to aggressively combat international terrorism; other provisions inject legal uncertainty and ambiguity that may only complicate the military's operations and detention practices.

Section 1031 attempts to expressly codify the detention authority that exists under the Authorization for Use of Military Force (Public Law 107–40) (the ''AUMF''). The authorities granted by the AUMF, including the detention authority, are essential to our ability to protect the American people from the threat posed by al-Qa'ida and its associated forces, and have enabled us to confront the full range of threats this country faces from those organizations and individuals. Because the authorities codified in this section already exist, the Administration does not believe codification is necessary and poses some risk. After a decade of settled jurisprudence on detention authority, Congress must be careful not to open a whole new series of legal questions that will distract from our efforts to protect the country. While the current language minimizes many of those risks, future legislative action must ensure that the codification in statute of express military detention authority does not carry unintended consequences that could compromise our ability to protect the American people.

The Administration strongly objects to the military custody provision of section 1032, which would appear to mandate military custody for a certain class of terrorism suspects. This unnecessary, untested, and legally controversial restriction of the President's authority to defend the Nation from terrorist threats would tie the hands of our intelligence and law enforcement professionals. Moreover, applying this military custody requirement to individuals inside the United States, as some Members of Congress have suggested is their intention, would raise serious and unsettled legal questions and would be inconsistent with the fundamental American principle that our military does not patrol our streets. We have spent ten years since September 11, 2001, breaking down the walls between intelligence, military, and law enforcement professionals; Congress should not now rebuild those walls and unnecessarily make the job of preventing terrorist attacks more difficult. Specifically, the provision would limit the flexibility of our national security professionals to choose, based on the evidence and the facts and circumstances of each case, which tool for incapacitating dangerous terrorists best serves our national security interests. The waiver provision fails to address these concerns, particularly in time-sensitive operations in which law enforcement personnel have traditionally played the leading role. These problems are all the more acute because the section defines the category of individuals who would be subject to mandatory military custody by substituting new and untested legislative criteria for the criteria the Executive and Judicial branches are currently using for detention under the AUMF in both habeas litigation and military operations. Such confusion threatens our ability to act swiftly and decisively to capture, detain, and interrogate terrorism suspects, and could disrupt the collection of vital intelligence about threats to the American people.

Rather than fix the fundamental defects of section 1032 or remove it entirely, as the Administration and the chairs of several congressional committees with jurisdiction over these matters have advocated, the revised text merely directs the President to develop procedures to ensure the myriad problems that would result from such a requirement do not come to fruition. Requiring the President to devise such procedures concedes the substantial risks created by mandating military custody, without providing an adequate solution. As a result, it is likely that implementing such procedures would inject significant confusion into counterterrorism operations.

The certification and waiver, required by section 1033 before a detainee may be transferred from Guantánamo Bay to a foreign country, continue to hinder the Executive branch's ability to exercise its military, national security, and foreign relations activities. While these provisions may be intended to be somewhat less restrictive than the analogous provisions in current law, they continue to pose unnecessary obstacles, effectively blocking transfers that would advance our national security interests, and would, in certain circumstances, violate constitutional separation of powers principles. The Executive branch must have the flexibility to act swiftly in conducting negotiations with foreign countries regarding the circumstances of detainee transfers. Section 1034's ban on the use of funds to construct or modify a detention facility in the United States is an unwise intrusion on the military's ability to transfer its detainees as operational needs dictate. Section 1035 conflicts with the consensus-based interagency approach to detainee reviews required under Executive Order No. 13567, which establishes procedures to ensure that periodic review decisions are informed by the most comprehensive information and the considered views of all relevant agencies. Section 1036, in addition to imposing onerous requirements, conflicts with procedures for detainee reviews in the field that have been developed based on many years of experience by military officers and the Department of Defense. In short, the matters addressed in these provisions are already well regulated by existing procedures and have traditionally been left to the discretion of the Executive branch.

Broadly speaking, the detention provisions in this bill micromanage the work of our experienced counterterrorism professionals, including our military commanders, intelligence professionals, seasoned counterterrorism prosecutors, or other operatives in the field. These professionals have successfully led a Government-wide effort to disrupt, dismantle, and defeat al-Qa'ida and its affiliates and adherents over two consecutive Administrations. The Administration believes strongly that it would be a mistake for Congress to overrule or limit the tactical flexibility of our Nation's counterterrorism professionals.

Any bill that challenges or constrains the President's critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the Nation would prompt the President's senior advisers to recommend a veto.

Joint Strike Fighter Aircraft (JSF): The Administration also appreciates the Committee's inclusion in the bill of a prohibition on using funds authorized by S. 1867 to be used for the development of the F136 JSF alternate engine. As the Administration has stated, continued development of the F136 engine is an unnecessary diversion of scarce resources.

Medium Extended Air Defense Systems (MEADS): The Administration appreciates the Committee's support for the Department's air and missile defense programs; however, it strongly objects to the lack of authorization of appropriations for continued development of the MEADS program. This lack of authorization could trigger unilateral withdrawal by the United States from the MEADS Memorandum of Understanding (MOU) with Germany and Italy, which could further lead to a DoD obligation to pay all contract costs—a scenario that would likely exceed the cost of satisfying DoD's commitment under the MOU. Further, this lack of authorization could also call into question DoD's ability to honor its financial commitments in other binding cooperative MOUs and have adverse consequences for other international cooperative programs.

Overseas Construction Funding for Guam and Bahrain: The Administration has serious concerns with the limitation on execution of the United States and Government of Japan funds to implement the realignment of United States Marine Forces from Okinawa to Guam. The bill would unnecessarily restrict the ability and flexibility of the President to execute our foreign and defense policies with our ally, Japan. The Administration also has concerns over the lack of authorization of appropriations for military construction projects in Guam and Bahrain. Deferring or eliminating these projects could send the unintended message that the United States does not stand by its allies or its agreements.

Provisions Authorizing Activities with Partner Nations: The Administration appreciates the support of the Committee to improve capabilities of other nations to support counterterrorism efforts and other U.S. interests, and urges the inclusion of DoD's requested proposals, which balance U.S. national security and broader foreign policy interests. The Administration would prefer only an annual extension of the support to foreign nation counter-drug activities authority in line with its request. While the inclusion of section 1207 (Global Security Contingency Fund) is welcome, several provisions may affect Executive branch agility in the implementation of this authority. Section 1204 (relating to Yemen) would require a 60–day notify and wait period not only for Yemen, but for all other countries as well, which would impose an excessive delay and seriously impede the Executive branch's ability to respond to emerging requirements.

Unrequested Authorization Increases: Although not the only examples in S. 1867, the Administration notes and objects to the addition of $240 million and $200 million, respectively, in unrequested authorization for unneeded upgrades to M–1 Abrams tanks and Rapid Innovation Program research and development in this fiscally constrained environment. The Administration believes the amounts appropriated in FY 2011 and requested in FY 2012 fully fund DoD's requirements in these areas.

Advance Appropriations for Acquisition: The Administration objects to section 131, which would provide only incremental funding—undermining stability and cost discipline—rather than the advance appropriations that the Administration requested for the procurement of Advanced Extremely High Frequency satellites and certain classified programs.

Authority to Extend Deadline for Completion of a Limited Number of Base Closure and Realignment (BRAC) Recommendations: The Administration requests inclusion of its proposed authority for the Secretary or Deputy Secretary of Defense to extend the 2005 BRAC implementation deadline for up to ten (10) recommendations for a period of no more than one year in order to ensure no disruption to the full and complete implementation of each of these recommendations, as well as continuity of operations. Section 2904 of the Defense Base Closure and Realignment Act imposes on DoD a legal obligation to close and realign all installations so recommended by the BRAC Commission to the President and to complete all such closures and realignments no later than September 15, 2011. DoD has a handful of recommendations with schedules that complete implementation close to the statutory deadline.

TRICARE Providers: The Administration is currently undertaking a review with relevant agencies, including the Departments of Defense, Labor, and Justice, to clarify the responsibility of health care providers under civil and workers' rights laws. The Administration therefore objects to section 702, which categorically excludes TRICARE network providers from being considered subcontractors for purposes of the Federal Acquisition Regulation or any other law.

Troops to Teachers Program: The Administration urges the Senate's support for the transfer of the Troops to Teachers Program to DoD in FY 2012, as reflected in the President's Budget and DoD's legislative proposal to amend the Elementary and Secondary Education Act of 1965 and Title 10 of the U.S. Code in lieu of section 1048. The move to Defense will help ensure that this important program supporting members of the military as teachers is retained and provide better oversight of 6 program outcomes by simplifying and streamlining program management. The Administration looks forward to keeping the Congress abreast of this transfer, to ensure it runs smoothly and has no adverse impact on program enrollees.

Constitutional concerns: A number of the bill's provisions raise additional constitutional concerns, such as sections 233 and 1241, which could intrude on the President's constitutional authority to maintain the confidentiality of sensitive diplomatic communications. The Administration looks forward to working with the Congress to address these and other concerns.

Mr. LEAHY. So, contrary to what the bill sponsors claim, they have not incorporated the administration's requests, and the current language does not remove the risk of impeding intelligence investigations or prosecutions of terrorist suspects.

As currently written, the language in this bill would authorize the military to indefinitely detain individuals—including U.S. citizens—without charge or trial. I am fundamentally opposed to indefinite detention, and certainly when the detainee is a U.S. citizen held without charge. It contradicts the most basic principles of law that I subscribed to when I was a prosecutor, and it severely weakens our credibility when we criticize other governments for engaging in similar conduct.

I fought against the Bush administration policies that left us in the situation we face now, with indefinite detention being the de facto administration policy, and I strongly opposed President Obama's Executive order on detention when it was announced last March because it contemplated, if not outright endorsed, indefinite detention.

I am also deeply troubled by the mandatory military detention requirements included in this bill, which I believe dangerously undermine our national security. In the fight against al-Qaida and other terrorist threats, we should be giving our intelligence, military, and law enforcement professionals all the tools they need—not limiting those tools. But limiting them is exactly what this bill does. Secretary Panetta has stated unequivocally that ''[t]his provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.'' Requiring terrorism suspects to be held only in military custody, and limiting the available options in the field, is unwise and unnecessary.

The language in the detention subtitle of this bill is the product of a process that has lacked transparency from the start. These measures directly affect law enforcement, detention, and terrorism matters that have traditionally been subject to the jurisdiction of the Senate Judiciary Committee and the Senate Select Committee on Intelligence, but neither committee was consulted about these provisions in July when the bill was first marked up, or earlier this month when it was modified.

The administration proposed revisions to significantly improve the detention provisions. However, rather than negotiate with the administration in good faith, the Armed Services Committee drafted a new version of the language behind closed doors and claimed that it had solved all of the issues raised by the administration. It is obvious from the letters we have received that this is not the case.

I can see no reason why these provisions were rushed through the Committee without the input of the Defense Department and Federal intelligence and law enforcement agencies that will be directly affected if this language is enacted.

We must allow a thorough review to determine the legal and practical consequences that these changes will have

on future counterterrorism and national security operations to ensure they are not hindered. That is what the Udall amendment does. I urge all Senators to support this amendment.

Ms. COLLINS. Mr. President, it is imperative that American citizens detained on U.S. soil be entitled to every protection guaranteed by the Constitution. I am concerned, therefore, that not all of the detainee provisions in the bill provide explicit exemptions for U.S. citizens who might be detained in the United States.

Had the amendment been more narrowly tailored to address that concern, I would support it. However, I unfortunately cannot support the amendment as a whole because it is too sweeping and would eliminate provisions that are important to preserve because they undoubtedly make our country safer. For instance, if this amendment were to pass, the Administration would be free to transfer detainees to countries where there are confirmed cases of detainees who have been released returning to fight against the United States. In addition, the amendment would eliminate a provision that would prevent foreign fighters captured overseas from taking advantage of the very constitutional rights I want to ensure for American citizens.

Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Michigan has 4 minutes remaining.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to yield 2 minutes to the Senator from New Hampshire, followed by time from Senator LEVIN for the Senator from Connecticut, and then what time I have remaining for the Senator from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, first of all, I wish to thank Chairman LEVIN and Ranking Member MCCAIN and remind everyone that this particular amendment addressing detainee provisions passed overwhelmingly on a bipartisan basis in the Armed Services Committee.

The reason we addressed this issue was because we heard witness after witness in a series of months before the Armed Services Committee from our Department of Defense tell us—for example, when I asked the commander of Africa Command, saying he needs some lawyerly help on how to answer what to do with a member of al-Qaida who is captured in Africa. This is an area that cried out for clarification, and that is the genesis of this amendment, which is a very important amendment.

Briefly, two issues. No. 1, the arguments that have been raised about section 1031, including the statement of authority, this is a red herring. This provision was drafted, as Senator LEVIN said very clearly, based upon what the administration wanted, and also codifies existing law on what the statement authority is in terms of the fact that we are at war with al-Qaida. If people want to disagree with that, that is certainly a policy discussion we can have. But we were attacked on our soil on 9/11, and this codifies the fact that we are at war with members of al-Qaida.

Section 1032 is the military custody provision. Let's be clear on what it does and what it does not do. No. 1, it is very clear on who it applies to. It only applies to members of al-Qaida or an associated force who are planning or carrying out an attack or attempted attack against the United States or its coalition partners. It does not apply to American citizens. We are only saying that if a person is a member of al-Qaida and they want to attack the United States, we are going to hold them in military custody. Why? I prosecuted cases in the criminal system. We don't want to have to——

The PRESIDING OFFICER. The Senator's time has expired.

Ms. AYOTTE. We don't ever want to have to read a terrorist their right to remain silent. That is the issue here.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield 3 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank my friend, the chairman of the Armed Services Committee. I rise respectfully to oppose the amendment the Senator from Colorado has offered, though in some measure I thank him for offering it because this has been an important and good debate.

My own position, stated briefly, is this: As Senator LEVIN has said, we are a nation at war. As such we were attacked on 9/11. We adopted in this Chamber the authorization for military force. That is about as close to a declaration of war as we have done since the Second World War. The comparison is exact because what happened to us on 9/11 was in some ways even worse than what happened in December of 1941 when we were attacked at Pearl Harbor.

A nation at war that seizes those who have declared themselves to be part of enemy forces and have attempted to attack the American people, or America, should be treated as enemy combatants, as prisoners of war, according to the law of war. To me, that is a matter of principle. Regardless of what statistics one can cite about how well prosecutions have gone in article III courts, that is, to me, not ultimately the point. If we are at war, the people who are fighting against us ought to be treated as prisoners of war.

In fact, we are without a policy now, as Senator AYOTTE said. The main reason I oppose what Senator UDALL is proposing is that he would remove the sections of the current bill that create a policy and send us back to where we are now, where our forces in the field don't know what to do if they capture a member of al-Qaida.

If I had my way, the provisions in this proposal on detainees would not have the waivers the President has. It would simply say, if you are apprehended—if you are a foreign member of al-Qaida, and you are captured planning or executing attacks against Americans or our allies in this war, you are put in military custody and you are tried in a military tribunal. This is not the law of the jungle; this is according to American law. These are the same courts in which American soldiers are tried when charges are brought against them, and, of course, we accept and abide by all of the provisions of the Geneva Conventions.

But that was not the will of the Armed Services Committee. The Armed Services Committee, in a good, reasonable, bipartisan compromise, has created a system here where the default position—the initial position is to transfer these enemy combatants to military custody. It is a good compromise. It is the kind of compromise that——

The PRESIDING OFFICER. The Senator's 3 minutes has expired.

Mr. LIEBERMAN.—doesn't happen around here enough. I didn't get everything I wanted out of it, but it is a lot better than the status quo. Therefore, I support the language in the bill and oppose the Udall amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise to urge my colleagues to oppose the Udall amendment, which would eliminate the bipartisan detainee provision that the chairman, the ranking member, and committee members worked so hard to craft. These provisions are necessary to provide some certainty for our intelligence professionals in how our government will handle terrorist detainees and how long detainees can be questioned for intelligence-gathering purposes.

We have heard quite a lot over the past few days from administration officials about how our intelligence and law enforcement professionals need flexibility. In fact, Director of National Intelligence Clapper wrote to the Intelligence Committee arguing for flexibility and stressing the need for a process that, as he said, ''encourages intelligence collection through the preservation of all lawful avenues of detention and interrogation.'' With that, I agree wholeheartedly. The problem with the status quo, however, is that the administration refuses to use all of its lawful avenues of detention and interrogation available to it, choosing instead only to use one, and that is article III courts.

For nearly 3 years, Members of Congress have pressed the administration to establish an effective and unambiguous long-term detention policy, but they have refused. The intent behind these bipartisan provisions is simple:

We must hold detainees for as long as it takes to gather information our intelligence and law enforcement professionals need to take down terror networks and to stop attacks.

Frankly, the best place, in my opinion, for this is Guantanamo Bay, But when it comes to Gitmo, the administration is no longer concerned about ''flexibility.'' Instead, we hear that Guantanamo is ''off the table.''

In fact, in a hearing, when I asked the current Secretary of Defense, prior to the SEAL Team 6 takedown of Osama bin Laden: If you captured him, what would you do with him, he quizzically looked back and said: Well, I guess we would send him to Guantanamo. Well, we know that would not have happened had we not taken him down.

This is unfortunate because intelligence and law enforcement professionals, including some at high levels in the administration, acknowledge privately that what hampers intelligence collection from detainees is the administration's unwillingness to take new detainees to Guantanamo for questioning. When our operators overseas are unsure about where they would hold captured detainees, it causes delay, sometimes missed opportunities, and sometimes capture operations become kill operations.

We cannot afford this kind of uncertainty and the Udall amendment simply kicks the can down the road with a report about a problem we already understand. The time to act is now.

Without Guantanamo, long-term military detention elsewhere is the next best option and is the appropriate option for terrorists with whom we are at war. The detainee provisions in the Defense Authorization Act will ensure that the administration uses all of the detention options it says it wants, not just article III courts, and offer the flexibility the administration says it needs. I urge my colleagues to oppose the Udall amendment and give our intelligence professionals and military operators some certainty as they fight the war on terror.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAMBLISS. Mr. President, I urge a ''no'' vote on the Udall amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to thank all of my colleagues who have engaged in a very important debate.

I would also like to say to my friend from Michigan, the chairman, I have observed him for many years debate various issues on the floor of the Senate and in the Armed Services Committee. I have never seen him more eloquent than I have observed in his statements today and throughout this debate. I also appreciate the fact that there are many in his conference who do not agree with the position taken by the chairman, and I especially am admiring of that.

I yield.

Mr. LEVIN. How much time is remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Michigan has 45 seconds. The Senator from Colorado has 1 minute.

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from Colorado be allowed——

Mr. LEVIN. He only needs 2 minutes.

Mr. McCAIN. Two minutes, at least.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Such time as he may need.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I thank, again, the ranking member and the chairman of the Armed Services Committee for their hard work.

I want to close with a couple points. I want to, in the interest of clarifying the record, point out, on the heels of the chairman's comments about the Statement of Administration Policy, when it comes to section 1031, the full statement reads:

> Because the authorities codified in this section already exist, the Administration does not believe codification is necessary and poses some risk. After a decade of settled jurisprudence on detention authority, Congress must be careful not to open a whole new series of legal questions that will distract from our efforts to protect the country.

Second, there are questions that continue to be raised. I want to mention section 1033. The chairman said it is only section 1032 that is the focus of our attention, but there have been questions raised about section 1033. There is language in section 1033 that makes it clear that—we think it makes it clear that there is a provision that requires any receiving country is taking actions ''to ensure that the [detainee] cannot engage . . . in any terrorist activity.'' This is if we are releasing or transferring somebody who is detained.

I was in Afghanistan recently, at Bagram prison. We have 20,000 detainees there. There are some who believe section 1033 would restrict us from releasing those prisoners at Bagram as we begin to draw down our efforts in Afghanistan. That is just one of the many questions that are asked.

Finally, I listened to the passion that my friend from South Carolina Senator GRAHAM exhibited on the Senate floor. We are all in this together. We are going to prevail. The bad guys in the world are not going to win. We do have, however—and this is what makes our country strong—different points of view on how we prosecute this war. I believe the intent of what is being suggested in these provisions is well and good and at the highest level. But there are many people we trust and respect—including the FBI Director, the Secretary of Defense, the Secretary of Homeland Security—who believe what will happen, if we interpret the language, will not actually reflect our intent.

Therefore, let's set this aside, pass the NDA, send it to the President, and take the next 90 days to hold hearings and thoroughly vet what is in this set of provisions. I will be the first person to come to the floor if all of those individuals and our own experts tell us this is the right way to proceed, to say: Let's put this into the law.

But let's not rush to take these steps. We have something that is working. We have over 300 terrorists who have been prosecuted through our civil system who are in jail, many of them for life sentences, sentences that will outlast their lifespans. Let's not fix something that is not broken until we really understand what the consequences are.

I thank, again, my colleagues on the Senate Armed Services Committee. This has been a helpful and important debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me also thank our friend from Colorado for his contributions to the committee. He is a valuable member of our committee, and he is no less valuable because he is offering an amendment with which I happen to disagree.

Two quick factual points. One is, the language the Senator mentioned from section 1033 is exactly the same language as was in last year's bill and is in current law. The only difference is we have given greater flexibility this year to the President by making it waiveable. So our language is more flexible than the current law.

Finally, in terms of the Hamdi case, the Senator is correct. I believe it was Senator UDALL who said this was an American citizen who was captured in Afghanistan. That is true. But the Supreme Court, in Hamdi, relied on the Quirin case—which was an American citizen captured on Long Island and—quoted that case with approval when saying:

> There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

That was the Quirin language—an American citizen captured on Long Island.

Mr. President, if I have any time left, I will yield it and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, the pending amendment is the Udall amendment.

Am I correct, I ask the chairman, in that we would intend, depending on—there are several things that have to be resolved—but we would intend to have this vote at around 2:15 p.m., if things work out? Is that correct?

Mr. LEVIN. I wonder if Senator UDALL also heard that. I believe, and I think it is the intention of all of us, that we vote on this as soon as possible after 2:15.

I yield the floor.

Mr. McCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1230 AND 1281, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending McCain amendments Nos. 1230 and 1281 be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, are as follows:

AMENDMENT NO. 1230, AS MODIFIED

On page 220, strike line 13 and all that follows through page 221, line 6, and insert the following:

''(c) ANNUAL ADJUSTMENT IN ENROLLMENT FEE.—(1) Whenever after September 30, 2012, and before October 1, 2013, the Secretary of Defense increases the retired pay of members and former members of the armed forces pursuant to section 1401a of this title, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime by an amount equal to the percentage of such fee payable on the day before the date of the increase of such fee that is equal to the percentage increase in such retired pay. In determining the amount of the increase in such retired pay for purposes of this subparagraph, the Secretary shall use the amount computed pursuant to section 1401a(b)(2) of this title.

''(2) Effective as of October 1, 2013, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime on an annual basis by a percentage equal to the percentage of the most recent annual increase in the National Health Expenditures per capita, as published by the Secretary of Health and Human Services.

''(3) Any increase under this subsection in the fee payable for enrollment shall be effective as of January 1 following the date on which such increase is made.

''(4) The Secretary shall publish in the Federal Register the amount of the fee payable for enrollment in TRICARE Prime whenever increased pursuant to this subsection.''.

(b) CLARIFICATION OF APPLICATION FOR 2013.—For purposes of determining the enrollment fees for TRICARE Prime for 2013 under subsection (c)(1) of section 1097a of title 10, United States Code (as added by subsection (a)), the amount of the enrollment fee in effect during 2012 shall be deemed to be the following:

(1) $260 for individual enrollment.

(2) $520 for family enrollment.

AMENDMENT NO. 1281, AS MODIFIED

At the end of subtitle C of title XII, add the following:

SEC. 1243. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.

(a) PLAN FOR NORMALIZATION.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for the normalization of United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) OBJECTIVES.—The plan required under subsection (a) shall address the following objectives:

(1) To establish a normalized defense cooperation relationship between the United States and the Republic of Georgia, taking into consideration the progress of the Government of the Republic of Georgia on democratic and economic reforms and the capacity of the Georgian armed forces.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its nonuse-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To provide for the sale by the United States of defense articles and services in support of the efforts of the Government of the Republic of Georgia to provide for its own self-defense consistent with paragraphs (1) and (2).

(4) To continue to enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(5) To encourage NATO member and candidate countries to restore and enhance their sales of defensive articles and services to the Republic of Georgia as part of a broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) INCLUDED INFORMATION.—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the Department of Defense.

(2) A description of each of the requests by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) FORM.—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—Continued

The PRESIDING OFFICER. In my capacity as a Senator from Virginia, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask unanimous consent there be 2 minutes of debate, equally divided, prior to a vote in relation to the Udall of Colorado amendment No. 1107; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment, with no amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado.

AMENDMENT NO. 1107

Mr. UDALL of Colorado. Mr. President, this amendment strikes controversial detainee provisions that have been inserted in the National Defense Authorization Act. It would require that the Defense intelligence and law enforcement agencies report to Congress with recommendations for any additional authorities they need in order to detain and prosecute terrorists. The amendment would then ask for hearings to be held so we can fully understand the opposition to these provisions by our national security experts—bipartisan opposition, I might add—and hopefully avoid a veto of the Defense authorization bill.

In short, we are ignoring the advice and the input of the Director of the FBI, the Director of our intelligence community, the Attorney General of the United States, the Secretary of Defense, and the White House, who are all saying there are significant concerns with these provisions; that we ought to move slowly.

We have been successful in prosecuting over 300 terrorists through our civil justice system. Let's not fix what isn't broken until we fully understand the ramifications.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield 30 seconds to Senator GRAHAM.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, section 1031 is a congressional statement of authority of already existing law. It reaffirms the fact this body believes al-Qaida and affiliated groups are a military threat to the United States and they can be held under the law of war indefinitely to make sure we find out what they are up to; and they can be questioned in a humane manner consistent with the law of war.

Section 1032 says if you are captured on the homeland, you will be held in military custody so we can gather intelligence. That provision can be waived if it interferes with the investigation.

These are needed changes. These are changes that reaffirm what is already in law.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Mr. LEVIN. Mr. President, the Supreme Court has recently ruled—this is the Supreme Court talking:

There is no bar to this Nation's holding one of its own citizens as an enemy combatant. A citizen, no less than an alien, can be

part of the supporting forces hostile to the United States, and such a citizen, if released, would pose the same threat of returning to the front during the ongoing conflict.

That is the Supreme Court's statement. We can and must deal with an al-Qaida threat. We can do it properly. The administration helped to draft almost all of this bill. The provisions which would be struck——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. Are provisions which even the administration has helped to draft. So I would hope we would deal with the al-Qaida threat in an appropriate way, in a bipartisan way. The committee voted overwhelmingly for this language.

I yield the remainder of my time.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. How much time do I have remaining?

The PRESIDING OFFICER. Three seconds.

Mr. UDALL of Colorado. The Director of the FBI, the Secretary of Defense, the Attorney General, and the Director of Intelligence have all said let's go slow.

Pass the Udall amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—38

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Paul
Bennet	Harkin	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Kirk	Schumer
Brown (OH)	Klobuchar	Tester
Cantwell	Lautenberg	Udall (CO)
Cardin	Leahy	Udall (NM)
Carper	Menendez	Warner
Coons	Merkley	Webb
Durbin	Mikulski	Wyden
Feinstein	Murray	

NAYS—60

Alexander	Conrad	Inhofe
Ayotte	Corker	Inouye
Barrasso	Cornyn	Isakson
Blunt	Crapo	Johanns
Boozman	DeMint	Johnson (WI)
Brown (MA)	Enzi	Kohl
Burr	Graham	Kyl
Casey	Grassley	Landrieu
Chambliss	Hagan	Lee
Coats	Hatch	Levin
Coburn	Heller	Lieberman
Cochran	Hoeven	Lugar
Collins	Hutchison	Manchin
McCain	Reed	Snowe
McCaskill	Risch	Stabenow
McConnell	Roberts	Thune
Moran	Rubio	Toomey
Nelson (NE)	Sessions	Vitter
Portman	Shaheen	Whitehouse
Pryor	Shelby	Wicker

NOT VOTING—2

Begich	Murkowski

The amendment (No. 1107) was rejected.

CHANGE OF VOTE

Mr. MENENDEZ. Mr. President, on rollcall vote 210, I voted ''nay.'' It was my intention to vote ''yea.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, if I could have Senator MCCAIN's attention as well, what we are trying to do next is to move to two amendments, if we can. Both are next on the pending list. One is the Paul amendment No. 1064, repeal the authorization for use of military force against Iraq. The second one is not directly after his but follows after two Feinstein amendments. Senator FEINSTEIN told me she could not be here early this afternoon. I told her if hers could be made part of a unanimous consent agreement, that could come later because this afternoon we have other things we can do. So the second amendment on this list is another nongermane amendment by Senator LANDRIEU, No. 1115, relative to small business research grants.

What we are trying to do is work out a unanimous consent agreement. There will be 60-vote thresholds on those two amendments. Neither one of them, I believe, is germane. As part of that agreement, we would also next move to approximately 40 cleared amendments which we would then ask be passed as cleared. That would all be part of a unanimous consent agreement we are currently drafting.

So I want to alert our colleagues——

Mr. MCCAIN. For the benefit of our colleagues, could I add also the agreement of a half hour time limit on the Paul amendment? He would agree to that. I am sure Senator LANDRIEU would agree to a short time agreement on her amendment.

Mr. LEVIN. I am sure she told me that would be OK. When we prepare our unanimous consent agreement, we will doublecheck that.

So that is where we stand. We hope in the next few minutes to be able to bring to the body a unanimous consent agreement. In the meantime, unless there is someone else who seeks recognition, I would note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. 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. COBURN. I have cleared with Senator LEVIN to be able to speak about a topic but not offer an amendment. I understand we are working on a unanimous consent agreement. I do have an amendment that at the appropriate time hopefully will be able to be brought up, but I wish to discuss it now. I think it is a way for us to save $1.1 billion over the next 5 years in the Defense Department, give children of on-base military schools a better education, help the local school districts through Impact Aid by $12,000 per student per year, and actually do what we are intending to do in terms of education.

We have 64 schools right now on 18 military bases within the United States. There are 26,000 students taught by 2,300 teachers. That is 1 teacher for every 11 students. The average cost per student per year is $51,000 in a military school—$51,000. That is 250 percent higher than the highest cost district anywhere in the United States—2½ times.

This amendment says let's use local schools, let's help local schools through these military bases, and let's give an exemption if we need to, if it is not available. If we were to do that, three positive things would happen. The first one is probably a better education. According to the teachers, conditions are so bad that some of the educators at base schools envy the civilian public schools off base, which admittedly have their own challenges. ''Some of the new schools in town make our schools look like a prison,'' said David Primer, who uses a trailer as a classroom to teach students German at Marine Corps headquarters in Quantico, VA. In other words, what they are looking at, what they are doing, and for the cost of it, the value can be higher. That is No. 1.

Second, it will help the local school districts because they will not only get Impact Aid, but they will be given up to $12,000 per year per student off a military base.

Then, finally, third, it will, over the next 5 years, save $220 million a year out of the military's budget that they would not be spending. That is after the $12,000 and the Impact Aid. So it is a way to save $1.1 billion and give a better education with better facilities to the children of our military service bases, these 26,000 students at 16 military installations. It is a win-win-win.

My hope is we will be able to call up this amendment and make it pending in the future.

I thank the Chair.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. 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. INHOFE. Mr. President, I had a number of amendments that I was just going to discuss, unless the chairman is planning to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. It is fine, if my colleague wishes to discuss amendments without attempting to offer any amendments.

Mr. INHOFE. No, that is not my intention. I just want the chance to talk about them.

Mr. LEVIN. I appreciate that. If I could ask my friend about how long he needs?

Mr. INHOFE. Until the chairman is ready to speak.

Mr. LEVIN. That sounds good.

Mr. INHOFE. Mr. President, there are a number of amendments I think will probably not come up, but they should. We talked about this some time ago.

The Federal Aviation Administration has come up with a change for their SUB-S nonscheduled carriers that is going to make them comply with certain of the wage and hour—the crew rest requirements. Here is the problem we have. About 95 percent of the passengers who go into—this is our troops—Afghanistan today are carried by nonscheduled airlines as opposed to military and about 40 percent of the cargo that is going in.

Now, the problem we have is, with the 15-hour restriction on crew rest, they are unable to bring them in, leave them there, and then go back to their point of origin—someplace in Germany—without exceeding that 15-hour limitation. The only choice they would have is to leave them in Afghanistan, which they cannot do because that is a war zone.

So I want to have a way of working this out. We want to pursue this because the carriers understand what the problem is. These are the nonscheduled carriers. So it is something I think is very significant, and we need to be addressing it.

Another issue is, JIEDDO is the group that is the Joint Improvised Explosive Device Defeat Organization. They have done great work in their technology in stopping the various technologies over there, the IEDs that have been killing and causing damage to our troops and to our allies. The problem we have is it is set up just for Iraq and Afghanistan. When everything is through in Iraq and Afghanistan, that might put them in a position where they would cease to exist, and yet the technology and what they are doing right now is useful in the United States even though it is not designed by the legislation to do that. I believe this is something that can be corrected.

Another area that needs to be addressed—and I have some ideas, and this is one I would like to get in the queue; it is not pending at this time, so there is a little bit of a problem there, but it might be something that could be addressed in conference—is the military bases should be able to benefit from the production of domestic energy and resources on those bases.

In the case of the McAlester depot, they could horizontally drill and come out with some pretty good royalties that would otherwise go to the general fund or go to the State of Oklahoma. It is kind of divided in that way. Well, the problem is there is a cost that is incurred by the military operation. We need to have something that is going to allow them to receive the benefits of the production that takes place under the military installations through horizontal drilling.

I think everyone is for doing this. But the problem is, it could be scored in that if we took all of the existing production, then that would be money that would not otherwise go to our general fund. So what I would propose is to have this in the form of an amendment, and then change it to say: Any operation from this point forward—that money, those royalties, could go back to the military base because what we all agree on is we do not want our bases to have to foot the bill for these things that are taking place.

I have an amendment, No. 1101, that would stop the transfer of the MC–12W ISR aircraft from the Air Force to the Army. I think it is something that is pretty significant. We are talking about intelligence and reconnaissance. The MC–12W is a King Air or a C–12. Right now it is under the jurisdiction of the Air Force, and this bill would change it from the Air Force to the Army. Well, neither the Air Force nor the Army wants to make that change, and there ought to be a way to support that.

There are several other amendments that will be coming forward that will be offered. One I feel very strongly about has to do with the sale of the F–16C/D models to Taiwan.

Then, lastly—and I feel very strongly about this—back in 2007, we changed the commands to create AFRICOM. AFRICOM, prior to this time, was part of three commands: Central Command, Pacific Command, and European Command. Well, it is so significant in terms of national security, in terms of our economy and the activity that is going on there right now.

For example, ever since 9/11, we have been working with the Africans to help develop in Africa our programs—our 1206 programs, our train-and-equip programs. More recently, we have been involved in the LRA issue in poor countries in Africa.

Well, there is an effort now—almost any Member I guess would feel the same way—to take that command that is now in Stuttgart, Germany, and put it in Texas or Florida or someplace in the United States. I think that would be something that would inure to the benefit maybe of a Member, a Senator, but, on the other hand, it creates certain problems.

When the African Command came into effect—and I think that is one of the few issues that I, probably, am more familiar with than most other Members—the obvious place would have been to have that command located in Africa itself. My choice at that time was Ethiopia. I think there is a lot of jurisdiction for that. But they said because of the political problem—if we go back historically in Africa, and we look at the colonialism, there is this thing embedded back in the minds of people in Africa, thinking that having a command, a U.S. command located in Africa, it might revert back to some of the colonial days. That is the concern people had.

So, anyway, I thought it would have been better to have it in Africa itself. But because of this—and, by the way, I have talked to many of the Presidents of countries over there—President Kikwete in Tanzania and President Kagame in Rwanda and President Kabila in the Congo, and several of the others—and they say: Yes, you are right. It would be better to have that command located somewhere in Africa, but we have the political problem with the people who would think that is a move back toward colonialism. So it is a complicated problem.

However, I do believe all of the generals pretty much believe that AFRICOM should remain where it is. At least Stuttgart is in the same time zone. It is easier to transport people and equipment back and forth. So I would support defeating any of the amendments that would change that situation.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KIRK. 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. KIRK. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST YEAR IN THE SENATE

Mr. KIRK. Mr. President, last week we celebrated Thanksgiving, the time of year when we look back and we give thanks for our blessings. We are all grateful for our family, our men and women in uniform, and those who also

defend our Nation in civilian life. I am particularly thankful this year, because 1 year ago today I had the honor of my life to be sworn in as the newest junior Senator for the State of Illinois to complete Senator Obama's term.

And what a year it has been. Coming from the House of Representatives, I had to adjust to the measured place and pace of the Senate. But while Americans may have a dim view of what we do here, I remain an optimist. Americans have always faced tough challenges but then rose to the occasion more successfully than any other people in history.

Although I believe there is much more to do to reduce debt, repeal burdensome regulations, and encourage job creation, I want to take a few minutes to lay out what my team has accomplished for the State of Illinois and the Nation in 1 year.

In my first 30 days in office we moved three times, we hired a staff, and then voted to prevent the largest tax increase in history, while Congress extended tax relief for millions of Americans in that legislation.

We also worked to block the transfer of al-Qaida terrorists from Guantanamo Bay to northwestern Illinois. Since then, Congress enacted the Budget Control Act, mandating about $2 trillion in reduced Federal borrowing over the next 10 years, which in my view is only a first step in addressing Washington's out-of-control spending. No one here would say that we have come near to solving the problem, but I am heartened by the bipartisan and bicameral support of the Gang of Six proposal, and now with the probable support of 45 Republican and Democratic Senators, I hope we will soon go big with their recommendations to find $4 trillion in savings.

The Congress approved three free-trade agreements to boost U.S. exports to South Korea, to Colombia, and Panama, as both President Obama and Speaker BOEHNER wanted. The action will open markets for Illinois farmers and boost exports for companies and employers such as John Deere in Moline, Caterpillar in Peoria, ADM in Decatur, and Navistar in suburban Warrenville.

Congress repealed the onerous requirement mandated by the health care law that required small businesses to document all payments over a few hundred dollars. This absurd 1099 rule was the first part of the health care law to be repealed, and it will soon be followed by the misnamed CLASS Act that even the Obama administration appears to have canceled by executive action.

Additionally, Congress reformed our patent system by moving to a first-to-file, instead of a first-to-invent, system. This signals to inventors that they should quickly file their invention and allows us to innovate without endless and expensive litigation. Along with that effort, the Kirk amendment authorizing the patent office to have a small business fast lane became law.

My office published a Great Lakes report card that gave our largest body of fresh water a C grade to draw attention to invasive species, to poor water quality, and beach closures, demonstrating the need for our legislation by myself and Senator DURBIN to ban sewage dumping in the Great Lakes.

To create more construction jobs in Illinois, I introduced the Lincoln Legacy Infrastructure Development Act which would unlock more than $100 billion in new revenue for roads, rail, transit, and airports, through more infrastructure funded by public-private partnerships. I have since met with Secretary LaHood, Chief of Staff Daley, and House Chairman MICA as a way to advance this legislation to restart our economy.

We have also had an active year in protecting our allies and America's interests overseas. On the floor today, we may consider the Menendez-Kirk amendment pending to the Defense Authorization Act which would impose crippling sanctions on the Central Bank of Iran. This is a result of a collaborative effort involving 92 Senators who signed the Schumer-Kirk letter calling for the United States to collapse Iran's terror-sponsoring bank.

In May, Senator GILLIBRAND and I introduced the Iran Human Rights and Democracy Promotion Act which establishes a special representative on human rights and democracy in Iran, imposing sanctions on companies that sell or service products that enable the Iranian regime to oppress its people. It would require a comprehensive strategy to promote Internet freedom in Iran and reauthorize the Iran Freedom Support Act. The bill is now part of the Iran, North Korea, and Syria Sanctions Consolidation Act.

In February, the Senate passed a Kirk resolution condemning human rights abuses in Iran, and we founded the Iranian Dissident Awareness Program to make dissidents such as Hossein Ronaghi-Maleki, a blogger and human rights activist, and Nasrin Sotoudeh, a lawyer and human rights activist, household names now in America.

We also fought for strict assurances that data collected from our new X-band radar in Turkey would be shared with our allies in Israel.

In total, my office introduced 18 bills and resolutions and 11 amendments. We cosponsored 132 pieces of legislation.

I am a member of four committees that have held more than 130 hearings and markups. This year we worked on the reform of No Child Left Behind, and those reforms passed the committee with bipartisan support. We also worked on legislation regarding flood insurance funding bills under the Appropriations Committee.

Most Americans who watch cable news think all Democrats and all Republicans may hate each other. While Congress has grown more partisan, I am particularly proud of the bipartisan partnerships we have fostered in such a short time. I have continued a longstanding battle against the corrupt sugar program by working with Senator SHAHEEN of New Hampshire on S. 25 to Stop Unfair Giveaways and Restrictions Act, the SUGAR Act of 2011, which would eliminate sugar price supports and increased costs for consumers that destroy American manufacturing jobs.

Senator WYDEN and I introduced legislation targeting more than $60 billion in Medicare fraud every year by issuing new identify theft-proof medical ID cards, offering the same ID card protection our troops have for our seniors.

I also joined Senator WYDEN in his efforts to ensure your constitutional rights are protected with regard to your GPS data and cell phone and other location information.

Senator CASEY and I worked together on antibullying legislation to keep our kids safe at school.

I joined Senator WHITEHOUSE in an effort to criminalize the pointing of lasers against civil aircraft to keep that industry safe.

In my capacity as the top Republican member of the Military Construction and Veterans Affairs Appropriations Subcommittee, we worked across the aisle with Chairman TIM JOHNSON to pass the first stand-alone appropriations bill out of the Senate since 2009. Since then, we have broken the logjam on appropriations bills, and I hope to quickly complete that legislation.

I especially wish to recognize one of my first friends in the Senate, Senator JOE MANCHIN of West Virginia, for our collaborative effort on many issues, the latest being a bipartisan resolution calling for the Congress to go big on deficit reduction. When we first came to the Senate together, we saw that there were few opportunities for Republicans and Democrats to interact outside the Senate floor. That is why we began to have an open lunch together each Thursday instead of the regularly scheduled partisan lunches, to discuss ways to bridge the political divide in the Senate and in Washington.

I also wish to highlight the partnership I have developed with my senior Senator from the State of Illinois. While we may not see eye to eye on many issues, Senator DURBIN and I have worked closely on a whole host of issues for Illinois. Following in the footsteps of the late Senator Paul Simon, Senator DURBIN and I have now held more than 25 joint constituent coffees here in Washington. It is like a townhall meeting, where we talk with Illinois families about what is going on at home and in the Congress.

In March, Senator DURBIN and I worked with Secretary of Transportation Ray Lahood to help the city of Chicago, American, and United Airlines come to an agreement to keep the O'Hare Modernization Program moving forward. This is the single greatest job creation program in northern Illinois, and the agreement that we helped foster keeps thousands at work at O'Hare.

We worked closely to bring high-speed rail to the State of Illinois, and together introduced legislation to expand charter schools, to improve access to EpiPens at schools for children with severe allergies, to ensure military families in North Chicago continue to receive their Federal education assistance.

We fought to open a new Federal prison in Thompson, IL, but without al-Qaida detainees, to create jobs in northwestern Illinois, and address also flooding issues in southern Illinois and levee rehabilitation in the metro east area. We have also successfully confirmed four new judges for central and northern Illinois, and have an additional two nominations, one Democrat, one Republican, pending.

But legislation is not all we do here. In my opinion, one of the most important things a Member of Congress can focus on is constituent service. We formed advisory boards for African Americans, Latinos, small business, agriculture, health care, education, and students. Since I first came to the House of Representatives in 2001, I have worked diligently as an advocate for Illinois before the Federal Government. In 1 year now, my staff has held more than 3,440 meetings with constituents and other officials and dignitaries. To be as accessible as possible, I have visited 50 out of Illinois's 102 counties and held 20 townhall meetings throughout the State.

This month, my successor in the House of Representatives, Congressman BOB DOLD, and I held the first ever live Facebook townhall meeting and answered questions we received via the social networking site and Twitter.

My office has arranged 340 Capitol and White House tours for approximately 2,800 constituents. We received more than 85,000 phone calls and responded to 66,000 letters and e-mails. We have helped more than 4,000 constituents with casework details before the government, and written more than 200 letters in support of Illinois towns, counties, and organizations for Federal grants. I have convened eight constituent advisory boards and met a total of 18 times. My office helped process 122 passports and assisted 750 veterans and their concerns before the VA.

We have accomplished quite a bit this year. I remain optimistic about the long-term future of our Nation. We can outinnovate and outproduce any nation on the planet if we create an environment that supports full job creation. But there is still a lot of work to do. The Illinois unemployment rate stands at over 10 percent. It seems each day we hear of a new company thinking of leaving our State.

The health care law threatens a further drag on our economy. We face a global sovereign debt crisis in Europe and fears of future credit devaluations for the United States.

U.S. troops continue to pursue enemies of freedom in Afghanistan and Iraq, and Iran continues its effort to develop nuclear weapons. Protests are accelerating in Egypt, and civil unrest in Syria. Piracy remains a concern off the coast of Somalia.

As I have for the past year, I will spend the next 5 years making sure that America remains the best place on Earth for any individual to rise to their full potential, a place where your rights are protected against the government, whose main mission should be to defend us, and to foster higher incomes for our families.

In these battles, I will advance the interests of the State of Illinois as the job engine at the center of the Nation's economy, protector of the Lake Michigan and Mississippi ecosystems, and the special place that sent Abraham Lincoln and hopefully future Lincolns for national leadership when America needs it most.

Of course, my heart and soul will always be with the troops—their care, their mission, and their spirit of defending a place that is the greatest force for human freedom and dignity ever designed.

I am truly grateful for the opportunity to serve my Nation twice—in the Navy and in the Senate. I thank the people of Illinois for this first year in the Senate and for the even bigger things we will do together in the years to come.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRANKEN. 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. FRANKEN. Mr. President, I have filed two amendments that I will offer at some time, and I will talk about them now.

I am strongly opposed to the detention provisions in the Defense bill before us. I am disappointed that Senator UDALL's amendment did not pass. Taken together, sections 1031 and 1032 would fundamentally alter how we investigate, arrest, and detain individuals suspected of terrorism.

Before I get into the details of why I oppose these detainee provisions, I think it is important to recognize that September 11 irrevocably and unalterably changed our lives. I was in Minnesota on that terrible day. A number of Minnesotans died in the towers, in the air, and at the Pentagon. In New York, in the months following the attacks, I attended the funerals of brave firefighters and law enforcement officers who sacrificed their lives to help rescue folks from the towers. I cannot shake those images from my mind, and I am guessing, like many of you, I will never be able to erase the horrors of September 11 from my mind.

September 11 reminded us that we are vulnerable and that we are fighting an unusual enemy. It forced us to reassess our approach to counterterrorism, and it forced us to redouble our efforts to track down the people who aim to do us harm. But it is exactly in these difficult moments, in these periods of war when our country is under attack, that we must be doubly vigilant about projecting what makes us Americans.

The Founders who drafted our Constitution and Bill of Rights were careful to draft a Constitution of limited powers—one that would protect Americans' freedom and liberty at all times, both in war and in peace.

Today, as we contemplate fundamentally altering the criminal justice system our Founders developed in order to create a military detention system—a system that would permit the indefinite detention of U.S. citizens and lawful residents of the United States for acts committed in the United States—I think it is important to pause and remember some of the mistakes this country has made when we have been fearful of enemy attack.

Most notably, we made a grave and indefensible mistake during World War II when President Roosevelt ordered the incarceration of more than 110,000 people of Japanese origin, as well as approximately 11,000 German Americans and 3,000 Italian Americans. There is a memorial right across the street from the Capitol that should remind us all of this terrible mistake.

In 1971, President Richard Nixon signed into law the Nondetention Act to make sure the U.S. Government would never again subject any Americans to the unnecessary and unjustifiable imprisonment that so many Japanese Americans, German Americans, and Italian Americans had to endure.

It wasn't until 1988—46 years after the internment—that President Reagan signed the Civil Liberties Act, that the government formally acknowledged and apologized for the grave injustice that was done to citizens and permanent residents of Japanese ancestry.

These were dark periods in American history, and it is easy standing here today to think that is all behind us, that it is a distant memory. But I fear that the detention provisions in this bill forget the lessons we learned from the mistakes we made when we interned thousands of innocent Japanese, Germans, and Italians or when we destroyed the lives of supposed Communist sympathizers with nary a shred of evidence of guilt.

In the weeks following September 11, the Justice Department made extraordinary use of its powers to arrest and detain individuals. We arrested hundreds of people for alleged immigration violations and dozens more under a material witness statute. None of these individuals were charged with a crime. All of this happened without the military detention scheme envisioned in this bill. This was also a mistake and one that should not be repeated.

But if we pass the Defense authorization bill with section 1031, Congress

will, according to the arguments that were made on the floor last week, for the first time in 60 years, authorize the indefinite detention of U.S. citizens without charge or trial. This would be the first time Congress has deviated from President Nixon's Nondetention Act. What we are talking about is that Americans could be subjected to life imprisonment—think about that for just a moment—life imprisonment without ever being charged, tried, or convicted of a crime, without ever having an opportunity to prove your innocence to a judge and a jury of your peers, and without the government ever having to prove your guilt beyond a reasonable doubt. I believe that denigrates the very foundation of this country. It denigrates the Bill of Rights and what our Founders intended when they created a civilian, nonmilitary justice system for trying and punishing people for crimes committed on U.S. soil. Our Founders were fearful of the military, and they purposely created a system of checks and balances to ensure that we did not become a country under military rule. If this bill passes, the Supreme Court should find these detention provisions unconstitutional.

Let's put that aside for now and focus on what we are currently doing right to fight terrorism. We are doing a heck of a lot of great things when it comes to national security. I think we actually need to remember that, and we need to remember that we are winning the fight against terrorists without trampling on our constitutional rights.

Just last May, under the tremendous leadership of President Obama and Secretary Panetta, head of the CIA, we hunted down and killed Osama bin Laden. A few days ago, the Washington Post reported that the al-Qaida core has contracted and weakened since then, and its leadership ranks have been reduced to two members. To be sure, that does not mean that al-Qaida is no longer a threat, particularly coming from groups outside the core, but it is a remarkable achievement. Our current counterterrorism strategy is not broken. Indeed, just the opposite is true. We are winning the war against al-Qaida. There is no indication—none—that we need to fundamentally alter our approach to locating terrorists here or overseas.

Under Director Mueller's leadership, the FBI has turned itself inside out, and over the last 10 years, since September 11, it has become an intelligence-gathering counterterrorism machine. I can't say I have always agreed with 100 percent of the FBI's tactics, and there are times when I worry they may be overstepping, but make no mistake, if our goal is hunting down the bad guys, the FBI knows what they are doing. There is no reason to think we need to change course and create an entirely new system that would completely supplant the resources and expertise of the FBI.

For those who would argue that we need to shift these people out of our civilian criminal justice system and away from article III courts and into a military system, I have to ask why. Where is the sign that we have a problem that needs fixing? There is no reason to think we need to create an entirely different framework for a problem we have been dealing with for centuries. This enemy is not so different that we need to upend our criminal justice system.

I think this is a solution in search of a problem. There is no need to go down this path. We should be focused on doing what is best for this Nation and what is best for protecting Americans. We should be working together on this, not coming up with additional ways to divide and polarize this country. That is why, when the Secretary of Defense, the Director of National Intelligence, and the Director of the FBI express serious concerns about these provisions and when the President's top counterterrorism adviser, John Brennan, complains that these provisions will make it even harder for them to locate and detain terrorists in the United States and overseas, we should probably listen to them.

Section 1031 runs the risk of authorizing the indefinite detention without trial of Americans. Section 1032 is unnecessary and complicates our counterterrorism policy. They are bad policy.

In short, these provisions should not be passed. They are not well-considered terrorism policy, and they would authorize poorly understood and deeply troubling policies. That is why I have put forward amendments that would strike each of these two sections. That is why I cosponsored Senator MARK UDALL's amendment, the cousin of our Presiding Officer. That is why I cosponsored his amendment, and I would be happy to cosponsor amendments from our Presiding Officer as well, but that is why I cosponsored Senator MARK UDALL's amendment that would have sent these matters back to the administration and the relevant committees of Congress for the full consideration, discussion, and debate they deserve. Our national security and our freedom require nothing less.

I thank the Chair, 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.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1125 AND 1126

Mrs. FEINSTEIN. Mr. President, if I understand the procedure, it is now appropriate for me to speak on my pending amendments. I will not offer my two amendments for a vote now, but I would like to take the opportunity to speak about them at this time. I trust that is in order.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to express my continued opposition to the detention provisions in the Defense authorization bill.

I was on the Intelligence Committee prior to 9/11, and I have watched the transition since that time. I have watched America—to use a phrase—get its act together, and I am proud of where this country stands at this time with the procedures, the interrogation techniques, the custody issues, and the prosecutions that have been successful in the last 10 years. In my judgment, this country is safer now than we were before 9/11.

Before the recess, I laid out my views on why the detainee provisions in the Armed Services bill were detrimental to national security because they reduce the President's flexibility to make decisions on how best to detain and potentially interrogate and prosecute suspected terrorists. Today, I would like to speak to the two amendments I have filed, and I will describe them in a moment.

Let me also reference two letters in opposition to the detention provisions in the underlying bill: one written to me from the Director of National Intelligence, James Clapper, and the second written yesterday to Chairman LEVIN from Bob Mueller, the Director of the FBI.

These letters are in addition to the Statement of Administrative Policy, which includes a veto threat to the detention provisions and the letter from the Secretary of Defense, Leon Panetta, both of which were inserted into the RECORD before the recess.

So I note that the provisions in the bill we are considering are opposed by the White House, by the Secretary of Defense, the Director of National Intelligence, and the Director of the FBI. These top national security officials are all concerned that the bill reduces the administration's flexibility to combat terrorism, both at home and abroad, and I would agree with that.

I will ask at the appropriate time for a vote on amendment No. 1125, which will limit mandatory military custody to terrorists captured outside the United States. This is a very simple amendment that only adds one word, ''abroad,'' to section 1032 of the underlying bill.

Currently, this bill creates a presumption that members or parts of al-Qaida or ''associated forces'' will be held in the military detention system, and I disagree with that approach. I believe the President should have the flexibility to hold captured terrorists in the military or the criminal justice systems, and the decision of which system to use should be made based on the individual facts and evidence of each case.

Putting aside that general view, I am very concerned that creating a presumption for military custody—which this bill does—and requiring a cumbersome waiver process will jeopardize counterterrorism cases and intelligence gathering. This concern is not

only mine, it has been raised by the White House, by Secretary Panetta, and very directly by Director Mueller in his letter.

So my amendment would clarify the situation and remove the confusion and delay that I believe this bill will cause. My amendment will make clear that under section 1032 of this bill the U.S. Armed Forces are only required to hold a suspected terrorist in military custody when that individual is captured abroad. All that amendment does is add that one word, ''abroad,'' to make clear that the military will not be roaming our streets looking for suspected terrorists. My amendment does not remove the President's ability to use the option of military detention or prosecution inside the United States.

My amendment makes clear that inside the United States there is no presumption for military custody. Inside the United States, a Customs agent or local law enforcement officer could follow his or her standard process and turn a suspected terrorist over to the FBI for handling without having to worry about whether a waiver may apply or whether it is required.

The FBI has changed. There are 56 field offices, there is a national security branch, and it is staffed with thousands of agents inside the United States. The FBI is well equipped to handle a terrorist inside the United States, but the Department of Defense is not. Listen to what Director Mueller wrote. He notes, and I quote:

> The legislation introduces a substantial element of uncertainty as to what procedures are to be followed at perhaps the most critical time in the development of an investigation. . . .

Now, I understand that the chairman and ranking member of the Armed Services Committee have included a waiver and have required that the administration issue procedures to lay out how the mandatory military custody provision will be carried out. But the administration is telling us, with a unanimous voice from all its senior counterterrorism officials, that this provision is harmful and unnecessary. But we say Congress knows better. I don't believe we do know better, and I think not to listen to those who are really responsible to carry out these missions in what is a very difficult field today, based on a careful assessment of national security, is a mistake.

The administration has threatened to veto this bill and said it ''strongly objects to the military custody provision of section 1032'' in its official Statement of Administration Policy because it would, and I quote, ''tie the hands of our intelligence and law enforcement professionals.'' So here are the experts saying: Don't do this, it will tie our hands; and here is the political branch saying: We know better.

If something had gone wrong, if there had been mistakes, if there hadn't been over 400 cases tried successfully in civilian Federal criminal courts in the last 10 years and 6 cases and a muffed history of military prosecution in these cases, I might agree. But the march is on here in Congress: militarize this thing from stem to stern. And I disagree with that. When something isn't broke, don't fix it.

Mr. President, there are rapid reaction teams part of the HIG—or High-Value Interrogation Group—who can deploy on a moment's notice, who can rapidly assess a suspect, who can carry out a proper and effective interrogation, and the executive branch then has an opportunity to decide whether the facts and the evidence really are best suited for a Federal criminal prosecution in Article III courts, or the facts and the evidence are really best suited for a military commission prosecution.

This flexibility is what we are taking away from the executive branch under the provisions in this bill. It was well practiced during the Bush Presidency, and it has been well practiced by the Obama Presidency. Virtually every national security professional connected to the handling of terrorists and the intelligence obtained from them says to change it would be a mistake. So I believe the amendment I am offering—limiting mandatory military custody to detainees outside the United States—is a major improvement to the underlying bill. It removes the uncertainty that will occur if military custody is required for detainees captured inside the United States.

Frankly, I would prefer that the provision—section 1032—be struck in its entirety, as I don't believe we should be creating a presumption of military custody over the law enforcement route. That is not what this country is about. There is the posse comitatus law on the books. The military isn't supposed be roaming the streets of the United States. But if there is going to be this type of provision, it should at least do no harm to our ability to detain, interrogate, and prosecute terrorists. So I ask for my colleagues' support on this amendment.

While I am on the Senate floor, I would like to speak briefly to the second amendment I have filed and on which I also seek a vote, since the Udall amendment has failed; that is, amendment No. 1126, which would prohibit U.S. citizens from being held in indefinite detention without trial or charge.

As Members know, section 1031 of the underlying bill updates and restates the authorization for the use of military force that was passed on September 18, 2001, 10 years ago, 1 week after the attacks of 9/11. The provision updates the authority to detain terrorists who seek to harm the United States, an authority that I believe is consistent with the laws of armed conflict. However, I strongly believe that the U.S. Government should not have the ability to lock away its citizens for years, and perhaps decades, without charging them and providing a heightened level of due process. We shouldn't pick up citizens and incarcerate them for 10 or 15 or 20 years or until hostilities end—and no one knows when they will end—without giving them due process of law.

So my amendment simply adds the following language to section 1031 of the underlying bill:

> The authority described in this section for the Armed Forces of the United States to detain a person does not include the authority to detain a citizen of the United States without trial until the end of hostilities.

It is hard for me to understand how any Member of this body wouldn't vote for this amendment because, without it, Congress is essentially authorizing the indefinite imprisonment of American citizens without charge or trial.

As I said on the Senate floor previously, 40 years ago Congress passed the Non-Detention Act of 1971 that expressed the will of Congress and the President that America would never repeat the Japanese-American internment experience—something that I witnessed as a child up close and personal—and would never subject any other American to indefinite detention without charge or trial. In the 40 years since President Richard Nixon signed the Non-Detention Act into law, Congress has never made an exception to it.

A key issue in this bill is that this is the Congress making an explicit exception that has never been made before by the Congress, and what we are saying is, it is OK to detain an American citizen without trial, ad infinitum. I don't think it is. I don't think that is what our Constitution is all about. Yet the provision in this bill would do just that.

I ask unanimous consent to have printed in the RECORD a column published yesterday in the San Jose Mercury News of California from Floyd Mori.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From MercuryNews.com, Nov. 27, 2011]

S. FLOYD MORI: INTERNMENT SPECTER RAISES UGLY HEAD IN FORGETFUL U.S. SENATE

(By S. Floyd Mori)

The oldest generation of Japanese-Americans, those whose earliest memories were of their lives and families being upended by internment without charge or trial in concentration camps during World War II, at least take comfort in the hope that America is now committed to never inflicting that experience on any other group of Americans or immigrants. But our trust in that commitment is being shaken by a bill poised to go to the Senate floor that could once again authorize indefinite detention without charge of American citizens and others now living peacefully in our country.

We have reason to believe in the commitment of Americans to say never again to indefinite detention. In 1988, the Civil Liberties Act officially declared that the Japanese-American internment had been a ''grave injustice'' that had been ''carried out without adequate security reasons.'' In other words, the indefinite detention of Japanese-Americans during World War II was not only wrong, but unnecessary.

A bill on the Senate floor raises the question of whether the Senate has forgotten our history. S. 1253, the National Defense Authorization Act, has a provision in it, unfortunately drafted by Sens. Carl Levin, D–Mich., and John McCain, R–Ariz., that would let any U.S. president use the military to arrest and imprison without charge or trial anyone suspected of having any relationship with a terrorist organization. Although Sen. Dianne Feinstein, D–Calif., and more than a dozen of her colleagues are bravely calling for a halt to a damaging bill, they face significant opposition.

The troubling provision, Section 1031, would let the military lock up both Americans and noncitizens in the 50 states. There would be no charges, no trial, no proof beyond a reasonable doubt. All that would be required would be suspicion.

Although the details of the indefinite detentions of Japanese-Americans during World War II and the proposed indefinite detentions of terrorism suspects may differ, the principle remains the same: Indefinite detentions based on fear-driven and unlawfully substantiated national security grounds, where individuals are neither duly charged nor fairly tried, violate the essence of U.S. law and the most fundamental values upon which this country was built.

As the measures to indefinitely detain Japanese-Americans during World War II have been deemed a colossal wrong, the same should be true of modern indefinite detention of terrorism suspects. Our criminal justice system is more than equipped to ensure justice and security in terrorism cases, and we certainly should not design new systems to resurrect and codify tragic and illegitimate policies of the past.

As our history shows, acting on fear in these situations can lead to unnecessary and unfruitful sacrifices of the most basic of American values. In the 10 years since the 9/11 attacks, Congress has shown admirable restraint in not enacting indefinite detention without charge or trial legislation. Now with the president seeking to end the current wars, the Senate must avoid repeating the mistakes of the past and protect American values before they are compromised. We cannot let fear overshadow our commitment to our most basic American values.

The Senate can show that it has not forgotten the lessons of the Japanese-American internment. It should pass an amendment that has been offered by Sen. Mark Udall, D–Colo., that would remove Section 1031 from the act. This Senate should not stain that great body by bringing to the floor any detention provision that would surely be looked upon with shame and regret by future generations.

Mrs. FEINSTEIN. I know Mr. Mori well. He is the national executive director of the Japanese American Citizens League, which is the oldest and largest Asian-American civil rights organization in the United States. The Japanese American Citizens League—or JACL as we would say—has been an active voice on the wrongful internment of Japanese Americans during World War II, and I believe it is worth listening to what they have observed from that painful history.

The administration has threatened to veto this bill and said the following in its official Statement of Administration Policy:

After a decade of settled jurisprudence on detention authority, Congress must be careful not to open a whole series of legal questions that will distract from our efforts to protect the country.

Yet by allowing the military to detain U.S. citizens indefinitely, Congress would be opening a great number of serious legal questions, in my judgment.

This amendment would restore the language that was in an earlier version of this bill that would have established a similar ban on the indefinite detention of U.S. citizens. It is also consistent with the way we have conducted the war on terror over the past 10 years. In cases where the United States has detained American citizens, including John Walker Lindh and Jose Padilla, they have eventually been transitioned from indefinite detention to the criminal justice system, and both have been convicted and are serving long prison sentences. John Walker Lindh pleaded guilty to terrorism charges and was given a 20-year sentence, and Jose Padilla was convicted of terrorism conspiracy and sentenced to a 17-year prison sentence.

So I believe this amendment is consistent with past practice and with traditional U.S. values of due process. We are not a nation that locks up its citizens without charge, prosecution, and conviction. My amendment reflects that view, I believe in that view, and I hope this body does as well. So I urge its adoption.

Mr. President, in conclusion, I ask my colleagues' support on these two amendments because I believe they will improve the legislation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DURBIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. 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. TESTER. Thank you, Mr. President. It is good to see the Senator in the chair.

I rise to speak on amendment No. 1145. I cannot call up this amendment at this point in time, but hopefully at some time during this debate we can deal with this issue of foreign base closures, which is what amendment No. 1145 does.

I have offered—along with my colleague from Texas, Senator HUTCHISON—to establish an overseas basing commission. We are joined on this amendment by Senators CONRAD, WYDEN, and SANDERS.

This commission would be charged with saving taxpayer money by identifying and reevaluating our overseas military base structure and investments. It is not a new discussion. This has been done before. In Washington, colleagues from both sides of the aisle have long advocated for issues similar to this one.

In Montana, Senator Mike Mansfield—a personal hero of mine and one of the truest statesmen of this body—advocated fiercely throughout his public service for a more commonsense approach to our overseas military commitment. Senator Mansfield's approach balanced our national security interests and decisions with decisions and investments that made sense fiscally. The time could not be more appropriate to renew this call. Given our budget outlook, we have a responsibility to exhaustively look for savings across our government. We need to be smart and we need to work together.

It makes a lot of sense to me that cutting overseas military construction projects that have minimal negative impacts on our national security and military readiness is the right idea. We know there is a significant higher cost associated with maintaining facilities and forces overseas, particularly in Europe, than here in the United States. We also know we need a more complete picture of the cost, the benefits, and the savings associated with overseas basing as we make tough budgetary decisions. Given our military's advanced capabilities, it is time for some responsible decisions about how to best secure our country while saving American taxpayers every penny we possibly can.

As Montana families examine their bottom line and as the country works to cut spending, it is past time to give our outdated military bases and installations a closer look. An overseas basing commission would independently address these issues firsthand and ensure that military construction spending and operational maintenance spending match our capabilities and our national security strategy.

As we move forward, I hope we will do so in the spirit of Senator Mansfield by working together and by making commonsense decisions that keep us both safe and spend our taxpayer dollars more wisely.

As I said when I opened these remarks, I think this is a no-brainer. We need to take a step back, look at the money we are spending on overseas bases, make sure we are getting the best bang for the buck and make sure it meets our national security needs. With a lot of these post-World War II installations, they can be shut down, we can save some money, and it is a win-win situation for everybody.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. 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. LEVIN. Mr. President, I was listening in the cloakroom to Senator TESTER's comments about his amendment, and I wish to tell everyone how

right on point he is. I am focusing on overseas bases and the need to close some of those bases. We have another Defense bill coming up fairly soon, if we cannot get something done on this bill—and I hope we can—whether it is the sense of the Senate or otherwise to put our focus there, because we need to reduce our presence particularly in those bases, I believe, in Europe, where we simply no longer need those bases and cannot afford to maintain them. But whether we can get a commission done is a different issue because that could actually slow down the process, to appoint a BRAC-type commission.

I just wished to comment while he was still on the floor that I believe he is right. He is focused on that which is critically important for not just the Armed Services Committee but for this Senate to look at, which is to look at the huge number of overseas facilities we have and the fact that there are many we no longer need and we have to look there for some significant savings. I just wished to commend the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I thank Chairman LEVIN for his comments. As we look for opportunities to save money, as we look for opportunities to focus in on the war on terror, I think our time has come to take a hard look at our overseas basing and do what, quite frankly, will enhance our opportunities to fight the war on terror while saving the taxpayers dollars over the short term and the long haul.

I thank Chairman LEVIN for his comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I wish to address the Senate as if in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LABOR RELATIONS BOARD

Mr. ISAKSON. Mr. President, I come to the floor of the Senate for the fifth time in the last 3 years to discuss this administration's relentless pursuit to modify and change the labor laws of this country that have served us well for in excess of 70 years. A particular instance that is going to take place tomorrow causes me to come one more time to discuss this subject.

A few days before Thanksgiving last week, the National Labor Relations Board posted a notice that they would meet at 10 a.m. on Wednesday morning to discuss passing a rule that will change a 75-year precedent in labor law, a rule that will reduce the time period between the filing of a petition for a union organization and a vote to as little as 10 days.

Historically, in our country, it has been an average of 38 days from the filing of the petition to the vote as to whether to organize. For no cause or reason, other than unleveling the playing field, NLRB has decided to rush this rule through in an ambush-type of event. If we pull the facts back and look, it is quite easy to see what they are trying to do.

Craig Becker, who is on the National Labor Relations Board as a recess appointment of the President of the United States, was denied approval in the confirmation process in the Senate. The President chose to appoint him in a recess appointment which expires at the end of this December. Therefore, in the waning hours of his service on the Board, at a time in which the majority has a 2-to-1 vote, they are going to rush through a change in an amendment to the labor laws in the United States of America that have served us for 70 years. It is not right. It is not fair. At a time of high unemployment and distress in our economy, the worst thing to do is change the rules of the game that have served the country so well.

I will fire a warning shot also. I think there is something else that will probably happen before the end of the year, and that is there will probably be a posting of a rule to make micro-unionization possible. It has already been discussed by the NLRB. It is a process whereby we could take separate departments in the same company and let them unionize one at a time. Take a Home Depot, for example, or a Kroger grocery store. Let the butchers unionize and then let the bakers unionize and then let the detergent salesmen unionize and then let the janitors unionize and let the shop end up having 15, 20, 25 different union organizations in the same store. That has never been able to be possible and it is not right. It should be across the board within the company.

So I come to the floor to let everybody know at NLRB that I know what is going to happen tomorrow morning. I know it is a rush to judgment and it is a bad judgment and it is a mistake. We have great labor laws in this country. In fact, if we take this petition and change it down to 10 days, we are not recognizing the fact that of all the elections that have taken place in the last couple years, the unions have won 67 percent of the time. There is no problem with the organization laws, and there is no reason to compress the time from the filing of the petition to the vote. Fair is fair. A company that has an organization petition filed against it ought to have a reasonable period of time to assess the grievances that are advertised against them rather than compressing the vote period and having a rush to judgment.

I hope tomorrow the NLRB will recognize that a rush to judgment is wrong. It is not good for the country, it is not good for our economy, and it is not good for the American people. I will oppose it and do oppose it today, as I will oppose microunionization should they attempt to do the same before this year is out.

I yield back my time and notice the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. 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. NELSON of Florida. Mr. President, with the chairman's permission, I would like to speak on the Defense bill.

Mr. President, I wish to thank Chairman LEVIN. I wish to thank Senator MCCAIN. I wish to thank the entire Armed Services Committee and all the dedicated staff for their efforts in crafting this National Defense Authorization Act.

I am going to continue to work with all of my colleagues to resolve some of the very challenging provisions, one of which we just voted on, having to do with what courts the detainees are going to be prosecuted in. I am hopeful compromises will be reached in the days ahead so this bill can be passed and signed into law.

There are five amendments I and others have offered that I wish to talk about. The first is amendment No. 1210. It has been crafted in consultation with the Government Accountability Office and it would require the Department of the Navy to evaluate the cost and benefits of stationing additional destroyers at Naval Station Mayport in Jacksonville, Fl. One may ask why.

Well, the frigates at Mayport that will all be decommissioned by 2015, but the ships that will replace them, the Littoral combat ships, will not arrive until 2016. Therefore, there is a hiatus of a year in which the ship repair industry, that was built up to take care of the Navy's fleet, will be without work. From the standpoint of keeping the maintenance and repair of the Navy's fleet, we need to determine if it will be more cost effective for the Navy to mitigate this problem by bringing additional destroyers to Mayport during that timeframe, extending the service lives of the existing frigates, or by boosting the industry by bringing ships from around the country to the Jacksonville ship repair industry for repair.

Doing nothing is not an option because the ship repair business would take too big of a hit. In order to provide some oversight of the Navy's methodology, so that we can get the greatest bang for the buck and keep the Navy fleet at the level of readiness it needs, I am asking for the GAO to assess and report independently on these measures. My colleague from Florida, Senator RUBIO, has joined as a cosponsor.

I urge support of this amendment. It should not be a controversial amendment. I hope the committee will be able to accept it.

I have also proposed amendment No. 1236, which requires the Department of the Air Force to further explain their plan to change the flag officer positions at the Air Force Materiel Command. Reducing oversight and eliminating officers with vital experience

could damage the Air Force's weapons testing mission. So this amendment simply requires the Air Force to submit a report which would be assessed by the GAO. Again, this should not be a controversial amendment and ought to be accepted by the committee.

Senator SCHUMER of New York and I are working to ensure that the Department of Defense and the Veterans Affairs Department continue to study and evaluate the harmful effects of the garbage burn pits at our base in Balad in Iraq. This has gotten some attention in the press. It is horrible. What we are seeing is when our troops are exposed to these toxic fumes from these open burn pits, we see the consequences in their health that turn up later. Obviously, it is not only a diminution of the health of our troops which we ought to first and foremost protect, but of course there is a continuing cost to the U.S. Government, because years later, what we are finding is—and this comes out of the first gulf war experience with those open burn pits—we have determined that serious health problems could be traced back to the breathing in of those toxic substances because the troops were exposed to the fumes coming out of those burn pits.

What this amendment does—and it should not be controversial—is it requires a study be designed to take a look at those burn pits and further focus on the serious medical effects on our troops. So far, the reports have been inconclusive, but troops are still getting sick and it needs to be understood; thus, the reason for that study. Next year we will work to have the actual study funded. But Senator SCHUMER and I want to get on with this study and we ask and it should be accepted by the committee as a noncontroversial amendment. After all, it is what we all want, the protection of our troops.

Let me talk about amendment No. 1209. This addresses the longstanding problem faced by relatives of those who have been killed in action or whose death is related to service in the military, and that is the current law of a dollar-for-dollar reduction of Department of Defense Survivor Benefit Plan annuity offset, dollar for dollar, by the Dependency and Indemnity Compensation which comes from the Department of Veterans Affairs. The stand-alone bill, S. 260, filed by Senator INHOFE and myself, is cosponsored by—get this—49 Senators. The Senate has supported eliminating this offset for years. I hope that in the Senate, on this Defense authorization bill, we are going to remain steadfast in support of military widows and family members. Why? Because the Survivor Benefit Plan is an optional program for military retirees offered by the Defense Department. It is like an insurance plan. Military retirees pay premiums out of their retirement pay to ensure that their survivors will have adequate support when that retired military person passes away. For many retirees, reasonably priced insurance from the public marketplace is not available due to their service-related disabilities and their health issues; thus, the reason for this insurance plan, the Survivors Benefit Plan. SBP is a way for retirees to provide some income insurance for their survivors. It pays survivors 55 percent of the servicemember's retired pay. That is for the survivors of the retired military person when that person dies. It is an insurance policy.

The Dependency and Indemnity Compensation—DIC—is a completely different survivor benefit and it is administered by the Veterans' Administration. When a servicemember dies, either due to a service-related disability or illness or active-duty death, surviving spouses are entitled to monthly compensation of $1,154 from the Veterans' Administration. But here is the rub:

Of the 270,000 survivors receiving the SBP—the insurance policy that the military retiree has paid for—about 54,000 are subject to the offset, meaning some of their SBP is taken away. According to the Defense Actuary, 31,000 survivors' SBP is completely offset by the VA's Dependency and Indemnity Compensation, meaning they only have $1,154 a month to live on. These survivors are entitled to both under two different laws, but then there is a law that says you have to offset one from the other.

Military retirees in good faith bought into the insurance plan—the SBP. They were planning for the future for their families. The government now says we are going to take some of that money away. What it means is we are not taking care of those who were left behind in the same manner as these servicemembers thought they were going to get when they took care of our country. I know of no purchased annuity plan that would deny payout based on receipt of a different benefit. I say that having had some experience in insurance in my former life years and years ago as the elected insurance commissioner of the State of Florida.

It was said best by President Lincoln when he said in his second inaugural address that one of the greatest obligations in war is to ''finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan.''

That is the whole intention of these two laws, but we are not doing it. We are not honoring our servicemembers. The government must take care of our veterans, their widows and their orphans. Almost every year in the Senate we have passed this, eliminating the offset. What happens is it goes down to the conference and they eliminate it because it is going to cost money. We have had a couple of times where important little steps were taken in the right direction with some lessening of the offset, but we must meet our obligations to military families with the same sense of honor their loved one rendered during their service to this country, so we must eliminate this offset.

Finally, there is an amendment to sanction the Central Bank of Iran. In just the previous 2 months, Iran has attempted a terrorist attack on U.S. soil, while continuing to develop its nuclear capability back home, and it has done so in complete disregard for the Non-Proliferation Treaty.

The United States has led the international community in enacting crippling sanctions against the Iranian regime. We need to tighten down the screws more. We have done so in 1996 with the Iran Sanctions Act and again in 2009 with the Comprehensive Iran Sanctions Accountability and Divestment Act.

So we must continue these efforts. By sanctioning the Central Bank of Iran, we will make it clear to Iran's religious leaders—and that is what we have to say—that there are real consequences to their support for terrorism and their attempts to develop nuclear weapons.

A nuclear Iran would be disastrous for the region. It would be disastrous for Europe. It clearly would be a threat against Israel, one of our strongest allies, and it clearly is a threat to the national security interests of the United States.

The cost of inaction is too great. That is why we ought to go after the Central Bank of Iran by sanctioning them.

I think I have offered a number of amendments along with and on behalf of our colleagues that should be able to be accepted, and I would implore the leadership of the committee to please consider these.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I now ask unanimous consent that the Levin-McCain amendment No. 1092, which is the regular order, be modified with the changes that are at the desk—that amendment addresses the issue of counterfeit parts in the Department of Defense supply chain; further, that the amendment, as modified, be agreed to; that upon disposition of the Levin-McCain amendment, the Senate resume consideration of the Paul amendment No. 1064; that there be 30 minutes of debate, equally divided in the usual form, on the Paul amendment; that upon the use or yielding back of time, the Senate resume consideration of the Landrieu amendment No. 1115; that there be up to 30 minutes of debate, equally divided in the usual form, on the Landrieu amendment; that upon the use or yielding back of time, the Senate proceed to votes in relation to the two amendments—the Paul and Landrieu amendments—in the following order: Paul amendment No. 1064 and Landrieu amendment No. 1115; that there be 2 minutes, equally divided, prior to each vote and there be no amendments in order to either amendment prior to the votes; and that both

amendments be subject to a 60-affirmative-vote threshold.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1092), as modified, was agreed to, as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

(a) REVISED REGULATIONS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to address the detection and avoidance of counterfeit electronic parts.

(2) CONTRACTOR RESPONSIBILITIES.—The revised regulations issued pursuant to paragraph (1) shall provide that—

(A) contractors on Department of Defense contracts for products that include electronic parts are responsible for detecting and avoiding the use or inclusion of counterfeit electronic parts or suspect counterfeit electronic parts in such products and for any rework or corrective action that may be required to remedy the use or inclusion of such parts; and

(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under such contracts.

(3) TRUSTED SUPPLIERS.—The revised regulations issued pursuant to paragraph (1) shall—

(A) require that, whenever possible, the Department of Defense and Department of Defense contractors and subcontractors—

(i) obtain electronic parts that are in production or currently available in stock from the original manufacturers of the parts or their authorized dealers, or from trusted suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) obtain electronic parts that are not in production or currently available in stock from trusted suppliers;

(B) establish requirements for notification of the Department of Defense, inspection, test, and authentication of electronic parts that the Department of Defense or a Department of Defense contractor or subcontractor obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which the Department of Defense may identify trusted suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize Department of Defense contractors and subcontractors to identify and use additional trusted suppliers, provided that—

(i) the standards and processes for identifying such trusted suppliers complies with established industry standards;

(ii) the contractor or subcontractor assumes responsibility for the authenticity of parts provided by such supplier as provided in paragraph (2); and

(iii) the selection of such trusted suppliers is subject to review and audit by appropriate Department of Defense officials.

(4) REPORTING REQUIREMENT.—The revised regulations issued pursuant to paragraph (1) shall require that any Department of Defense contractor or subcontractor who becomes aware, or has reason to suspect, that any end item, component, part, or material contained in supplies purchased by the Department of Defense, or purchased by a contractor of subcontractor for delivery to, or on behalf of, the Department of Defense, contains counterfeit electronic parts or suspect counterfeit electronic parts, shall provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(b) INSPECTION OF IMPORTED ELECTRONIC PARTS.—

(1) INSPECTION PROGRAM.—The Secretary of Homeland Security shall establish a risk-based methodology for the enhanced targeting of electronic parts imported from any country, after consultation with the Secretary of Defense as to sources of counterfeit electronic parts and suspect counterfeit electronic parts in the supply chain for products purchased by the Department of Defense.

(2) INFORMATION SHARING.—If United States Customs and Border Protection suspects a product of being imported or exported in violation of section 42 of the Lanham Act, and subject to any applicable bonding requirements, the Secretary of Treasury is authorized to share information appearing on, and unredacted samples of, products and their packaging and labels, or photographs of such products, packaging and labels, with the rightholders of the trademarks suspected of being copied or simulated, for purposes of determining whether the products are prohibited from importation pursuant to such section.

(c) CONTRACTOR SYSTEMS FOR DETECTION AND AVOIDANCE OF COUNTERFEIT AND SUSPECT COUNTERFEIT ELECTRONIC PARTS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall implement a program for the improvement of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts.

(2) ELEMENTS.—The program developed pursuant to paragraph (1) shall—

(A) require covered contractors to adopt and implement policies and procedures, consistent with applicable industry standards, for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, including policies and procedures for training personnel, designing and maintaining systems to mitigate risks associated with parts obsolescence, making sourcing decisions, prioritizing mission critical and sensitive components, ensuring traceability of parts, developing lists of trusted and untrusted suppliers, flowing down requirements to subcontractors, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action;

(B) establish processes for the review and approval or disapproval of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, comparable to the processes established for contractor business systems under section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4311; 10 U.S.C. 2302 note); and

(C) effective beginning one year after the date of the enactment of this Act, authorize the withholding of payments as provided in subsection (c) of such section, in the event that a contractor system for detection and avoidance of counterfeit electronic parts is disapproved pursuant to subparagraph (B) and has not subsequently received approval.

(3) COVERED CONTRACTOR AND COVERED CONTRACT DEFINED.—In this subsection, the terms ''covered contractor'' and ''covered contract'' have the meanings given such terms in section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4312; 10 U.S.C. 2302 note).

(d) DEPARTMENT OF DEFENSE RESPONSIBILITIES.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall take steps to address shortcomings in Department of Defense systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts. Such steps shall include, at a minimum, the following:

(1) Policies and procedures applicable to Department of Defense components engaged in the purchase of electronic parts, including requirements for training personnel, making sourcing decisions, ensuring traceability of parts, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action. The policies and procedures developed by the Secretary under this paragraph shall prioritize mission critical and sensitive components.

(2) The establishment of a system for ensuring that government employees who become aware of, or have reason to suspect, that any end item, component, part, or material contained in supplies purchased by or for the Department of Defense contains counterfeit electronic parts or suspect counterfeit electronic parts are required to provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(3) A process for analyzing, assessing, and acting on reports of counterfeit electronic parts and suspect counterfeit electronic parts that are submitted to the Inspector General of the Department of Defense, contracting officers, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(4) Guidance on appropriate remedial actions in the case of a supplier who has repeatedly failed to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts or otherwise failed to exercise due diligence in the detection and avoidance of such parts, including consideration of whether to suspend or debar a supplier until such time as the supplier has effectively addressed the issues that led to such failures.

(e) TRAFFICKING IN COUNTERFEIT MILITARY GOODS OR SERVICES.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(3) MILITARY GOODS OR SERVICES.—

''(A) IN GENERAL.—A person who commits an offense under paragraph (1) shall be punished in accordance with subparagraph (B) if—

''(i) the offense involved a good or service described in paragraph (1) that if it malfunctioned, failed, or was compromised, could reasonably be foreseen to cause—

''(I) serious bodily injury or death;

''(II) disclosure of classified information;

''(III) impairment of combat operations; or

''(IV) other significant harm to a member of the Armed Forces or to national security; and

''(ii) the person had knowledge that the good or service is falsely identified as meeting military standards or is intended for use in a military or national security application.

''(B) PENALTIES.—

''(i) INDIVIDUAL.—An individual who commits an offense described in subparagraph (A) shall be fined not more than $5,000,000, imprisoned for not more than 20 years, or both.

''(ii) PERSON OTHER THAN AN INDIVIDUAL.—A person other than an individual that commits an offense described in subparagraph (A) shall be fined not more than $15,000,000.

''(C) SUBSEQUENT OFFENSES.—

''(i) INDIVIDUAL.—An individual who commits an offense described in subparagraph (A) after the individual is convicted of an offense under subparagraph (A) shall be fined not more than $15,000,000, imprisoned not more than 30 years, or both.

''(ii) PERSON OTHER THAN AN INDIVIDUAL.—A person other than an individual that commits an offense described in subparagraph (A) after the person is convicted of an offense under subparagraph (A) shall be fined not more than $30,000,000.''; and

(2) in subsection (e)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (3), by striking ''and'' at the end;

(C) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(5) the term 'falsely identified as meeting military standards' relating to a good or service means there is a material misrepresentation that the good or service meets a standard, requirement, or specification issued by the Department of Defense, an Armed Force, or a reserve component; and

''(6) the term 'use in a military or national security application' means the use of a good or service, independently, in conjunction with, or as a component of another good or service—

''(A) during the performance of the official duties of the Armed Forces of the United States or the reserve components of the Armed Forces; or

''(B) by the United States to perform or directly support—

''(i) combat operations; or

''(ii) critical national defense or national security functions.''.

(f) SENTENCING GUIDELINES.—

(1) DEFINITION.—In this subsection, the term ''critical infrastructure'' has the meaning given that term in application note 13(A) of section 2B1.1 of the Federal Sentencing Guidelines.

(2) DIRECTIVE.—The United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of an offense under section 2320(a) of title 18, United States Code, to reflect the intent of Congress that penalties for such offenses be increased for defendants that sell infringing products to, or for the use by or for, the Armed Forces or a Federal, State, or local law enforcement agency or for use in critical infrastructure or in national security applications.

(3) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under paragraph (2), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2B5.3 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in section 2320(a) of title 18, United States Code;

(ii) the need for an effective deterrent and appropriate punishment to prevent offenses under section 2320(a) of title 18, United States Code; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider an appropriate offense level enhancement and minimum offense level for offenses that involve a product used to maintain or operate critical infrastructure, or used by or for an entity of the Federal Government or a State or local government in furtherance of the administration of justice, national defense, or national security;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to the guidelines; and

(E) ensure that the guidelines relating to offenses under section 2320(a) of title 18, United States Code, adequately meet the purposes of sentencing, as described in section 3553(a)(2) of title 18, United States Code.

(4) EMERGENCY AUTHORITY.—The United States Sentencing Commission shall—

(A) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 180 days after the date of the enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(B) pursuant to the emergency authority provided under subparagraph (A), make such conforming amendments to the Federal Sentencing Guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

(g) DEFINITIONS.—

(1) COUNTERFEIT ELECTRONIC PART.—The Secretary of Defense shall define the term ''counterfeit electronic part'' for the purposes of this section. Such definition shall include used electronic parts that are represented as new.

(2) SUSPECT COUNTERFEIT ELECTRONIC PART AND ELECTRONIC PART.—For the purposes of this section:

(A) A part is a ''suspect counterfeit electronic part'' if visual inspection, testing, or other information provide reason to believe that the part may be a counterfeit part.

(B) An ''electronic part'' means an integrated circuit, a discrete electronic component (including but not limited to a transistor, capacitor, resistor, or diode), or a circuit assembly.

Mr. LEVIN. Mr. President, with the acceptance of this unanimous consent request, the Levin-McCain amendment, as modified, has now been agreed to; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. So now before us is the Paul amendment No. 1064, with 30 minutes of debate. I do not see Senator PAUL in the Chamber.

I ask unanimous consent that Senator BAUCUS be added as a cosponsor to our Levin-McCain amendment No. 1092.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1092, AS MODIFIED

Mr. LEVIN. Mr. President, until Senator PAUL gets here to begin debate on his amendment, I would, very briefly, describe what we have described before, which is the anticounterfeiting amendment, which is so important to stop the flow of counterfeit parts into the Department of Defense supply chain.

The amendment is going to do a number of things. It is going to require the Department of Defense and Department of Defense suppliers to purchase electronic parts from original equipment manufacturers and their authorized dealers or from trusted suppliers that meet established standards for detecting and avoiding counterfeit parts.

It establishes requirements for notification, inspection, testing, and authentication of electronic parts that are not available from such suppliers.

It requires Department of Defense officials and Department of Defense contractors that become aware of counterfeit parts in the supply chain to provide written notification to the DOD inspector general, the contracting officer, and the Government-Industry Data Exchange Program or similar program designated by the Secretary of Defense.

It requires enhanced inspection of electronic components imported from countries that have been the source of counterfeit parts in the DOD supply chain—China being the one that is clearly the worst offender in this regard.

It requires large DOD contractors to establish systems for detecting and avoiding counterfeit parts in their supply chains and authorizes reduction of contract payments to contractors that fail to develop adequate systems.

It requires the Department of Defense to adopt policies and procedures for detecting and avoiding counterfeit parts in its own direct purchases and for assessing and acting upon reports of counterfeit parts from DOD officials and DOD contractors.

It authorizes the suspension and debarment of contractors that repeatedly fail to detect and avoid counterfeit parts or otherwise fail to exercise due diligence in the detection and avoidance of counterfeit parts.

The amendment also includes a bill Senator WHITEHOUSE introduced that was passed out of the Judiciary Committee to toughen criminal sentences for counterfeiting military goods or services.

Finally, it requires the Department of Defense to define the term ''counterfeit part,'' which is a critical, long overdue step toward getting a handle on this problem.

I wish to thank Senator MCCAIN, who, with me, held a significant hearing in the area of counterfeit parts, demonstrating that what is going on is that electronic waste—which is shipped from the United States and the rest of the world, mainly to China—is then disassembled by hand, washed in dirty rivers, dried on city sidewalks, sanded down to remove part numbers and other marks that would indicate its quality or performance.

We have millions, literally, that we have identified of used parts that have gotten into the Defense supply chain that are not supposed to be used parts,

that are supposed to be new parts. It is amazing how far the counterfeiters—and particularly in China—are willing to go.

We have asked the U.S. Government Accountability Office, the GAO actually, to use a fake company to go online and buy electronic parts, and the GAO found suppliers that not only sold counterfeit parts—when the GAO sought legitimate parts—they found suppliers that were willing to sell them parts with nonexistent part numbers. All those sellers were in China.

We had example after example of weapons systems that had counterfeit parts in them. They endanger our troops. They endanger our taxpayers. All too often the people who pay for the replacement of counterfeit parts are the taxpayers instead of the contractors. That is going to end under our bill. So all the weapons we identified—lasers that were used for targeting Hellfire missiles; display units that were used in the Air Force's aircraft, the C–27Js, C–130Js, C–17s, CH–46s used by the Marine Corps—those counterfeit parts have gotten into those systems. We are going to put an end to this with this legislation.

I thank my good friend Senator MCCAIN for all the work he and his staff and my staff put in on that hearing in preparing this amendment, which we have now adopted.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator LEVIN and the staff for the thorough job of investigation that was undertaken to identify the counterfeit electronic parts that are penetrating the Department of Defense supply chain.

I thank Senator WHITEHOUSE for his provisions which have been added to the bill from a bill he had introduced in the Judiciary Committee.

At the hearing we had on November 8, the committee received additional evidence to supplement an already robust investigative record, and some very serious issues were raised, including the threat counterfeit electronic parts pose to the safety of our men and women in uniform, to our national security, and to our economy, how counterfeits increase the short- and long-term costs of defense systems, the lack of transparency in the Defense supply chain, and the U.S. relationship with the People's Republic of China.

I see the Senator from Kentucky is on the floor. But I would just like to point out again and emphasize the points the chairman has made.

The problem of counterfeit electronic parts in the Defense supply chain is more serious than most people realize. During its investigation, our committee uncovered over 1,800 incidents, totaling over 1 million parts of counterfeit electronic parts in the Defense supply chain. Suspect counterfeit electronic parts have been installed or delivered to the military for use on thermal weapons sites, on THAAD missile mission computers, and on military aircraft, including the C–27J, C–17, C–130J, P–8A Poseidon, SH–60B, AH–64, and the CH–46.

I do not claim this legislation will solve the problem of counterfeiting from China, the whole issue of intellectual property. Counterfeiting that goes on in other aspects of the world's economy and ours is one that is a very large issue. But at least this is an effort to make sure, as much as we can, that the men and women who serve in our military are not subject to operating systems that could literally endanger their lives—much less the incredible increase of the taxpayers' dollars.

I thank the chairman again and his staff, and I can assure my colleagues this is an issue we will be following very closely in the days and weeks and months ahead.

I note the presence of Senator PAUL, so I ask for the regular order.

AMENDMENT NO. 1064

The PRESIDING OFFICER. There is now 30 minutes of debate, equally divided, on amendment No. 1064.

Mr. LEVIN. I wonder if the Senator from Kentucky would just yield for 30 seconds, not to be taken from his time, so I can answer a question that has been asked of me: What happened to the approximately 35 to 40 amendments which we had cleared? Why were they not part of this unanimous consent request?

The answer is because there are a few Senators, apparently, who do not object to the substance of the amendments but who have other goals they are, at the moment, insisting on. That puts in jeopardy the effort of literally dozens of our colleagues to achieve what is in these cleared amendments, and I hope those few Senators would relent.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1064

Mr. PAUL. Mr. President, I rise in support of bringing the Iraq war to a formal end. President Obama has ordered troops home by January 1. We should rejoice at the conclusion of the war. No matter whether one favored the Iraq war or not, there is a glimmer of hope for democracy to now exist in the Middle East in Iraq.

War is a hellish business and never to be desired. As the famous POW and war hero JOHN MCCAIN once said: ''War is wretched beyond description, and only a fool or a fraud could sentimentalize its cruel reality.''

This vote is more than symbolism. This vote is about the separation of powers. It is about whether Congress should have the power to declare war. The Constitution vested that power in Congress, and it was very important. Our Founding Fathers did not want all the power to gravitate to the Executive. They feared very much a King, and so they limited the power of the Executive.

When Franklin walked out of the Constitutional Convention, a woman asked him: What have you brought us? Was it going to be a republic, a democracy, a monarchy?

He said: A republic, if you can keep it.

In order to keep a republic, we have to have checks and balances. But we have to obey the rule of law.

Madison wrote:

> The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. The Constitution has, therefore, with studied care, vested the [power] to declare war in [Congress].

When we authorize the war in Iraq, we give the President the power to go to war, and the Constitution gives the power to the President to execute the war. All the infinite decisions that are made in war—most of them are made by the executive branch. But the power to declare war is Congress's. This division was given to make there be a division of powers, a separation of powers, to allow there to be a reluctance to go to war.

We have this vote now to try to reclaim the authority.

If we do not reclaim the authority to declare war or to authorize war, it will mean our kids or our grandkids or our great-grandkids could be sent to a war in Iraq with no debate, with no vote of Congress. We have been at war for nearly 10 years in Iraq. We are coming home. And we should rejoice at the war's end. But we need to reclaim that authority. If we leave an open-ended authority out there that says to the President—or any President; not this particular President, it could be any President—if we leave that authority out there, we basically abdicate our duty, we abdicate the role of Congress. There are supposed to be checks and balances between Congress and the President.

So what I am asking is that Congress today reclaim the authority to declare war and at the same time we celebrate that this is an end to something that no one should desire.

As Senator MCCAIN has pointed out, as many have pointed out, Dwight Eisenhower pointed out the same thing: If you want to know the hellish of war, talk to someone who has been to war.

But that is why this power is too important to be given to one person and to be left in the hands of one person—a President of either party.

So the vote today will be about reclaiming that authority, reclaiming the authority of Congress to declare war. I would recommend that we have a vote and that the vote today be in favor of deauthorizing the war in Iraq.

It is not just I who have pointed this out. The first President of the United States wrote:

> The Constitution vests the power of declaring war in Congress; therefore, no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such a measure.

This has been recognized by Presidents from the beginning of the history

of our country. The problem is that if we do not give it up, that power is left out there, and it is a power lost to Congress.

Frank Chodorov wrote:

All wars come to an end, at least temporarily. But the authority acquired by the states hangs on; political power never abdicates.

This is a time to reclaim that power. It is an important constitutional question. I hope those Senators will consider this seriously and consider a vote to reclaim the authority to declare war.

I reserve the reminder of my time and temporarily yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to first of all thank the Senator from Kentucky for quoting me. It is always a very pleasant experience as long as it is something that one would admire. On several occasions, I have been quoted in ways that I wish I had observed what my old friend Congressman Morris Udall used to say is the politician's prayer: May the words that I utter today be tender and sweet because tomorrow I may have to eat them. So I want to thank the Senator from Kentucky for his kind words.

I also want to praise the Senator from Kentucky, who is a person who has come here with a firm conviction that he not only has principles but he intends to act on those principles in as impactful a way as possible and represent the people of Kentucky in a very activist fashion. He has my admiration. However, I would rise in opposition to the amendment.

I would like to read from a letter that was sent to the chairman and to me from the Chairman of the Joint Chiefs of Staff and the Secretary of Defense.

This week, as you consider the National Defense Authorization Act, the Department of Defense would like to respond to your request for views on the amendment offered by Senator PAUL which would repeal the Authorization for the Use of Military Force in Iraq. U.S. Forces are now in the final stages of coming home by the end of 2011. We are moving to a new phase in the relationship between our two countries and equal partnership based on mutual interests and mutual respect.

While amendment No. 1064 echoes the President's policy, we cannot support the amendment as drafted. Outright and complete repeal of the AUMF–I, which is the Authorization for the Use of Military Force in Iraq, withdraws all Congressional support for any limited windup activities normally associated with ending a war. Thank you very much for your continued efforts.

The Department of Defense sent over an unclassified response that was approved by several members of the Pentagon. It says: Although we are implementing the U.S.-Iraqi security agreement in full and pulling out all of our forces by the end of the year, we still have a limited number of DOD personnel under the Chief of Mission Authority to staff the Office of Security Cooperation-Iraq. Because there may be elements that would choose this time of transition to attempt to do harm to these personnel, it is essential that the Department of Defense retain the authority and flexibility to respond to such threats. The AUMF–I provides these authorities. The administration has worked closely with Congress in circumstances where it has been necessary to rely on the AUMF, and it would continue to do so should the need arise.

In other words, and unfortunately, Iraq remains a dangerous place. We will have the largest contingent of Americans as part of the embassy there as we withdraw our combat troops. Some 16,000 Americans will man our embassy and consulates in Iraq, and unfortunately there are great signs of instability in Iraq. Al-Sadr has said that any remaining American troops will be a target. The Iranians continue to encourage attacks on Americans. There are significant divisions within the country which are beginning to widen, such as Sunni-Shia, the area around Kirkuk, increasing Iranian influence in the country.

I will refrain from addressing the deep concerns I had before the agreement to completely withdraw took place. I will leave that out of this discussion because I feel the decision that was clearly made not to keep a residual force in the country, which was made by this administration and which is the subject for debate on another day, has placed the remaining Americans in significant jeopardy. As I say, that is 16,000 Americans to carry out the postwar commitments we have made to Iraq to help them rebuild their country after many years of war and bloodshed.

I certainly understand the aim of the Senator from Kentucky. The President campaigned for President of the United States committing to withdraw all of our troops from Iraq. He is now achieving that goal. But I think it would be very serious to revoke all authority that we might have in order to respond to possible unrest and disruption within the country that might require the presence, at least on some level or another, of American troops to safeguard those 16,000 Americans who will be remaining in Iraq when our troops withdraw. So I argue that the amendment be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I, too, will oppose the Paul amendment for the repeal of the authorization for the use of military force in Iraq for a number of reasons, but I think mainly there are just too many unknown, uncertain consequences of repealing this authority, including the need to protect our troops. I am unwilling to take this risk during the critical transition period and not knowing precisely what will happen after that transition either.

By the way, I take this position as someone who opposed the use of military force in Iraq to begin with. Back in October 2002 when Congress voted on the authorization to use military force in Iraq, I did not support it. I thought it was a mistake to do that and offered an alternative resolution that would have authorized the use of force if the United Nations Security Council supported that use of force. So I take a position here opposing the repeal of the authorization although I opposed the authorization itself in the first instance. It is an unusual position to be in. I want to explain why it is that I oppose the repeal of this authorization.

First, the drawdown appears to be on track to be completed by December 31, but there can always be unforeseen circumstances that could delay that date. There is no provision in this bill for the possibility of an extension or a modification of that date. I would be reluctant to see it modified or extended. I must say that I do not want to preclude the possibility by ending something in advance—ending an authorization in advance of circumstances arising that might require for days, weeks, months the extension or modification of the current decision to withdraw our forces by December 31.

Second, we simply do not know the consequences of repealing the authorization. Let me give a few examples. What about ongoing lawsuits in U.S. courts arising from actions by U.S. personnel that were authorized under this authorization for the use of military force? Would repeal of the authorization for the use of force have an effect? It is unknown to me. I don't know how many lawsuits there are. But what is the impact on this? That is something which surely we should want to know.

By the way, we authorized the use of force in the first gulf war. We did not repeal that authorization. Technically, that authorization continues. It has done no harm that I can see.

Third, the Paul amendment raises issues for our detention authority in Iraq. This is not an abstract concern. Currently, the administration is in the process of deciding how to deal with one high-value detainee in U.S. custody whose name is Ali Mussa Daqduq. He is suspected of having organized a 2007 kidnapping in Iraq that resulted in the deaths of five U.S. servicemembers. He is also tied to Hezbollah.

The United States is relying on the authority of the AUMF—the authorization for the use of military force in Iraq—to continue to detain Daqduq. U.S. officials are still in discussions with the Government of Iraq over the ultimate disposition of Daqduq, including possibly releasing him to U.S. custody either in Iraq or somewhere else.

Repeal of the AUMF could limit the administration's options for dealing with Daqduq after January of 2012. Would it limit those options? We don't know.

Should we pass something as dramatic as a repeal of an authorization at this time without knowing what the consequences are in the real world to our interests? I don't think we can

take that chance, so I would oppose the amendment of the Senator from Kentucky.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I would like to rise in support of the statements made by Senators MCCAIN and LEVIN.

I do not have that good a feeling about Iraq, quite frankly. I am not very confident at all that the worst is behind us. I am hopeful that we can withdraw our troops and that nothing bad will happen in Iraq, but, as Senator LEVIN just described, the implications of repealing the authorization to use military force are wide, varied, and uncertain.

What do you get by repealing this? You can go back home and say you did something that—I do not know what you get. I mean, I really do not. I do not know what we gain as a nation by taking the contingencies of using military force off the table as we try to wind down.

I just don't see the upside, quite frankly. I know the reality of what our troops face and why the Department of Defense would want to continue to have this authorization until we get Iraq behind us. At the end of the day, 4,400 people plus have lost their lives, thousands have been wounded and maimed—not counting the Iraqis who have lost their lives and have been wounded and maimed trying to create order out of chaos.

As we move forward as a body, I don't see the upside to those who are doing the fighting and who have to deal with complications of this long, protracted war by us repealing the authorization at a time when it may be necessary to have it in place. If there is any doubt in your mind about what Senators LEVIN and MCCAIN say and what the Department of Defense says about the need for this to be continued, I ask you to give the benefit of the doubt to the DOD. You don't have to; I just think it is a wise thing to do because what we gain by repealing it—I am not sure what that is in any real sense.

By having the authorization in place for a while longer, I understand how that could help those who are fighting in Iraq and the follow-on needs that come as we transition. I ask the body to be cautious, and if you have any doubt that Senator MCCAIN's or Senator LEVIN's concerns are real, I think now is the time to defer to the Department of Defense and give them the tools they need to finish the operations in Iraq.

I will close with this one thought. The vacuum created by the fact that we will not have any troops in 2012 can be filled in a very bad way if we don't watch it. The Kurd-Arab problem could wind up in open warfare. The Iranian influence in Iraq is growing as we speak. We do have troops and civilian personnel in the country, and we will have a lot next year. I think out of an abundance of caution we ought to leave the tools in place that the Department of Defense says they need to finish this out.

I urge my colleagues to err on the side of giving the Department of Defense the authorization they need to protect those who will be left behind.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. It disappoints me that President Obama opposes a formal end to the Iraq war, but it doesn't surprise me. As a candidate, he was outspoken against the war and for ending the war: He will be bringing the troops home. But this vote in this debate is not necessarily just about bringing the troops home. This is a debate over power. The executive branch wants to keep the unlimited power to commit troops to war. This is about who holds the power.

The Founding Fathers intended that Congress should hold the power. This vote is about whether we will continue to abdicate that power and give up that power to the Executive. That allows for no checks and balances. We need to have checks and balances. It is what our Founding Fathers intended.

With regard to defending ourselves, there is authorization for the President to always defend the Nation using force. There is authorization for every embassy around the world to defend the embassy. That is why we have soldiers there. We have agreements with the host country that the host military is supposed to support the embassy. If that fails, we have our own soldiers. We have these agreements around the world. There is nothing that says we cannot use force. This says we are reclaiming the power to declare war, and we will not have another war with hundreds of thousands of troops without a debate. Should not the public and Congress debate it before we commit troops to war?

This war is coming to a close. I suggest that we should be proud of it. I hope people will support this amendment.

I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise to support Senator PAUL's amendment to revoke war authority. We have heard on the floor that the consequences of revoking authority are vague and uncertain. Indeed, my team has been seeking a reply from the Department of Defense as to whether there were any conditions we should be alerted to or whether this would create a problem. At the last minute, we appear to have a memo—which has not come to my office—that says there are possible complications.

Well, let's be clear. The executive branch never wants to hand back authority it has been granted. It always wants to retain maximum flexibility. But as my colleague has pointed out, this is an issue of constitutional authority. We had a constitutional discussion about authorizing action in Iraq and, certainly contrary to my opinion, this body supported that action. But now the President is bringing this war to an end.

Doesn't it make sense, then, that we end the authority that went with this war and call a formal end to this battle? The issue has been raised that there might be something that happens in the future. Isn't that true for every country on this planet, that something might happen in the future? Something might happen in Somalia or in Yemen or in any nation in the world. Indeed, under the War Powers Act, the President has the ability to respond immediately. He doesn't need to come to this body for 60 days. So there is extensive flexibility that would go with Iraq just as it goes with every other country, in addition to the authority that has been granted to pursue al-Qaida and associated forces around the world.

When, if not now, should we revoke this authority? Do we say that once granted, at any point in the future the administration can go back to war without the authorization of this body? It is time for us to reclaim the authority of Congress. Should the circumstances arise that the President feels the need to go back into a war mode versus many of the other uses of force that are already authorized under other provisions, then he would have 60 days. He could come back to this body and say: These are the changed circumstances. Under the Constitution, will you grant the power to renew or create a new force of war in that country? Then we can hold that debate in a responsible manner.

But this open-ended commitment under these circumstances doesn't make sense. Congress has yielded its authority under the Constitution far too often to the executive branch. So many times this body has failed to do its fair share under our constitutional framework.

This amendment before us today makes sense in the context of a withdrawal of troops and provides plenty of flexibility to undertake any security issues that might arise in the future. For that reason, I urge my colleagues to support the Paul amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PAUL. Mr. President, is it appropriate to call for the yeas and nays at this point?

The PRESIDING OFFICER. It is.

Mr. PAUL. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Kentucky has 4 minutes remaining.

Mr. PAUL. I will yield back my time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, under the previous order, I think we were going to debate both amendments and

vote in a few moments. That is what I understood.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. How long will the Senator take?

Ms. LANDRIEU. Up to 10 minutes.

Mr. MCCAIN. All right.

AMENDMENT NO. 1115, AS MODIFIED

Ms. LANDRIEU. The Senators have done such a good job managing this bill. I appreciate the opportunity to offer this amendment and to be paired with this important amendment that the Senators from Kentucky and Oregon have offered. I will explain it briefly because a longer explanation would not be necessary.

This body is very familiar with the reauthorization of the SBIR Program. The reason I believe the chairman and ranking member allowed me to offer this amendment with Senator SNOWE is twofold. One, it has a bearing on the Department of Defense in that the Department of Defense is the largest contributor to the SBIR and STTR programs, the two most important research and development programs for small business that the Federal Government runs and operates. The Senators know full well the importance for the Department of Defense and therefore extrapolate correctly the importance of this program for all of our agencies.

We take a small portion of the research and development dollars for all Federal agencies and basically direct it to small business. There are some good reasons for that, which I will put in the RECORD. As written by one of the advocates supporting the program—and I will put this into the RECORD—she writes:

> The SBIR/STTR funding award process spawns competition among high-tech businesses. Scientists and engineers propose their best technological concepts to solve a problem of national interest. The best of the best of these technical concepts are selected for funding. Thus, this funding mechanism assures that the thinking minds continuously work on producing the most practical solutions to engineering problems.

Whether it is our soldiers in the field or our scientists at NASA or whether it is our scientists and engineers struggling to understand the oceans or better communication technology, they go to the SBIR and STTR programs and look for some of the cutting edge ideas. We invest in them, and many of those ideas go commercial for the benefit of everyone, taxpayers included.

She goes on to write:

> Small businesses develop niche products that are not mass produced overseas. Thus, it helps our employment situation [right here at home]. The employees of a high-tech company are highly educated professionals belonging to a high income group who contribute substantially to the tax pool and the economy.

Finally, she says:

> Small businesses are job creators. We hear that large companies are sitting on trillions of dollars in cash, yet not investing in job creation. Small businesses often operate on a very thin to no profit margin and hire staff on borrowed money. . . . This is because growth is the mantra for small businesses for survival.

If they don't grow, they don't survive. This small business research program is so important. The reason I am here tonight asking my colleagues to vote on this amendment on the Defense bill is that it is relevant. It is also important. We are 5 years late. This program should have been authorized 5 years ago.

I inherited this situation when I became chairman of the Small Business and Entrepreneurship Committee. As you know, I have worked diligently with colleagues on both sides of the aisle to move this debate forward and to advance the ball. That is what we are going to do tonight. We are, hopefully, going to pass this with more than the 60 votes necessary.

This bill came out of the Small Business Committee on a vote of 17 to 1. It was just broadly bipartisan in its appeal. It is sponsored by my ranking member, Senator SNOWE, who has been one of the strongest advocates for small business in the Senate—not just for this year but for many years. She sponsored this bill along with Senators SHAHEEN, BROWN, and KERRY. With Senator MCCAIN and Senator LEVIN's help, along with the cosponsors of this amendment, I ask my colleagues to vote favorably for it tonight. Again, we are 5 years overdue. It is an important program to get authorized so that the folks operating our programs at all of the departments can have some confidence that the program is going to go on, that they can even do a better job than they have been doing, and we can get these investments out to small businesses that are game changers in America, creating new technology and, most importantly, creating the jobs that America needs right here at home.

I don't see anyone else to speak on the amendment. I think that would probably be all the time that we need. I hope that is a signal that there is no opposition to the amendment. Perhaps we can do a voice vote or have a very strong vote for reauthorizing the small business research program. Again, that is so meritorious and so necessary for the investment of small business in America today.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, first, while Senator LANDRIEU is here—because she, I know, is going to be interested in this and is right on top of this—I want to assure her it was our intention with the previous order to have the Landrieu amendment No. 1115 modified with the changes that are at the desk, and so I now ask unanimous consent that the amendment be modified with those changes, and that our previous order with respect to the vote in relation to the Landrieu amendment be modified as well.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1115), as modified, is as follows:

At the end, add the following:

DIVISION E—SBIR AND STTR REAUTHORIZATION

SEC. 5001. SHORT TITLE.

This division may be cited as the ''SBIR/STTR Reauthorization Act of 2011''.

SEC. 5002. DEFINITIONS.

In this division—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 5003. REPEAL.

Subtitle E of title VIII of this Act is amended by striking section 885.

TITLE LI—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 5101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2011'' and inserting ''2019, except as provided in subsection (cc)''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2011'' and inserting ''2019''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The Continuing Appropriations Act, 2012 (Public Law 112–36), as amended by division D of the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112–55), is amended by striking section 123.

SEC. 5102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

''(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

''(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

''(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.''.

SEC. 5103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''Each'' and inserting ''Except as provided in paragraph (2)(B), each'';

(B) in subparagraph (B), by striking ''and'' at the end; and

(C) by striking subparagraph (C) and inserting the following:

''(C) not less than 2.5 percent of such budget in fiscal year 2013;

''(D) not less than 2.6 percent of such budget in fiscal year 2014;

''(E) not less than 2.7 percent of such budget in fiscal year 2015;

''(F) not less than 2.8 percent of such budget in fiscal year 2016;

''(G) not less than 2.9 percent of such budget in fiscal year 2017;

''(H) not less than 3.0 percent of such budget in fiscal year 2018;

''(I) not less than 3.1 percent of such budget in fiscal year 2019;

''(J) not less than 3.2 percent of such budget in fiscal year 2020;

''(K) not less than 3.3 percent of such budget in fiscal year 2021;

''(L) not less than 3.4 percent of such budget in fiscal year 2022; and

''(M) not less than 3.5 percent of such budget in fiscal year 2023 and each fiscal year thereafter,'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking ''A Federal agency'' and inserting the following:

''(A) IN GENERAL.—A Federal agency''; and

(C) by adding at the end the following:

''(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

''(i) may not be used for new Phase I or Phase II awards; and

''(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.''; and

(3) by adding at the end the following:

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).''.

SEC. 5104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''thereafter.'' and inserting ''through fiscal year 2012;'';

(3) by adding at the end the following:

''(iii) 0.4 percent for fiscal years 2013 and 2014;

''(iv) 0.5 percent for fiscal years 2015 and 2016; and

''(v) 0.6 percent for fiscal year 2017 and each fiscal year thereafter.''; and

(4) by adding at the end the following:

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).''.

SEC. 5105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking ''once every 5 years to reflect economic adjustments and programmatic considerations'' and inserting ''every year for inflation''; and

(2) in subsection (p)(2)(B)(ix), as amended by subsection (b) of this section, by inserting ''(each of which the Administrator shall adjust for inflation annually)'' after ''$1,000,000,''.

(d) LIMITATION ON SIZE OF AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(aa) LIMITATION ON SIZE OF AWARDS.—

''(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

''(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

''(A) the amount of each award;

''(B) a justification for exceeding the award amount;

''(C) the identity and location of each award recipient; and

''(D) whether an award recipient has received any venture capital investment and, if so, whether the recipient is majority-owned by multiple venture capital operating companies.

''(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.''.

SEC. 5106. AGENCY AND PROGRAM FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(bb) SUBSEQUENT PHASE II AWARDS.—

''(1) AGENCY FLEXIBILITY.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive a subsequent Phase II award from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

''(2) SBIR AND STTR PROGRAM FLEXIBILITY.—A small business concern that received an award under this section under the SBIR program or the STTR program may receive a subsequent Phase II award in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).

''(3) PREVENTING DUPLICATIVE AWARDS.—Before making an award under paragraph (1) or (2), the head of a Federal agency shall verify that the project to be performed with the award has not been funded under the SBIR program or STTR program of another Federal agency.''.

SEC. 5107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking ''to further'' and inserting: ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further''; and

(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that''.

SEC. 5108. PARTICIPATION BY FIRMS WITH SUBSTANTIAL INVESTMENT FROM MULTIPLE VENTURE CAPITAL OPERATING COMPANIES IN A PORTION OF THE SBIR PROGRAM.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(cc) PARTICIPATION OF SMALL BUSINESS CONCERNS MAJORITY-OWNED BY VENTURE CAPITAL OPERATING COMPANIES IN THE SBIR PROGRAM.—

''(1) AUTHORITY.—Upon a written determination described in paragraph (2) provided to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives not later than 30 days before the date on which an award is made—

''(A) the Director of the National Institutes of Health, the Secretary of Energy, and the Director of the National Science Foundation may award not more than 25 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns; and

''(B) the head of a Federal agency other than a Federal agency described in subparagraph (A) that participates in the SBIR program may award not more than 15 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns.

''(2) DETERMINATION.—A written determination described in this paragraph is a written determination by the head of a Federal agency that explains how the use of the authority under paragraph (1) will—

''(A) induce additional venture capital funding of small business innovations;

''(B) substantially contribute to the mission of the Federal agency;

''(C) demonstrate a need for public research; and

''(D) otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

''(3) REGISTRATION.—A small business concern that is majority-owned by multiple venture capital operating companies and qualified for participation in the program authorized under paragraph (1) shall—

''(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

''(B) indicate in any SBIR proposal that the small business concern is registered under subparagraph (A) as majority-owned by multiple venture capital operating companies.

''(4) COMPLIANCE.—

''(A) IN GENERAL.—The head of a Federal agency that makes an award under this subsection during a fiscal year shall collect and submit to the Administrator data relating to the number and dollar amount of Phase I awards, Phase II awards, and any other category of awards by the Federal agency under the SBIR program during that fiscal year.

''(B) ANNUAL REPORTING.—The Administrator shall include as part of each annual report by the Administration under subsection (b)(7) any data submitted under subparagraph (A) and a discussion of the compliance of each Federal agency that makes an award under this subsection during the fiscal year with the maximum percentages under paragraph (1).

''(5) ENFORCEMENT.—If a Federal agency awards more than the percent of the funds allocated for the SBIR program of the Federal agency authorized under paragraph (1) for a purpose described in paragraph (1), the head of the Federal agency shall transfer an amount equal to the amount awarded in excess of the amount authorized under paragraph (1) to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency not later than 180 days after the date on which the Federal agency made the award that caused the total awarded under paragraph (1) to be more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).

''(6) FINAL DECISIONS ON APPLICATIONS UNDER THE SBIR PROGRAM.—

''(A) DEFINITION.—In this paragraph, the term 'covered small business concern' means a small business concern that—

''(i) was not majority-owned by multiple venture capital operating companies on the date on which the small business concern submitted an application in response to a solicitation under the SBIR programs; and

''(ii) on the date of the award under the SBIR program is majority-owned by multiple venture capital operating companies.

''(B) IN GENERAL.—If a Federal agency does not make an award under a solicitation under the SBIR program before the date that is 9 months after the date on which the period for submitting applications under the solicitation ends—

''(i) a covered small business concern is eligible to receive the award, without regard to whether the covered small business concern meets the requirements for receiving an award under the SBIR program for a small business concern that is majority-owned by multiple venture capital operating companies, if the covered small business concern meets all other requirements for such an award; and

''(ii) the head of the Federal agency shall transfer an amount equal to any amount awarded to a covered small business concern under the solicitation to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency, not later than 90 days after the date on which the Federal agency makes the award.

''(7) EVALUATION CRITERIA.—A Federal agency may not use investment of venture capital as a criterion for the award of contracts under the SBIR program or STTR program.

''(8) TERMINATION.—The authority under this subsection shall terminate on September 30, 2016.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(aa) VENTURE CAPITAL OPERATING COMPANY.—In this Act, the term 'venture capital operating company' means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).''.

(c) RULEMAKING TO ENSURE THAT FIRMS THAT ARE MAJORITY-OWNED BY MULTIPLE VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN A PORTION OF THE SBIR PROGRAM.—

(1) STATEMENT OF CONGRESSIONAL INTENT.—It is the stated intent of Congress that the Administrator should promulgate regulations to carry out the authority under section 9(cc) of the Small Business Act, as added by this section, that—

(A) permit small business concerns that are majority-owned by multiple venture capital operating companies to participate in the SBIR program in accordance with section 9(cc) of the Small Business Act;

(B) provide specific guidance for small business concerns that are majority-owned by multiple venture capital operating companies with regard to eligibility, participation, and affiliation rules; and

(C) preserve and maintain the integrity of the SBIR program as a program for small business concerns in the United States, prohibiting large businesses or large entities or foreign-owned businesses or entities from participation in the program established under section 9 of the Small Business Act.

(2) RULEMAKING REQUIRED.—

(A) PROPOSED REGULATIONS.—Not later than 4 months after the date of enactment of this Act, the Administrator shall issue proposed regulations to amend section 121.103 (relating to determinations of affiliation applicable to the SBIR program) and section 121.702 (relating to ownership and control standards and size standards applicable to the SBIR program) of title 13, Code of Federal Regulations, for firms that are majority-owned by multiple venture capital operating companies and participating in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(B) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and after providing notice of and opportunity for comment on the proposed regulations issued under subparagraph (A), the Administrator shall issue final or interim final regulations under this subsection.

(3) CONTENTS.—

(A) IN GENERAL.—The regulations issued under this subsection shall permit the participation of applicants majority-owned by multiple venture capital operating companies in the SBIR program in accordance with section 9(cc) of the Small Business Act, as added by this section, unless the Administrator determines—

(i) in accordance with the size standards established under subparagraph (B), that the applicant is—

(I) a large business or large entity; or

(II) majority-owned or controlled by a large business or large entity; or

(ii) in accordance with the criteria established under subparagraph (C), that the applicant—

(I) is a foreign business or a foreign entity or is not a citizen of the United States or alien lawfully admitted for permanent residence; or

(II) is majority-owned or controlled by a foreign business, foreign entity, or person who is not a citizen of the United States or alien lawfully admitted for permanent residence.

(B) SIZE STANDARDS.—Under the authority to establish size standards under paragraphs (2) and (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)), the Administrator shall, in accordance with paragraph (1) of this subsection, establish size standards for applicants seeking to participate in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(C) CRITERIA FOR DETERMINING FOREIGN OWNERSHIP.—The Administrator shall establish criteria for determining whether an applicant meets the requirements under subparagraph (A)(ii), and, in establishing the criteria, shall consider whether the criteria should include—

(i) whether the applicant is at least 51 percent owned or controlled by citizens of the United States or domestic venture capital operating companies;

(ii) whether the applicant is domiciled in the United States; and

(iii) whether the applicant is a direct or indirect subsidiary of a foreign-owned firm, including whether the criteria should include that an applicant is a direct or indirect subsidiary of a foreign-owned entity if—

(I) any venture capital operating company that owns more than 20 percent of the applicant is a direct or indirect subsidiary of a foreign-owned entity; or

(II) in the aggregate, entities that are direct or indirect subsidiaries of foreign-owned entities own more than 49 percent of the applicant.

(D) CRITERIA FOR DETERMINING AFFILIATION.—The Administrator shall establish criteria, in accordance with paragraph (1), for determining whether an applicant is affiliated with a venture capital operating company or any other business that the venture capital operating company has financed and, in establishing the criteria, shall specify that—

(i) if a venture capital operating company that is determined to be affiliated with an applicant is a minority investor in the applicant, the portfolio companies of the venture capital operating company shall not be determined to be affiliated with the applicant, unless—

(I) the venture capital operating company owns a majority of the portfolio company; or

(II) the venture capital operating company holds a majority of the seats on the board of directors of the portfolio company;

(ii) subject to clause (i), the Administrator retains the authority to determine whether a venture capital operating company is affiliated with an applicant, including establishing other criteria;

(iii) the Administrator may not determine that a portfolio company of a venture capital operating company is affiliated with an applicant based solely on one or more shared investors; and

(iv) subject to clauses (i), (ii), and (iii), the Administrator retains the authority to determine whether a portfolio company of a venture capital operating company is affiliated with an applicant based on factors independent of whether there is a shared investor, such as whether there are contractual obligations between the portfolio company and the applicant.

(4) ENFORCEMENT.—If the Administrator does not issue final or interim final regulations under this subsection on or before the date that is 1 year after the date of enactment of this Act, the Administrator may not carry out any activities under section 4(h) of the Small Business Act (15 U.S.C. 633(h)) (as continued in effect pursuant to the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742)) during the period beginning on the date that is 1 year and 1 day after the date of enactment of this Act, and ending on the date on which the final or interim final regulations are issued.

(5) DEFINITION.—In this subsection, the term ''venture capital operating company'' has the same meaning as in section 3(aa) of

the Small Business Act, as added by this section.

(d) ASSISTANCE FOR DETERMINING AFFILIATES.—

(1) CLEAR EXPLANATION REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the Web site of the Administration (with a direct link displayed on the homepage of the Web site of the Administration or the SBIR and STTR Web sites of the Administration)—

(A) a clear explanation of the SBIR and STTR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(B) contact information for officers or employees of the Administration who—

(i) upon request, shall review an issue relating to the rules described in subparagraph (A); and

(ii) shall respond to a request under clause (i) not later than 20 business days after the date on which the request is received.

(2) INCLUSION OF AFFILIATION RULES FOR CERTAIN SMALL BUSINESS CONCERNS.—On and after the date on which the final regulations under subsection (c) are issued, the Administrator shall post on the Web site of the Administration information relating to the regulations, in accordance with paragraph (1).

SEC. 5109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

''(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.''.

SEC. 5110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

''(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

''(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

''(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

''(2) PROHIBITION.—No Federal agency shall—

''(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

''(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

''(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

''(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

''(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.''.

SEC. 5111. NOTICE REQUIREMENT.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(12) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program of the Federal agency; and''.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (15);

(2) in paragraph (16), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (16) as paragraph (15); and

(4) by adding at the end the following:

''(16) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the STTR program of the Federal agency.''.

SEC. 5112. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE II AWARDS FOR SBIR OR STTR FUNDED PROJECTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ee) ADDITIONAL PHASE II SBIR AND STTR AWARDS.—A small business concern that receives a Phase II SBIR award or a Phase II STTR award for a project remains eligible to receive an additional Phase II SBIR award or Phase II STTR award for that project.''.

TITLE LII—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 5201. RURAL AND STATE OUTREACH.

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

''(s) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—

''(1) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) APPLICANT.—The term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this subsection.

''(B) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under this subsection.

''(C) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this subsection.

''(D) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

''(E) DEFINITIONS RELATING TO MENTORING NETWORKS.—The terms 'business advice and counseling', 'mentor', and 'mentoring network' have the meanings given those terms in section 34(e).

''(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

''(3) GRANTS AND COOPERATIVE AGREEMENTS.—

''(A) JOINT REVIEW.—In carrying out the FAST program, the Administrator and the program managers for the SBIR program and STTR program at the National Science Foundation, the Department of Defense, and any other Federal agency determined appropriate by the Administrator shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this subsection based on the factors for consideration set forth in subparagraph (B), in order to enhance or develop in a State—

''(i) technology research and development by small business concerns;

''(ii) technology transfer from university research to technology-based small business concerns;

''(iii) technology deployment and diffusion benefitting small business concerns;

''(iv) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

''(I) State and local development agencies and entities;

''(II) representatives of technology-based small business concerns;

''(III) industries and emerging companies;

''(IV) universities; and

''(V) small business development centers; and

''(v) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program or STTR program, including initiatives—

''(I) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR or STTR proposals;

''(II) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 34;

''(III) to create or participate in a training program for individuals providing SBIR or STTR outreach and assistance at the State and local levels; and

''(IV) to encourage the commercialization of technology developed through funding under the SBIR program or the STTR program.

''(B) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this subsection, the Administrator and the program managers referred to in subparagraph (A)—

''(i) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this subsection to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program or STTR program; and

''(ii) shall consider, at a minimum—

''(I) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it

is important to use Federal funding for the proposed activities;

''(II) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State or an area of the State, as measured by the number of Phase I and Phase II SBIR awards that have historically been received by small business concerns in the State or area of the State;

''(III) whether the projected costs of the proposed activities are reasonable;

''(IV) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State;

''(V) the manner in which the applicant will measure the results of the activities to be conducted; and

''(VI) whether the proposal addresses the needs of small business concerns—

''(aa) owned and controlled by women;

''(bb) that are socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A));

''(cc) that are HUBZone small business concerns;

''(dd) located in areas that have historically not participated in the SBIR and STTR programs;

''(ee) owned and controlled by service-disabled veterans;

''(ff) owned and controlled by Native Americans; and

''(gg) located in geographic areas with an unemployment rate that exceeds the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.

''(C) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this subsection to provide services in any one State in any 1 fiscal year.

''(D) PROCESS.—Proposals and applications for assistance under this subsection shall be in such form and subject to such procedures as the Administrator shall establish. The Administrator shall promulgate regulations establishing standards for the consideration of proposals under subparagraph (B), including standards regarding each of the considerations identified in subparagraph (B)(ii).

''(4) COOPERATION AND COORDINATION.—In carrying out the FAST program, the Administrator shall cooperate and coordinate with—

''(A) Federal agencies required by this section to have an SBIR program; and

''(B) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

''(i) State and local development agencies and entities;

''(ii) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

''(iii) State science and technology councils; and

''(iv) representatives of technology-based small business concerns.

''(5) ADMINISTRATIVE REQUIREMENTS.—

''(A) COMPETITIVE BASIS.—Awards and cooperative agreements under this subsection shall be made or entered into, as applicable, on a competitive basis.

''(B) MATCHING REQUIREMENTS.—

''(i) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this subsection shall be—

''(I) except as provided in clause (iii), 35 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 18 States receiving the fewest Phase I SBIR awards;

''(II) except as provided in clause (ii) or (iii), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 16 States receiving the greatest number of Phase I SBIR awards; and

''(III) except as provided in clause (ii) or (iii), 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in subclause (I) or (II) that is receiving Phase I SBIR awards.

''(ii) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(B)(ii)(I) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of clause (i).

''(iii) RURAL AREAS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a rural area.

''(II) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in clause (i)(I), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in the rural area.

''(III) DEFINITION OF RURAL AREA.—In this clause, the term 'rural area' has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.

''(iv) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

''(v) RANKINGS.—For the first full fiscal year after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and each fiscal year thereafter, based on the statistics for the most recent full fiscal year for which the Administrator has compiled statistics, the Administrator shall reevaluate the ranking of each State for purposes of clause (i).

''(C) DURATION.—Awards may be made or cooperative agreements entered into under this subsection for multiple years, not to exceed 5 years in total.

''(6) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

''(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

''(B) a list of recipients under this subsection, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

''(C) the Mentoring Networks and the mentoring database, as provided for under section 34, including—

''(i) the status of the inclusion of mentoring information in the database required by subsection (k); and

''(ii) the status of the implementation and description of the usage of the Mentoring Networks.

''(7) PROGRAM LEVELS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this subsection and section 34, $15,000,000 for each of fiscal years 2011 through 2016.

''(B) MENTORING DATABASE.—Of the total amount made available under subparagraph (A) for fiscal years 2011 through 2016, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 34(d).

''(8) TERMINATION.—The authority to carry out the FAST program under this subsection shall terminate on September 30, 2016.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 34 (15 U.S.C. 657d);

(2) by redesignating sections 35 through 43 as sections 34 through 42, respectively;

(3) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking ''section 35(d)'' and inserting ''section 34(d)'';

(4) in section 34 (15 U.S.C. 657e), as so redesignated—

(A) in subsection (c)(1), by striking ''section 34(c)(1)(E)(ii)'' and inserting ''section 9(s)(3)(A)(v)(II)'';

(B) by striking ''section 34'' each place it appears and inserting ''section 9(s)''; and

(C) by adding at the end the following:

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) BUSINESS ADVICE AND COUNSELING.—The term 'business advice and counseling' means providing advice and assistance on matters described in subsection (c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

''(2) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under section 9(s).

''(3) MENTOR.—The term 'mentor' means an individual described in subsection (c)(2).

''(4) MENTORING NETWORK.—The term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of subsection (c).

''(5) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

''(6) SBIR PROGRAM.—The term 'SBIR program' has the same meaning as in section 9(e)(4).

''(7) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

''(8) STTR PROGRAM.—The term 'STTR program' has the same meaning as in section 9(e)(6).'';

(5) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42'';

(6) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42''; and

(7) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking ''section 43'' and inserting ''section 42''.

SEC. 5202. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or STTR program'' after ''SBIR program''; and

(B) by striking ''SBIR projects'' and inserting ''SBIR or STTR projects'';

(2) in paragraph (2), by striking ''3 years'' and inserting ''5 years''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting ''or STTR'' after ''SBIR''; and

(ii) by striking ''$4,000'' and inserting ''$5,000'';

(B) by striking subparagraph (B) and inserting the following:

''(B) PHASE II.—A Federal agency described in paragraph (1) may—

''(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than $5,000 per year; or

''(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than $5,000 per year, which shall be in addition to the amount of the recipient's award.''; and

(C) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

SEC. 5203. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking ''PILOT'' and inserting ''READINESS'';

(2) by striking ''Pilot'' each place that term appears and inserting ''Readiness'';

(3) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(4) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(5) by striking paragraphs (5) and (6); and

(6) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Readiness Program and efforts to transition these technologies into programs of record or fielded systems.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting ''(including awards under subsection (y))'' after ''the number of awards''.

SEC. 5204. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ff) PILOT PROGRAM.—

''(1) AUTHORIZATION.—The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

''(A) for awards for technology development, testing, and evaluation of SBIR and STTR Phase II technologies; or

''(B) to support the progress of research or research and development conducted under the SBIR or STTR programs to Phase III.

''(2) APPLICATION BY FEDERAL AGENCY.—

''(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

''(ii) publish the determination in the Federal Register; and

''(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(3) MAXIMUM AMOUNT OF AWARD.—The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

''(4) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

''(5) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

''(6) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

''(7) DEFINITIONS.—In this subsection—

''(A) the term 'covered Federal agency'—

''(i) means a Federal agency participating in the SBIR program or the STTR program; and

''(ii) does not include the Department of Defense; and

''(B) the term 'pilot program' means the program established under paragraph (1).''.

SEC. 5205. ACCELERATING CURES.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 42, as redesignated by section 5201 of this Act, the following:

''SEC. 43. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

''(a) NIH CURES PILOT.—

''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the 'advisory board') to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory board shall consist of—

''(i) the Director of the NIH;

''(ii) the Director of the SBIR program of the NIH;

''(iii) senior NIH agency managers, selected by the Director of NIH;

''(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

''(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

''(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

''(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academy of Science entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.

''(c) PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

''(e) SBIR GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall emphasize applications that identify products, processes, technologies, and services that may enhance the development of cures and therapies.

''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 90 days.

''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).''.

(b) PROSPECTIVE REPEAL.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 43, as added by subsection (a); and

(2) by redesignating sections 44 and 45 as sections 43 and 44, respectively.

SEC. 5206. FEDERAL AGENCY ENGAGEMENT WITH SBIR AND STTR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE I AWARDS BUT HAVE NOT BEEN AWARDED PHASE II AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN PHASE I SBIR AND STTR AWARDEES.—

''(1) DEFINITION.—In this subsection, the term 'covered awardee' means a small business concern that—

''(A) has received multiple Phase I awards over multiple years, as determined by the head of a Federal agency, under the SBIR program or the STTR program of the Federal agency; and

''(B) has not received a Phase II award—

''(i) under the SBIR program or STTR program, as the case may be, of the Federal agency described in subparagraph (A); or

''(ii) relating to a Phase I award described in subparagraph (A) under the SBIR program or the STTR program of another Federal agency.

''(2) PERFORMANCE MEASURES.—The head of each Federal agency that participates in the SBIR program or the STTR program shall develop performance measures for any covered awardee relating to commercializing research or research and development activities under the SBIR program or the STTR program of the Federal agency.''.

SEC. 5207. CLARIFYING THE DEFINITION OF ''PHASE III''.

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the SBIR program'' after ''phase'';

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program'' after ''phase'';

(3) in paragraph (8), by striking ''and'' at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(10) the term 'commercialization' means—

''(A) the process of developing products, processes, technologies, or services; and

''(B) the production and delivery of products, processes, technologies, or services for sale (whether by the originating party or by others) to or use by the Federal Government or commercial markets;''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 9 (15 U.S.C. 638)—

(A) in subsection (e)—

(i) in paragraph (4)(C)(ii), by striking ''scientific review criteria'' and inserting ''merit-based selection procedures'';

(ii) in paragraph (9), by striking ''the second or the third phase'' and inserting ''Phase II or Phase III''; and

(iii) by adding at the end the following:

''(11) the term 'Phase I' means—

''(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

''(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

''(12) the term 'Phase II' means—

''(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

''(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

''(13) the term 'Phase III' means—

''(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

''(B) with respect to the STTR program, the third phase described in paragraph (6)(C).'';

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking ''phase two'' and inserting ''Phase II'';

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking ''the third phase'' each place it appears and inserting ''Phase III''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(II) in subparagraph (D)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(III) in subparagraph (F), by striking ''the third phase'' and inserting ''Phase III'';

(IV) in subparagraph (G)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(V) in subparagraph (H)—

(aa) by striking ''the first phase'' and inserting ''Phase I'';

(bb) by striking ''second phase'' each place it appears and inserting ''Phase II''; and

(cc) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''the first phase (as described in subsection (e)(4)(A))'' and inserting ''Phase I'';

(bb) by striking ''the second phase (as described in subsection (e)(4)(B))'' and inserting ''Phase II''; and

(cc) by striking ''the third phase (as described in subsection (e)(4)(C))'' and inserting ''Phase III''; and

(II) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II'';

(C) in subsection (k)—

(i) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(ii) by striking ''second phase'' each place it appears and inserting ''Phase II'';

(D) in subsection (l)(2)—

(i) by striking ''the first phase'' and inserting ''Phase I''; and

(ii) by striking ''the second phase'' and inserting ''Phase II'';

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II''; and

(ii) in subparagraph (C), by striking ''third phase'' and inserting ''Phase III'';

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking ''the second phase'' and inserting ''Phase II''; and

(bb) by striking ''the third phase'' and inserting ''Phase III''; and

(II) in clause (ix)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(ii) in paragraph (3)—

(I) by striking ''the first phase (as described in subsection (e)(6)(A))'' and inserting ''Phase I'';

(II) by striking ''the second phase (as described in subsection (e)(6)(B))'' and inserting ''Phase II''; and

(III) by striking ''the third phase (as described in subsection (e)(6)(A))'' and inserting ''Phase III'';

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''FIRST PHASE'' and inserting ''PHASE I''; and

(II) by striking ''first phase'' and inserting ''Phase I''; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''SECOND PHASE'' and inserting ''PHASE II''; and

(II) by striking ''second phase'' and inserting ''Phase II'';

(H) in subsection (r)—

(i) in the subsection heading, by striking ''THIRD PHASE'' and inserting ''PHASE III'';

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking ''for the second phase'' and inserting ''for Phase II'';

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(cc) by striking ''second phase period'' and inserting ''Phase II period''; and

(II) in the second sentence—

(aa) by striking ''second phase'' and inserting ''Phase II''; and

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (2), by striking ''third phase'' and inserting ''Phase III''; and

(I) in subsection (u)(2)(B), by striking ''the first phase'' and inserting ''Phase I''; and

(2) in section 34(c)(2)(B)(vii) (15 U.S.C. 657e(c)(2)(B)(vii)), as redesignated by section 5201 of this Act, by striking ''third phase'' and inserting ''Phase III''.

SEC. 5208. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the SBIR program—

''(i) not later than 90 days after the date on which the solicitation closes; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;''; and

(2) in subsection (o)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the STTR program—

''(i) not later than 90 days after the date on which the solicitation closes; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;''.

(b) NIH PEER REVIEW PROCESS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(hh) NIH PEER REVIEW PROCESS.—The Director of the National Institutes of Health may make an award under the SBIR program or the STTR program of the National Institutes of Health if the application for the award has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 105 of the National Institutes of Health Reform Act of 2006 (42 U.S.C. 284n) is amended—

(A) in subsection (a)(3)—

(i) by striking ''A grant'' and inserting ''Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant''; and

(ii) by striking ''section 402(k)'' and all that follows through ''Act)'' and inserting ''section 402(l) of such Act''; and

(B) in subsection (b)(5)—

(i) by striking ''A grant'' and inserting ''Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant''; and

(ii) by striking ''section 402(k)'' and all that follows through ''Act)'' and inserting ''section 402(l) of such Act''.

TITLE LIII—OVERSIGHT AND EVALUATION

SEC. 5301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 5102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority-owned by multiple venture capital operating companies) under each of the SBIR and STTR programs;

''(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

''(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (cc) for firms owned in majority part by venture capital operating companies and participating in the SBIR program;

''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy Directive and the STTR Policy Directive filed by the Administrator with Federal agencies; and

''(F) a description''; and

(2) by inserting after paragraph (7) the following:

''(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;''.

SEC. 5302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an awardee—

''(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

''(I) the amount of venture capital that the awardee has received as of the date of the award; and

''(II) the amount of additional capital that the awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vii) is located in a State described in subsection (u)(3); and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''.

SEC. 5303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended by striking paragraph (9) and inserting the following:

''(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an applicant or awardee—

''(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

''(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;''.

SEC. 5304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority-owned by multiple venture capital operating companies as required under subsection (cc)(4);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(iv) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the

SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s); or

''(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

SEC. 5305. GOVERNMENT DATABASE.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''Not later'' and all that follows through ''Act of 2000'' and inserting ''Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011'';

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

''(A) contains, for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

''(i) the name, size, and location, and an identifying number assigned by the Administration of the small business concern;

''(ii) an abstract of the project;

''(iii) the specific aims of the project;

''(iv) the number of employees of the small business concern;

''(v) the names of key individuals that will carry out the project;

''(vi) the percentage of effort each individual described in clause (iv) will contribute to the project;

''(vii) whether the small business concern is majority-owned by multiple venture capital operating companies; and

''(viii) the Federal agency to which the application is made, and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program;'';

(E) by redesignating subparagraphs (D), and (E) as subparagraphs (E) and (F), respectively;

(F) by inserting after subparagraph (C), as so redesignated, the following:

''(D) includes, for each awardee—

''(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

''(ii) whether the awardee has venture capital, and, if so—

''(I) the amount of venture capital as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital operating company, including whether the awardee is majority-owned by multiple venture capital operating companies; and

''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names of, and the percentage of ownership of the awardee held by—

''(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) any person that is not an individual and is not organized under the laws of a State or the United States;'';

(G) in subparagraph (E), as so redesignated, by striking ''and'' at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting ''; and''; and

(I) by adding at the end the following:

''(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has committed fraud, waste, or abuse relating to the SBIR program or STTR program.''; and

(2) in paragraph (3), by adding at the end the following:

''(C) GOVERNMENT DATABASE.—Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.''.

SEC. 5306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 5307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

''(A) continue the most recent study under this section relating to—

''(i) the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1); and

''(ii) the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

''(B) make recommendations with respect to the issues described in subparagraph (A)(ii) and subparagraphs (A), (D), and (E) of subsection (a)(2); and

''(C) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency.

''(2) CONSULTATION.—An agreement under paragraph (1) shall require the National Research Council to ensure there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

''(3) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

SEC. 5308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ii) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

''(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

''(2) the name of the small business concern or individual receiving the Phase III award; and

''(3) the dollar amount of the Phase III award.''.

SEC. 5309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the

technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

SEC. 5310. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(jj) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

''(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

''(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

''(B) release the contact information of the concern to such organizations.

''(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).''.

SEC. 5311. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(kk) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

''(1) IN GENERAL.—Subject to paragraph (2), for the 3 full fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

''(A) the administration of the SBIR program or the STTR program of the Federal agency;

''(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits and personnel interviews;

''(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

''(D) carrying out the program under subsection (y);

''(E) activities relating to oversight and congressional reporting, including the waste, fraud, and abuse prevention activities described in section 313(a)(1)(B)(ii) of the SBIR/STTR Reauthorization Act of 2011;

''(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal agency determines are at high risk for fraud, waste, or abuse, to ensure compliance with requirements of the SBIR program or STTR program, respectively;

''(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

''(H) carrying out subsection (cc);

''(I) carrying out subsection (ff);

''(J) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

''(K) funding for additional personnel and assistance with application reviews.

''(2) PERFORMANCE CRITERIA.—A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

''(3) RULES.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (f)(2)(A), as so designated by section 5103(2) of this Act, by striking ''shall not'' and all that follows through ''make available for the purpose'' and inserting ''shall not make available for the purpose''; and

(B) in subsection (y), as amended by section 203—

(i) by striking paragraph (4);

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) TRANSITIONAL RULE.—Notwithstanding the amendments made by paragraph (1), subsection (f)(2)(A) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the performance criteria established by the Administrator under subsection (kk)(2) of section 9 of the Small Business Act, as added by subsection (a).

(3) PROSPECTIVE REPEAL.—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2)(A), by striking ''shall not make available for the purpose'' and inserting the following: ''shall not—

''(i) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

''(ii) make available for the purpose''; and

(B) in subsection (y)—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(ii) by inserting after paragraph (3) the following:

''(4) FUNDING.—

''(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Pilot Program under this subsection.

''(B) LIMITATIONS.—The funds described in subparagraph (A)—

''(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(ii) shall not be used to make Phase III awards.''.

SEC. 5312. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company involvement under section 9(cc) of the Small Business Act, as added by section 5108 of this Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

SEC. 5313. REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.

(a) FRAUD, WASTE, AND ABUSE PREVENTION.—

(1) GUIDELINES FOR FRAUD, WASTE, AND ABUSE PREVENTION.—

(A) AMENDMENTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(B) CONTENT OF AMENDMENTS.—The amendments required under subparagraph (A) shall include—

(i) definitions or descriptions of fraud, waste, and abuse;

(ii) a requirement that the Inspectors General of each Federal agency that participates in the SBIR program or the STTR program cooperate to—

(I) establish fraud detection indicators;

(II) review regulations and operating procedures of the Federal agencies;

(III) coordinate information sharing between the Federal agencies; and

(IV) improve the education and training of, and outreach to—

(aa) administrators of the SBIR program and the STTR program of each Federal agency;

(bb) applicants to the SBIR program or the STTR program; and

(cc) recipients of awards under the SBIR program or the STTR program;

(iii) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program; and

(iv) a requirement that each Federal agency that participates in the SBIR program or STTR program include the telephone number of the hotline established under paragraph (2)—

(I) on the Web site of the Federal agency; and

(II) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program.

(2) FRAUD, WASTE, AND ABUSE PREVENTION HOTLINE.—

(A) HOTLINE ESTABLISHED.—The Administrator shall establish a telephone hotline that allows individuals to report fraud, waste, and abuse in the SBIR program or STTR program.

(B) PUBLICATION.—The Administrator shall include the telephone number for the hotline established under subparagraph (A) on the Web site of the Administration.

(b) STUDY AND REPORT.—

(1) STUDY.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(A) conduct a study that evaluates—

(i) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(ii) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(iii) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(iv) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(v) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency; and

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR program or STTR program effectively conducts investigations of individuals alleged to have submitted false claims or violated Federal law relating to fraud, conflicts of interest, bribery, gratuity, or other misconduct; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the head of each Federal agency that participates in the SBIR program or STTR program a report on the results of the study conducted under subparagraph (A).

SEC. 5314. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy (in this section referred to as the ''Director''), in conjunction with the Administrator, shall establish an Interagency SBIR/STTR Policy Committee (in this section referred to as the ''Committee'') comprised of 1 representative from each Federal agency with an SBIR program or an STTR program and 1 representative of the Office of Management and Budget.

(b) COCHAIRPERSONS.—The Director and the Administrator shall serve as cochairpersons of the Committee.

(c) DUTIES.—The Committee shall review, and make policy recommendations on ways to improve the effectiveness and efficiency of, the SBIR program and the STTR program, including—

(1) reviewing the effectiveness of the public and government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k));

(2) identifying—

(A) best practices for commercialization assistance by Federal agencies that have significant potential to be employed by other Federal agencies; and

(B) proposals by Federal agencies for initiatives to address challenges for small business concerns in obtaining funding after a Phase II award ends and before commercialization; and

(3) developing and incorporating a standard evaluation framework to enable systematic assessment of the SBIR program and STTR program, including through improved tracking of awards and outcomes and development of performance measures for the SBIR program and STTR program of each Federal agency.

(d) REPORTS.—The Committee shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science and Technology and the Committee on Small Business of the House of Representatives—

(1) a report on the review by and recommendations of the Committee under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on the review by and recommendations of the Committee under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on the review by and recommendations of the Committee under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 5315. SIMPLIFIED PAPERWORK REQUIREMENTS.

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking ''SIMPLIFIED REPORTING REQUIREMENTS'' and inserting ''REDUCING PAPERWORK AND COMPLIANCE BURDEN'';

(2) by striking ''The Administrator'' and inserting the following:

''(1) STANDARDIZATION OF REPORTING REQUIREMENTS.—The Administrator''; and

(3) by adding at the end the following:

''(2) SIMPLIFICATION OF APPLICATION AND AWARD PROCESS.—Not later than one year after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into consideration the unique needs of each Federal agency, to ensure that each Federal agency required to carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden on small business concerns applying to and participating in the SBIR program or STTR program.''.

TITLE LIV—POLICY DIRECTIVES

SEC. 5401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

TITLE LV—OTHER PROVISIONS

SEC. 5501. RESEARCH TOPICS AND PROGRAM DIVERSIFICATION.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''broad research topics and to topics that further 1 or more critical technologies'' and inserting ''applications to the Federal agency for support of projects relating to nanotechnology, rare diseases, security, energy, transportation, or improving the security and quality of the water supply of the United States, and the efficiency of water delivery systems and usage patterns in the United States (including the territories of the United States) through the use of technology (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'';

(B) in subparagraph (A), by striking ''or'' at the end; and

(C) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;''; and

(2) by adding after paragraph (12), as added by section 5111(a) of this Act, the following:

''(13) encourage applications under the SBIR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the SBIR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 5111(b) of this Act, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''broad research topics and to topics that further 1 or more critical technologies'' and inserting ''applications to the Federal agency for support of projects relating to nanotechnology, security, energy, rare diseases, transportation, or improving the security and quality of the water supply of the United States (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'';

(B) in subparagraph (A), by striking ''or'' at the end; and

(C) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of

Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;'';

(2) in paragraph (15), by striking ''and'' at the end;

(3) in paragraph (16), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(17) encourage applications under the STTR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the STTR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(c) RESEARCH AND DEVELOPMENT FOCUS.—Section 9(x) of the Small Business Act (15 U.S.C. 638(x)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 5502. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ll) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

''(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

''(A) are science-based and statistically driven;

''(B) reflect the mission of the Federal agency; and

''(C) include factors relating to the economic impact of the programs.

''(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

''(A) the SBIR program and the STTR program of the Federal agency; and

''(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

''(3) REPORT.—

''(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

''(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

''(C) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Small Business and Entrepreneurship of the Senate; and

''(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.''.

SEC. 5503. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

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

Mr. LEVIN. Mr. President, while I have the floor, and while Senator LANDRIEU is here, let me add my voice of thanks and gratitude to Senator LANDRIEU for the energy she shows as chair of our Small Business Committee. I am honored to be a member of that committee and to sit at her side. I know how long and hard she has worked on this SBIR Program, how many years we have fought hard for this program, with her as our leader.

The same thing is true with the technology program—the Small Business Technology Transfer Program—which is part of this amendment. This bill is going to help 30 million small businesses to invest in technology research to help grow their businesses, spur innovation, and create jobs. Small business technology firms that receive SBIR funds have produced 38 percent of America's patents—13 times more than large businesses—and employ 40 percent of America's scientists and engineers, and the Defense Department is the biggest user of these programs. So this is very appropriate on this bill, and we are very grateful for the determination of Senator LANDRIEU and her cosponsors.

If I am not already a cosponsor of the amendment, I would ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, this has made it possible for us to be here tonight, and I wanted to say that while Senator LANDRIEU was on the floor and to express what I think is, if not the unanimous, certainly the near unanimous gratitude of this body, because I expect this will have an overwhelming vote.

By the way, Mr. President, I ask unanimous consent also that our Presiding Officer, Senator CASEY, be added as a cosponsor to our counterfeit parts amendment, No. 1092. It took us too many weeks to do this, but as I see the Presiding Officer in the chair, I am making up for lost time and asking unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I yield the floor.

AMENDMENT NO. 1064

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to amendment No. 1064 offered by the Senator from Kentucky, Mr. PAUL.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 67, as follows:

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—30

Baucus	Gillibrand	Murray
Bingaman	Harkin	Nelson (NE)
Boxer	Heller	Paul
Brown (OH)	Klobuchar	Rockefeller
Cantwell	Lautenberg	Sanders
Cardin	Leahy	Snowe
DeMint	Manchin	Tester
Durbin	McCaskill	Udall (CO)
Feinstein	Menendez	Udall (NM)
Franken	Merkley	Wyden

NAYS—67

Akaka	Graham	Mikulski
Alexander	Grassley	Moran
Ayotte	Hagan	Nelson (FL)
Barrasso	Hatch	Portman
Bennet	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Brown (MA)	Isakson	Roberts
Burr	Johanns	Rubio
Carper	Johnson (SD)	Schumer
Casey	Johnson (WI)	Sessions
Chambliss	Kerry	Shelby
Coats	Kirk	Stabenow
Coburn	Kohl	Thune
Cochran	Kyl	Toomey
Collins	Landrieu	Vitter
Conrad	Lee	Warner
Coons	Levin	Webb
Corker	Lieberman	Whitehouse
Cornyn	Lugar	Wicker
Crapo	McCain	
Enzi	McConnell	

NOT VOTING—3

Begich	Murkowski	Shaheen

The PRESIDING OFFICER (Mr. BENNET). On this vote the yeas are 30; the nays are 67. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The majority leader.

Mr. REID. This will be the last vote of this evening. Tomorrow we will have a vote around 11 a.m. on cloture on this bill, and we will work with the managers to see how they are going to work through the germane amendments.

AMENDMENTS NO. 1115, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Landrieu amendment.

Ms. LANDRIEU. Mr. President, thank you very much. We will only take a minute. I would like to yield the majority of my time to the ranking member who has worked so hard on this bill.

I would like to thank the cosponsors and thank all of my colleagues for supporting a very balanced extension of the SBIR Program. This is 5 years overdue, and I yield the remainder of my time to the ranking member from the State of Maine.

Ms. SNOWE. Mr. President, I thank the chairman of the Small Business Committee, Chairman LANDRIEU, for her leadership, and I commend her for that.

I thank all of the Members of the Senate for supporting these two vital programs. We had much debate on these programs back in March for 5 weeks. There has been broad bipartisan support. They are vital job creators and innovators. They have provided more than 25 percent of the innovations that have occurred over this last decade and are certainly vital to the Defense Department as we are setting aside existing Federal research dollars for small business firms.

I urge my colleagues to support this amendment, which is nearly identical to legislation that passed the Senate unanimously last December and which passed our Committee by a vote of 18 to 1 in March of this year.

It is critical that we focus like a laser on job creation, and encourage an environment in which America's small businesses—our Nation's job generators—can once again flourish. We know that small businesses will lead us out of our economic morass. They employ more than half of all private sector employees and have created 64 percent of the net new jobs over the past 15 years. Ninety percent of that job creation is concentrated in four to five percent of all companies, commonly known as ''gazelles,'' or high-impact firms. The SBIR Program is designed to assist exactly these types of companies.

Together, these vital job creation programs have provided small firms with over $28 billion during their lifespans. They have been front and center in improving our Nation's capacity to innovate. According to a report by the Information Technology and Innovation Foundation, SBIR-backed firms have been responsible for roughly 25 percent of the Nation's most crucial innovations over the past decade plus—''a powerful indication that the SBIR Program has become a key force in the innovation economy of the United States.'' And the SBIR Program has played a critical role in providing the Department of Defense—our nation's largest SBIR agency—with the technology and components it requires. From night vision goggle simulators, to sensors which provide intelligence about battlefield events like anti-aircraft artillery and rocket launches to our brave men and women in the field, technologies borne from a small infusion of SBIR funding have helped make our military more efficient, cost-effective, and safer.

Simply put, these programs have helped America's entrepreneurs create businesses, jobs, and innovations for a wide range of applications in our daily lives. Regrettably, SBIR has been subject to 14 short-term extensions since it was slated to expire in September 2008, and STTR has been a part of 11 of those since September 2009. This uncertainty is of concern to both program managers, who are never sure if they will have the funding for small business awardees, and to the small business applicants themselves.

Furthermore, our amendment would reauthorize these programs for 8 years—which has been done twice before for SBIR in 1992 and 2000, the last two reauthorizations. A long-term reauthorization of SBIR and STTR is critical to the effectiveness of these initiatives. Simply stated, an SBIR or STTR recipient's lifecycle in the program is longer than 2 years. A Phase I award lasts for 6 months, while a Phase II lasts for 2 years. This does not take into account the time required for agencies to issue solicitations and companies to apply for awards, including between Phases I and II, as well as a company's time in Phase III commercializing its product or technology. Short-term reauthorizations dissuade promising small businesses from applying to the programs, and makes agencies hesitant to fund projects when they are uncertain for which they will have follow-on funding in the future.

The 2-year extension that some members have been discussing would jeopardize the compromise reached in this legislation and remove the certainty the bill provides. In particular, it has the ability to unravel the ''venture capital'' compromise, which was negotiated for nearly 6 years between Members of Congress, the small business community, and the Biotechnology Industry Organization, BIO. This compromise—which allows firms majority owned by multiple venture capital operating companies to be eligible for up to 25 percent of SBIR funds at the National Institutes of Health, National Science Foundation, and Department of Energy, and up to 15 percent of the funds at remaining agencies—includes the backing of a number of critical organizations, like BIO, the National Venture Capital Association, NVCA, the U.S. Chamber of Commerce, and the National Small Business Association.

A 2-year authorization would force us to relitigate this issue immediately, before we have the ability to analyze how the compromise is working. Indeed, our legislation requires the Government Accountability Office to review the impact of the venture capital compromise on the programs 3 years after the bill is enacted, and every 3 years thereafter. We need time to understand how well this change is working before reconsidering it.

Furthermore, it would put at risk some of the key provisions in our bill—most noticeably the allocation increases for SBIR from 2.5 to 3.5 percent over 10 years, and for STTR from 0.3 to 0.6 percent over 5 years. Because these allocations are spread out over several years, and not immediate, they could be stunted by a short-term reauthorization, prohibiting small businesses from accessing critical funding to help develop their promising technologies.

I would note that as the U.S. Chamber of Commerce has noted in support of our legislation, ''[e]ven though this important program for small business has a proven track record of success, its full potential has been held hostage by a series of short-term reauthorizations which has created uncertainty for SBIR program managers and limitations for potential small business grant recipients.'' It is high time for us to unleash the potential of these critical firms by ensuring that these initiatives have the requisite stability that they have been lacking in recent years due to Congressional inaction.

In its October Interim Report, the President's Council on Jobs and Competitiveness urged Congress to ''. . . permanently affirm and fully authorize Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) funding for the long term, rather than for short-term re-authorizations.'' It is long beyond time for us to pass a comprehensive, long-term reauthorization of these critical programs. Our amendment provides us with this opportunity.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader.

Mr. REID. Mr. President, since there is bipartisan support, why do we need a rollcall vote? Do we have to have a rollcall vote?

The PRESIDING OFFICER. The unanimous consent agreement requires 60 votes.

Mr. REID. I ask unanimous consent that order be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1115), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, if it is in order, I would like to speak on the bill. Last evening we passed the Leahy-Graham amendment, which would, by law,

make the head of the National Guard Bureau a member of the Joint Chiefs of Staff. As we go forward in our deliberations with respect to this bill, particularly the conference committee——

Mr. CARPER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. Please take your conversations from the well.

The Senator from Rhode Island is once again recognized.

Mr. REED. Mr. President, I thank you, and I thank the Senator from Delaware.

As I have indicated, I would like to make some comments about how I think we can improve and clarify the legislation that was adopted last evening by unanimous consent. But, first, let me begin by recognizing, obviously, the extraordinary contributions of the men and women of our National Guard. I speak from the experience of just a few weeks ago having visited members of the 43rd Military Police Brigade of the Rhode Island National Guard who have the responsibility for the detention facility in Bagram, Afghanistan. Under the able leadership of BG Charles Petrarca, they are doing an extraordinary job.

I also was able to talk with some of the members of our Air National Guard, the 143rd Airlift Wing. This is the finest C–130–J wing in the entire U.S. Air Force—National Guard or Active or Reserve, in my estimate. They are doing remarkable work. They are doing remarkable work. In fact, we could not continue the operations in Iraq, Afghanistan, or our homeland security obligations, without the men and women of the National Guard.

I wish to also just say coincidentally that I had the great opportunity to sit down with my Adjutant General Kevin McBride. General McBride and his staff are extraordinarily effective professionals. I first got the chance to see him literally in action when he commanded the 43rd Military Police Brigade in Iraq, where they also had detention responsibilities.

So we are talking about now a component of our military forces that are professionals, superbly qualified, complete patriots, and dedicated to the success of the mission and the success of this Nation. There is the saying ''One Army'', as there is ''One Air Force,'' and it truly is. I can recall serving on Active Duty when there was at least a perception of disparity between Reserve, National Guard, and Active-Duty forces. That perception no longer exists. The reality is that these are superb professionals doing their job. So I think that is the starting point to consider this legislation.

What I would like to suggest in terms of an improvement to the legislation is clarifying the role and responsibility of the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff. If he has statutory responsibilities, those responsibilities should be specified.

As General McKinley, who is the current Chief of the National Guard Bureau and a superb professional, pointed out at the committee hearing:

The Chief of the National Guard Bureau still does not have an institutional position from which [he] can advise the President, the NSC, the Homeland Security Council, and Congress on non-federalized National Guard forces that are critical to homeland defense and civil support missions.

If this is the purpose of appointing and confirming the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff, that purpose should be laid out. If that is the role he or she is expected to play—to provide advice to the Chairman and advice to the President on the non-federalized National Guard forces critical to homeland defense and civil support missions—it should be spelled out. I hope it is spelled out as we go forward with the process of conferencing this legislation.

He went on to say:

Adding the Chief of the National Guard Bureau to the JCS, in my opinion, would ensure that in the post-9/11 security environment the National Guard's non-federalized role in homeland defense and civil support missions will be fully represented in all JCS deliberations.

I think this is very important. Let me suggest why—because one of the essentials of any military organization is unity of command. The National Guard Bureau has two separate services which it represents: the Army National Guard and the Air National Guard. We do not want, particularly at the level of the Joint Chiefs of Staff, to confuse who speaks for the services—who speaks for the Army, who speaks for the Air Force. I think in order to do this—to preserve the unity of command, to make it very clear that at the deliberations of the Joint Chiefs of Staff, the Chief of Staff of the Air Force speaks for the Air Force and the Chief of Staff of the Army speaks for the Army—we have to make it clear what the Chief of the National Guard Bureau is speaking to.

I hope as we go forward we can make it very clear as General McKinley made it very clear in his testimony that his perspective, his point of view, his position on the Joint Chiefs is related, as he said repeatedly, to those non-federalized functions of the National Guard, particularly with respect to homeland security and civil support missions. I think this would enhance and clarify the role of the Chief of the National Guard Bureau, and I also think it would avoid even the appearance of a lack of unity of command within the services.

I think these are important points. These points can be and should be approached in the conference. I hope that at the end of the day, when the President is prepared to sign this bill—and there may be other improvements to this legislation—that this particular aspect of the legislation is incorporated.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask permission to speak for 20 minutes in morning business, but it will probably be less than that.

Mr. LEVIN. Mr. President, reserving the right to object, and I won't, I have two unanimous consent requests that will take just a couple of moments.

Mr. GRASSLEY. Yes, go ahead.

AMENDMENT NO. 1174

Mr. LEVIN. Mr. President, I call for the regular order with respect to amendment No. 1174.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENTS NOS. 1260 AND 1262 WITHDRAWN

Mr. LEVIN. Secondly, there are two colloquies between myself and Senator SHERROD BROWN. At the end of these colloquies, in both cases, Senator BROWN withdraws the amendments referred to in the colloquies, amendments Nos. 1260 and 1262.

So I ask unanimous consent that those two amendments he then withdraws at the end of the colloquies in fact be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1260

Mr. BROWN of Ohio. I rise to discuss my amendment No. 1260 with the chairman of the Senate Armed Services Committee. This amendment would strike section 846 of the bill, which would establish a new exception to the requirement to purchase specialty metals that are produced in the United States.

Over the last several months, a number of concerns have been raised about this provision. In particular:

The provision is not needed, because domestic titanium is cost-competitive with foreign titanium and the cost of titanium has not been a major cost driver in DOD weapon systems.

No specific case has been raised in which U.S. companies have lost contracts or manufacturing jobs as a result of a price difference between U.S. and foreign titanium.

If the new exception in section 846 were abused, it could undermine the preference for domestic titanium and result in the loss of U.S. jobs.

Administering the new exception could create significant burdens on both defense contractors and the Department of Defense; and the Department's existing authority to make Domestic Non-Availability Determinations (DNADs) already gives it the flexibility it would need to address a significant price differential, should it arise at some point in the future.

Is the chairman of the Armed Services Committee aware of these concerns?

Mr. LEVIN. I am aware of the concerns raised by the Senator from Ohio, and I assure him that I will give careful consideration to those concerns as

we go to conference with the House of Representatives on this provision.

Mr. BROWN of Ohio. I appreciate the Senator's assurance, and I withdraw the amendment on that basis.

AMENDMENT NO. 1262

Mr. BROWN of Ohio. I rise to discuss my amendment No. 1262 regarding the definition of specialty metals produced in the United States.

Under section 2533b of title 10, U.S. Code, specialty metals included in weapon systems purchased by DOD must be produced in the United States. This requirement has been in place for more than 30 years and for most of that time, the Department interpreted the requirement to apply to metals that are ''melted'' in the United States.

After Congress re-codified the requirement in the National Defense Authorization Act for Fiscal Year 2009, however, DOD decided that a metal is produced in the United States if any part of the production process takes place in this country. That includes finishing processes such as rolling, heat treatment, quenching, or tempering. This is a substantial change to the definition that has a direct impact on domestic production and American jobs, which I know the ,Chairman has defended throughout his career.

My amendment would restore the long-standing definition of what it means for a metal to be ''produced'' in this country—that it must be ''melted'' here.

Is the Chairman of the Armed Services Committee familiar with this issue?

Mr. LEVIN. I am aware of the issue, and of the concerns raised by the Senator from Ohio about this definition. Section 823 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 directed the Secretary of Defense to review the definition of the term ''produced'' and to ensure that it complies with the requirements of law and is consistent with congressional intent.

It is my understanding that this review is currently ongoing. I believe that we should have the informed input of the Department of Defense before we act on this issue. For that reason, I believe that the amendment is premature. However, the review required by section 823 is already several weeks overdue. I understand that DOD is not always able to meet our reporting deadlines, but this is an issue on which we need DOD's input and we need it soon. I assure the Senator from Ohio that we will carefully review the findings of the DOD review and revisit the issue in light of those findings, if necessary. If the Department fails to meet its statutory duty to address this issue, we will take that into consideration as well.

Mr. BROWN of Ohio. I appreciate the Senator's assurance, and I withdraw the amendment on that basis.

AMENDMENT NO. 1419

Mr. MCCAIN. Mr. President, amendment No. 1419 would correct an unintended staff error in the new Division D funding tables that the Senate Armed Services Committee voted to adopt Tuesday, November 15, 2011. This error unintentionally reduced the President's budget request for the line 154, RDTE AF, JSTARS account by $33 million. This amendment would correct this error and restore the RDTE AF JSTARS account back to the level requested in the President's budget request and approved in the June 22, 2011, SASC-passed version of the National Defense Authorization Act. Both the majority and minority staff directors have acknowledged that this was an unintended staff error and have requested that this be corrected by restoring full funding of the RDTE AF JSTARS account to $121,610,000. Chairman LEVIN and I agree.

EELV

Mr. President, as I mentioned when the National Defense Authorization Act for Fiscal Year 2012 was first brought up on the floor, I wanted to focus on, in the course to the Senate's consideration of this bill, the issue of military space procurement. There can be no doubt that how the Department of Defense procures satellites and space-related capability has gotten unacceptably out of control.

In the impending environment of fiscal austerity, the situation has become nothing less than severe.

One need not look further than the Space-Based Infrared System High, SBIRS-HIGH, program as a good example of how bad things have gotten. This program has been a problem since its inception in 1996. In fact, 5 years into the program—in 2001—an independent review cited the program as ''too immature to enter the system design and development phase'' and observed that the program was based on faulty and overly optimistic assumptions with respect to, among others things, ''management stability and the level of understanding of requirements.'' The independent review also highlighted a breakdown in execution and management resulting from those overly optimistic assumptions and unclear requirements that essentially ''overwhelmed'' government and contractor management.

That was 2001, when it was determined that total program cost growth could exceed $2 billion, a 70 percent increase in cost. And, here we are today, 10 years later, and the system still has not achieved its objectives. In fact, it was just launched—for the first time—recently, on May 7, 2011.

Originally estimated to cost $2.4 billion, it is now expected to cost nearly $16 billion, roughly 7 times the original estimate. With SBIRS' having been launched finally, we will see if it has overcome its continuing software issues and delivers its improved ballistic missile-monitoring capability as promised. I am, however, not optimistic: the satellite was launched even though the flight system software was not ready, and the ground control software needed to exploit the satellite's full capabilities is still lagging.

It is worth bearing in mind that the Government Accountability Office's latest March 9, 2011, report on major defense acquisition programs notes that SBIRS has the odious distinction of breaching the ''Nunn-McCurdy'' law on cost growth a record four times—the most of any major weapons program. It's a hall-of-famer.

By the way, the DOD just recently reported to Congress that the next pair of these satellites, built by Lockheed Martin, could cost $438 million more than previously estimated and could be delivered a year late. Unacceptable.

SBIRS is, however, not the only space program that has been facing these types of problems. Over the past decade, most—I repeat, most—of the DOD's space programs have been over cost and behind schedule. Their delays have in fact been so significant that we now face potential gaps in capabilities in vital areas dependent on space procurement such as weather monitoring and ultra-high frequency communications.

After years of spiraling costs and under the specter of diminishing budgets, the Air Force now says it wants to buy space assets in bulk to save money. Only in Washington could programs with the kind of history of mismanagement and unparalleled cost-growth and schedule-delays we have seen in large military satellite and launch programs—which in the most egregious cases have yet to see a single day of operational performance or demonstrate intended capability—be proposed for economic savings by buying its related components in bulk.

Until the Air Force overhauls how it buys its biggest and most expensive military space assets—more than simply doubling down on bad bets—these kinds of programs will continue to be painful case studies of how problematic our overall system for acquiring major weapons remains.

One program that I chose to focus on in particular in this bill is the Air Force's Evolved Expendable Launch Vehicle, EELV, program. On this program, I have filed two amendments, which have either already been adopted or are awaiting adoption without opposition.

My first amendment would require the EELV program to report to Congress and to the Office of the Secretary of Defense on how it is doing in terms of cost, schedule and performance as if it were designated as a major defense acquisition program, MDAP, not in sustainment.

This sounds pretty simple, but why this amendment is in fact necessary is striking.

In 2006, the unit cost of the EELV program, which provides the DOD and other government agencies the launch capability to get large satellites into orbit, breached the cost thresholds under the Nunn-McCurdy law. Under that law, the Department is required to

report to Congress if there is a significant or critical increase in unit cost over the program's baseline cost.

In this case, EELV's unit costs unexpectedly grew because of a change in the acquisition strategy warranted by a decrease in the demand for EELV launches. And, that was due to, among other things, satellite program development delays and cancellations.

But rather than restructure the program to make sure that it provides launch capability affordably; rebaseline its unit cost estimate to a more realistic number; and certify, after careful deliberation and an analysis of alternatives, that the program must continue—all of which is required under Nunn-McCurdy—something else happened.

In 2007, the program was basically taken out of the defense acquisition management system, otherwise known as the ''milestone system,'' and put in ''sustainment.'' The decision to do so significantly reduced EELV's reporting requirements to the Office of the Secretary of Defense and to Congress, particularly on the program's cost and status. And, that limited both the OSD and Congress' ability to oversee the program going forward.

Ordinarily, such a decision is made when a program has completed its development and production phases. But, this wasn't the case for EELV. Even to this day, the program faces maturity issues based on the fact that the DOD has yet to launch all EELV variants in sufficient numbers to ensure design and production maturity.

According to the Government Accountability Office in 2008, the decision to put EELV on sustainment may have been influenced by other factors, namely, avoiding the imminent Nunn-McCurdy unit cost breach.

One thing is clear: this decision should never have been made.

And, Congress' and the OSD's oversight of this large program has been hampered ever since.

Against this backdrop, my amendment would require that the DOD either move the program back to a major defense acquisition program (MDAP) not in sustainment or otherwise have the program provide, as appropriate, Congress or the OSD updates of the program's cost and status using the criteria set forth for other MDAPs.

This, frankly, should have been done years ago.

My second amendment is required because of more recent developments in the EELV program. That amendment would require the Air Force to explain, by a time certain, exactly how its new EELV acquisition strategy for the balance of rocket cores beyond its immediate purchase implements each of GAO's recommendations in its recent report on the program.

Unsurprisingly, the increasing cost of launching satellites into space has become a major problem. And, with defense dollars likely to decline for as far as the eye can see, driving down the cost of space launch is tough because, with regard to ''EELV''-class rockets, only one company provides the U.S. government with the ''heavy'' launch capability it needs—the United Launch Alliance, ULA, comprised of former competitors Lockheed Martin and Boeing.

There can be no doubt that, at the end of the day, only competition can meaningfully drive down costs. As GAO recently noted, competition for space launch missions provides the government with an unprecedented opportunity to control costs under the EELV program. I strongly agree. Largely because of the lack of competition and the DOD's reliance on a monopoly incumbent provider, by some estimates, EELV costs may increase by more than 50 percent over the next 5 years. This is neither desirable nor affordable.

But, in an effort to procure heavy-launch capability affordably, the Air Force, which serves as the Executive Agent for space at the DOD, originally came up with a strategy to sole-source from ULA as much as eight boosters over 5 years. This so-called ''Block-40 strategy'' would, however, have effectively locked-up the government into a large block purchase with ULA and foreclosed the possibility of competition over time.

Thankfully, GAO looked into this acquisition strategy. And, its report, which came out just a few weeks ago, was scathing. In it, GAO found that, despite statements by the Air Force to the contrary, the Air Force's Block-40 strategy was unsupported by the necessary data and analysis—most notably, certified cost and pricing data, analysis on the health of the industrial base and the cost-effectiveness of mission assurance.

This amendment would require the Air Force to explain when it submits its budget next year how it implemented each of GAO's recommendations. Those recommendations include, among other things, independently assessing the health of the U.S. launch industrial base and reassessing the proposed block buy contract quantity and length.

On October 21, 2011, I brought this issue to Secretary Panetta's attention, with Chairman LEVIN. While we only recently received a response, which I would like to be made part of this record, the question as to whether GAO's recommendations have been and will be complied with remains open. So, notwithstanding the letter, this amendment remains ripe and necessary.

Once again, I believe both of these provisions have been or will be adopted into the bill without opposition. And, I thank my colleagues for their cooperation. The area of how the Department of Defense procures space assets and capabilities is something we all have to focus on more than we have been. Particularly in these times of fiscal hardship and austerity, looking the other way and hoping for the best is an option we cannot afford.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE,
SECRETARY OF THE AIR FORCE,
Washington, DC.

Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your October 21, 2011, letter regarding the recently completed Government Accountability Office (GAO) report on the Evolved Expendable Launch Vehicle (EELV) program. In your letter, you asked the Department to pause ''all activities in furtherance of . . . negotiations with United Launch Alliance (ULA) for follow-on EELV launches'' and ''all activities intended to finalize the Air Force's Block 40 acquisition strategy'' until the Department has: 1 ''completed a full review of the concerns raised by GAO'' in its recent report; and (2) ''taken appropriate steps to ensure that prices are fair and reasonable, including obtaining cost and pricing data, and complying with other applicable requirements of the Federal Acquisition Regulation.'' Secretary Panetta asked me to reply in my capacity as the Department's Executive Agent for Space.

The Department and the Air Force have thoroughly reviewed the GAO report—including early drafts and the final report—and we agree additional data is needed before executing an EELV contract for FY 2013–2017. The Air Force EELV acquisition strategy is fundamentally based on gathering more and better information before pursuing any specific contract. The strategy is part of a series of steps the Air Force is taking to control cost growth in the EELV program, including efforts to facilitate opportunities for proven launch providers to compete for EELV-class launches. The Air Force and the Department see competition as a critical element of our long term efforts to reduce launch costs.

The GAO completed their audit prior to most of the work on the revised EELV acquisition strategy. Consequently, some of the concerns highlighted have been addressed. For example, in March 2011, when the drafting of the GAO report was nearly complete, the Air Force created a new executive position, the Program Executive Officer for Space Launch (PEO/SL). The PEO/SL was established to enhance executive management of the EELV program, with the near-term focus of driving down costs and spearheading the effort to craft a new EELV acquisition strategy. The new PEO has led several efforts to implement specific cost reduction efforts based on a detailed Should Cost Review that I directed as Secretary of the Air Force. The PEO has also taken steps to gain additional knowledge to inform the acquisition strategy, including independent cost estimates for the large cost drivers for launch. These efforts and the data they yielded are the key building blocks for the EELV acquisition strategy. The United Launch Alliance supplier survey data described and questioned in the GAO report was made available to review teams examining the EELV program, but was not relied upon in the PEO's development of the acquisition strategy.

The Air Force EELV acquisition strategy entails an evaluation of an economic order quantity of EELV booster cores, but there is no commitment to a specific contract quantity or duration. Instead, the first phase of the strategy will require the incumbent contractor to provide their best price offers on a quantity range of six to ten booster cores per

year over contract periods ranging from three to five years. This data will allow the Air Force to balance the rate and commitment decision with our fundamental priorities: operational requirements, price, budget, and enabling competition.

The Air Force will not pursue any negotiations with ULA until they have submitted the cost and price data we need, and ULA's submissions will be audited as they would in any contracting process. The citations in the GAO report to Defense Contracting Audit Agency standards for sufficient cost and price information refer to prices associated with some subcontractor ULA orders that were placed in a commercial environment and thus did not require certified cost and pricing data. For the FY 2013–2017 proposal, the prime contractor will be required to certify the data submitted is current, accurate, and complete.

With the recently released New Entrant Certification Strategy, the Air Force, NASA, and the NRO are working to facilitate the certification of new entrants who want to compete for EELV-class missions. By examining a range of contract options and terms for EELV procurement, and by examining progress from new entrants in the coming months, the Air Force will be well-positioned to identify the best balance of these priorities and the best value for the taxpayer. Only at that point, with additional information in hand, will the Air Force move to negotiate a new contract.

Thank you again for your letter and your continued support of national security space. I look forward to continuing to work in partnership with you to maintain assured access to space for the Nation. A similar letter has been sent to the Chairman of your committee.

Sincerely,

MICHAEL B. DONLEY,
DoD Executive Agent for Space.

Mr. LEVIN. I thank my friend from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

HEALTH CARE

Mr. GRASSLEY. Mr. President, when the Congress passed the health care law, it imposed a mandate on individuals who lacked health insurance to purchase it. Since then, a number of courts have held that the individual mandate exceeds the power of Congress to regulate interstate commerce.

The Supreme Court will soon hear a case on this question.

The Supreme Court, which usually gives a case 1 hour of oral argument, is giving the various issues in this case 5½ hours. This is a modern record.

The Supreme Court should exercise its powers of judicial review carefully. One of its major principles of judicial restraint is that an act of Congress is presumed to be constitutional. But this is a presumption that can be rebutted. It derives from the respect that one branch of government gives when reviewing the actions of another.

If Congress has made a determination that a statute is constitutional, the Supreme Court should give that finding some level of deference.

But the presumption rests on a premise that Congress has made a considered judgment on the constitutionality of the laws it passes. In the case of the health care bill, this did not happen. Republicans raised a constitutional challenge to the individual mandate that was brushed aside by Democrats who favored the bill as a policy matter, and were not going to let a serious constitutional issue get in the way of passing the law.

In fact, we know that there was no Congressional consideration of the constitutionality of this unprecedented restriction of the freedom of American citizens.

I mean unprecedented literally. Congress has never before discovered or exercised this power in more than 200 years of this country's history. And since Congress has never before imposed a requirement to purchase a product, no Supreme Court precedent has ever found that Congress may do so.

Instead, apart from the regulation of items such as navigable waterways or communication lines, the Supreme Court has always discussed the subjects that Congress may regulate under the Commerce Clause as ''activities.'' The Court has never held that Congress can use its Commerce Clause power to regulate inactivity—or require people to engage in commerce. The Court has found that Congress cannot regulate intrastate economic activities that in combination do not affect commerce. And Congress cannot regulate non-economic activities, such as carrying a gun in a school zone.

So it should be clear that Congress cannot regulate inactivity—such as a thought or a decision not to purchase health insurance.

Congress has great power under the Commerce Clause to reduce individual freedom. In 1942, the Court ruled in Wickard v. Filburn that a farmer could be penalized for exceeding a quota on the amount of wheat he could produce, even when the excess went for providing food for his own farm and its livestock.

And that Commerce Clause decision has allowed Congress to pass many significant regulatory laws, such as environmental laws, drug laws, and the public accommodation provisions of the civil rights laws.

But in every such case, the regulated person retained the freedom to avoid being regulated. A person who did not want to comply with environmental laws could stop engaging in the activity that fell under the environmental laws. A person who did not want to be subject to the drug laws could avoid transporting drugs.

And a person who did not want to adhere to the public accommodation laws could leave the public accommodation business.

The individual mandate is different. The mandate requires action. And there is no escape. A person cannot opt out of the activity that triggers the regulation because the mandate applies even to inactivity. If the person is alive, then he or she has to buy health insurance. That is a serious and novel threat to individual freedom.

Congress has offered incentives to change people's behavior.

But it is hard to see why Congress would do that if it had the power it now claims to force people to buy particular goods and services. Under this logic, Congress could require people to buy new GM cars, so it would not have enacted Cash for Clunkers. Similarly, this supposed power would allow Congress to order people to pay money to third parties rather than raising taxes. And a decision upholding the mandate would permit Congress to keep beef prices high by requiring vegetarians to buy beef.

Members of Congress could use this supposed Commerce Clause power to entrench themselves in office. They could require people to buy houses or cars or other products in areas where their political party has its base of support.

Despite the arguments of the Obama Administration, the power it claims that Congress can use to compel people to buy goods and services is not unique to health care. The judges who are honest recognize that if Congress can force people to buy insurance, Congress can force the purchase of any product or service.

It can regulate inactivity because that can affect interstate commerce.

This conclusion is consistent with the opinion of the Congressional Budget Office. In a 1994 memo, CBO wrote that ''a mandate-issuing government'' could lead ''in the extreme'' ''to a command econom[y] in which the President and the Congress dictated how much each individual and family spent on all goods and services.''

In June of this year, the Supreme Court unanimously decided in the Bond case that an individual—not only a State—could challenge the constitutionality of a Federal statute as exceeding the power of Congress to enact under the 10th Amendment. The Court wrote, ''By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power. When government acts in excess of its lawful powers, that liberty is at stake.''

The case now before the Supreme Court raises first principles about our republic. The people are the sovereign in our country. The government serves the people, not the other way around. That is enforced through a Constitution that gives the Congress limited powers. In the Federalist Papers, James Madison wrote that the powers of the Federal Government are few and defined, and the powers of the States are many and undefined. Although there is much more interstate commerce in today's economy than there was in 1787, the power is still limited.

If Congress can require Americans to purchase goods and services that Congress chooses, without a limiting principle, then there is no limited Federal Government. There would be no issue that Congress could not address at the

Federal level. There would be no range of State powers that the Federal Government cannot usurp. The 10th Amendment would be a dead letter, as there would be no powers reserved to the States.

Congress exceeded its enumerated powers in passing the individual mandate.

It attempted to create an all-powerful Federal Government that posed a threat to liberty that the Supreme Court unanimously warned against in the Bond case. All the Supreme Court need do to strike down the mandate is to adhere to its position in Bond. If it departs from that view and upholds the mandate, then our hopes for liberty may depend on a new President charting the course contained in Judge Kavanaugh's dissenting opinion in the D.C. Circuit case. Judge Kavanaugh wrote that a President is not required to enforce a statute that regulates private individuals that the President believes is unconstitutional.

This is true even when a court has held the statute to be constitutional.

Mr. President, the upcoming Supreme Court decision on the constitutionality of the individual mandate is important not only for the fate of that provision, but for its effect on the powers of the Federal Government and the very survival of individual economic liberty.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. 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. BROWN of OHIO. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICA'S ECONOMY

Mr. BROWN of Ohio. Our economy, as the Presiding Officer and others know, demands two major priorities from Congress right now: to reduce spending and to foster job creation. Equally important, you cannot do one without the other. We cannot only cut our way to prosperity. They cannot be mutually exclusive goals. We can make sensible reforms that reduce the deficit while promoting job creation.

Here is what we should be talking about: first, closing tax loopholes for companies that ship jobs overseas and encourage American job creation. That saves $19 billion over 10 years. It will mean companies choosing to manufacture in the United States instead of China, instead of Mexico, in many cases.

My State, Ohio, is the third leading manufacturing State in the country. We produce more than any other State except California, three times our population, and Texas, twice our population.

Second, let's give faster access to generic drugs to treat breast cancer and MS and rheumatoid arthritis. That saves $2.3 billion over 10 years. It saves for taxpayers. It saves for insurance companies, meaning insurance rates will go up at a much lower rate. It saves for individuals reaching into their pocket and paying copays.

Third, let's strengthen and streamline the farm safety net. That saves $20 billion over 10 years. There is simply no reason that large farmers who have profitable years need to get direct payments, need to get farm subsidies. Establishing a safety net makes sense. If prices are particularly low for a couple of years, if yields are particularly low for a couple of years, farmers need that safety net because we do not want to lose more family farms. But do not continue to give farm subsidies to farmers who simply do not need them.

Fourth, let's ask the wealthiest Americans to go back to the same tax rate they paid during the Clinton years. That will raise $800 billion over the next 10 years. During the Clinton years, 21 million private sector jobs—net increase—occurred, even with a higher tax rate on high-income people as we balanced the budget, and during the 8 Bush years, two major tax cuts mostly for the wealthy, which the Presiding Officer and I and others opposed, under the belief that trickle-down economics would work, there was only a 1 million private sector net increase in jobs in those 8 years. We started with a huge budget surplus and ended with a huge budget deficit. We know that kind of economics does not work.

Those four ways are just four of the many I can talk about at another time of reducing our deficit and making our economy stronger. Too many in Washington seek to undermine one of the programs that kept our country strong in good economic times and bad economic times; that is, Social Security.

I am now a grandfather. I turned 59 a couple of weeks ago. Our first grandson is 3 years old. I understand it becomes more personal. I understand how grandparents now get to spend more time with their grandchildren. Margaret Mead once said: Wisdom and knowledge are passed from grandparent to grandchild.

The Presiding Officer, who has enough gray hair, would understand that, understands that because Medicare and Social Security have helped Americans live longer and healthier lives, it does give us—that is why it is personal for me, it does give us more time with our grandkids, and passing on that knowledge and wisdom that only grandparents can then give to their grandchildren.

Yet too many seniors have worked hard, played by the rules, and require Social Security simply to live. More than half of Ohio's seniors get more than half their income in their retirement years from Social Security. That is how important it is. Some seniors get almost all of their income from Social Security. That may be as little as $1,000 or $1,100 or $1,200 a month. That is what they live on.

Yet as more and more seniors rely on Social Security, they went 2 years without a cost-of-living adjustment. Why? Because the cost-of-living adjustment under Federal law—this is not the fault of the President, although it may have been several Presidents ago; this is not the fault of the Congress, although it may have been when it was decided several Congresses ago—but the law simply says that the Social Security cost-of-living adjustment is the so-called Consumer Price Index, which is determined for a typical 40-year-old in the workplace, not a 70-year-old who is in retirement. The 40-year-old in the workplace has significantly lower health care costs, perhaps has higher transportation costs getting to or from work, while the senior who is 70 has significantly higher health care costs as a percentage of their income and significantly higher heating costs, just to keep warm in the winter, cool in the summer, because of their lifestyle.

This Consumer Price Index, which is the determination for whether you get a cost-of-living adjustment, is based on a working 40-year-old, not a retired 70-year-old. That is what we want to fix. That is why I have introduced my legislation to do CPI—instead of CPI-W, Consumer Price Index-Working Person, the way it is now, to change it to CPI-E, Consumer Price Index-Elderly, to base it on those who get the COLA.

America's seniors did not get a COLA the last 2 years because it did not reflect their cost as much as it reflected not very high inflation among 40-year-old working families. Belle, a senior community activist from Shaker Heights, recently shared with me her story that seniors across America can relate to, how difficult it is to meet their needs when Social Security benefits do not. Half of her income goes to health care costs not covered by Medicare—hearing aids, glasses, dental care, in addition to supplemental health insurance she pays. And as Belle will tell anyone, she, like millions of Americans, worked hard and contributed to Social Security. They do not see it as—the word we use around here—an ''entitlement;'' they see it as an investment that they made because every working person in Denver, in Colorado Springs, in Aurora, in Cleveland, Columbus, and Dayton paid into Social Security and Medicare every day of their work lives. They have invested. They have earned it. They were promised it.

But, presently, as I said, COLAs are based on the Consumer Price Index for workers, for wage earners, instead of the Consumer Price Index for the elderly. Those 65 and older tend to spend about twice as much on health care as the general population, twice as much out of a smaller income, than half as

much out of a bigger income that a 40-year-old would get.

So that is where we need to go with the Social Security cost-of-living adjustment. But in the so-called supercommittee, which was not able to come to an agreement, there were many in the supercommittee, particularly Republicans, particularly sort of ultraconservative politicians who do not much like Social Security to begin with, wanted what is called the chained CPI. The chained CPI. They called it a technical fix. But it is really a regressive tax increase that would cut senior citizens' cost-of-living adjustment.

They did the chained CPI because it would save Social Security money. Well, to save Social Security money, what does that mean? It means you are taking money from benefits, especially for low and middle-income seniors, which is most of them. Those are people who rely on Social Security for most of their income.

Their chained CPI would mean the annual benefits for a typical 65-year-old would be $136 less. Over time, a typical 75-year-old would receive $560 less a year, and at 85 they would receive $1,000 less a year, and at 95, as more seniors live to that age, when they need their benefit, the cut is $1,400 a year. You know, that may not be much money for my colleagues, but it is a lot of money if you are a senior living on a fixed income.

We know how to balance this budget. We did it when the Presiding Officer and I were in the House of Representatives. We did it with a Democratic President and a Congress that at least would go along with him and did not draw these lines in the sand and make signed pledges to lobbyists. They are signing pledges to lobbyists, saying: I will not do this; I will do not do that, instead of thinking for themselves and signing a pledge only to the Constitution of the United States of America.

We knew how to get to a balanced budget. We can do this. We did it in the 1990s. We got to a balanced budget without reducing the cost-of-living adjustment, without turning Medicare over to the insurance industry. You know, to me there are some radical Members of the House of Representatives, there are some in the Senate, who want to see Social Security turned over to Wall Street, let them run it; Medicare over to the insurance companies, let them run it.

When President Bush wanted to privatize Social Security in 1995, the Presiding Officer was in the House of Representatives. Imagine if we had gone along with President Bush's idea to privatize Social Security. Imagine what would have happened. We know what happened to people's 401(k)s. Imagine what would have happened to the monthly Social Security payments.

The government, as much as people criticize it, has never failed once to pay a Social Security check on time. It never failed to pay it at all. Since 1937, when Social Security paid out its first lump sum, I believe, or death benefit, and in 1940 when Social Security started paying monthly benefits, it never failed to pay, never paid late. So we know how it works.

If we had turned it over to Wall Street, who knows what would have happened. If we had turned Medicare over to insurance companies, as the Ryan proposal over in the House wants to do and as 40 colleagues here want to do, who knows what would have happened. We know it would not be Medicare the way we are used to it. We know it would not be Social Security the way we are used to it or the Medicare that serves the American public or the Social Security that serves the American public. Those two programs, if lifted 75 years ago—it was for the poorest, lowest income, the most indigent part of our population, seniors. It reduced the poverty rate dramatically so that seniors are no longer the poorest demographic of our population. Regrettably, children are, and we need to do better than we have done there.

Mr. President, it is clear that some of these radical proposals to privatize Medicare and turn it over to the insurance companies, privatize Social Security and turn it over to Wall Street, to do this chained CPI that will reduce the cost-of-living adjustment, because some egghead in some think tank in Washington, probably funded by Wall Street and insurance companies, thinks it is a great way to extract a few more dollars from seniors and do whatever they do with more dollars in the Treasury—it is pretty clear what we need to do to get a balanced budget, and it is pretty clear what we should not do. We can all work together and get to that point.

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. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFRICAN MEETING HOUSE

Mr. KERRY. Mr. President, the African Meeting House in Boston is one of the great landmarks of American freedom, as important to understanding our history as Faneuil Hall and Bunker Hill.

Not only is it the Nation's oldest black church building but throughout much of the 19th century it also served as the unofficial headquarters of the movement to abolish slavery in America. And on December 6—its 205th anniversary—the African Meeting House will reopen its historic doors after a $9 million restoration project to preserve the place where giants like William Lloyd Garrison and Frederick Douglass once thundered against the evil of human bondage.

It was in the Meeting House basement where William Lloyd Garrison formed the New England Anti-Slavery Society in 1832. Garrison predicted that the principles set forth by the Society would ''shake the nation by their mighty power.'' Indeed, they did, because they were, in fact, the same principles embodied in the Declaration of Independence, the Bill of Rights, and the other founding documents of our country. The Meeting House is a reminder of the struggle which was inevitable because slavery was written into our Constitution before brave Americans—both white and black—shed blood and spoke powerful words to ensure that it was at last written out of that founding document.

Maria Stewart, an African-American woman William Lloyd Garrison admired greatly, took Garrison's argument further, insisting in a series of speeches at the African Meeting House that under those founding documents, women were entitled to the same rights as men. ''It is not the color of the skin that makes the man or the woman, but the principle formed in the soul,'' she said in one of her speeches in 1833. ''Brilliant wit will shine, come from when it will; and genius and talent will not hide the brightness of its luster.''

That was never as true as when Frederick Douglass delivered ''A Plea for Speech in Boston'' at the African Meeting House in 1860 after an anti-slavery meeting elsewhere in the city had been disrupted by a mob. ''No right was deemed by the fathers of the Government more sacred than the right of speech,'' Douglass said. It is ''the great moral renovator of society and government,'' he said. Slavery itself could not survive free speech. ''Five years of its exercise would banish the auction block and break every chain in the South,'' he said.

Tragically, it ultimately required a war to resolve the great contradiction at the heart of our democracy. And with the coming of the Civil War, the African Meeting House joined the war effort, hosting rallies to recruit an all-black regiment of black soldiers. The result was the legendary 54th Massachusetts Infantry made up of volunteers from as far as Haiti, led by Colonel Robert Gould Shaw—the regiment and its commander both immortalized in monuments, literature and, of course, the award winning film Glory.

Mr. President, I was proud to work with Governor Deval Patrick and the Massachusetts congressional delegation to get $4 million in Federal grants

for the $9 million renovation of the African Meeting House. But few people have worked harder to make the renovation and rededication a reality than Beverly Morgan-Welch, the executive director of the Museum of African-American History. She has spent more than a decade spearheading the project, and I congratulate her for all her efforts on behalf of the Museum and the Meeting House and for the decades she has spent telling the unique and powerful story of African-Americans. It is an inspiring story about those whose spirits would not be broken by slavery, those who found ways to create families and communities under unimaginably brutal conditions, and those who managed—against all odds—to escape to freedom.

The African Meeting House reminds us that America has come a long way in making good on what Dr. King called ''the promissory note'' of our democracy—the right to ''life, liberty and the pursuit of happiness'' to all our citizens. It is a testament to the great strides we have made in outlawing the racial injustice that tainted the ideals of American society and helped make possible the election of our first African-American president and, in Massachusetts, our first African-American governor.

But the African Meeting House also reminds us of the work and the struggle that continues today. If we are to be fully emancipated from the consequences of slavery, we must understand its history, which played out so eloquently, so gallantly and so courageously at the African Meeting House.

DEFENSE LEGISLATIVE FELLOW PROGRAM

Mr. BURR. Mr. President, I rise to recognize the Defense Legislative Fellow Program and honor the fellows whom I have come to know well during their service in my office since 2009. These individuals have been among our Nation's best and brightest and they come to Congress each year to impart their knowledge to Members and their staffs and leave with a better awareness of the political process and the tireless and often unheralded work that congressional staff undertake each and every day. In the past 2 years I have had the pleasure of having three defense fellows work in my office: LTC Brooks Tucker, U.S. Marine Corps; MAJ Vaughan Byrum, U.S. Army; and MAJ Brett Robinson, U.S. Air Force.

As a testament to their abilities, MAJ Vaughan Byrum, a 14-year Army officer, prior enlisted soldier, and veteran of the two deployments to Iraq, is now serving as one of a handful of promising and capable officers representing the Army in the Senate Liaison Office, and Major Robinson is completing his tenure in my office and preparing for another demanding assignment in the Washington, DC, area. As an officer in the Marine Corps Reserve, LTC Brooks Tucker started as a fellow in my office in 2009, just when I was assigned a spot on the Senate Armed Services Committee. He has served on both my personal office and Veterans' Affairs Committee staffs, and he has been a tireless advocate for North Carolina's veterans and Active-Duty families and has been the critical lynchpin in my efforts to help the service-members and families who were impacted by contamination while serving at Camp Lejeune.

I want to express my gratitude to all three of these defense fellows for their service to the U.S. Senate and the people of North Carolina.

Major Byrum came to my office after completing a tough and demanding tour of duty in Baghdad, training and mentoring the provincial police and assisting with the critical transition from coalition to Iraqi responsibility and control. Like many combat veterans whom I have met over the years, Major Byrum is the epitome of professionalism, possesses a warm sense of humor, and conducts himself with humility and impeccable bearing. A graduate of North Carolina A&T University and a leader in the Reserve Officer Training Corps, Vaughan has a heart as big as his linebacker frame. He is fondly remembered by my staff, who went out of their way to welcome him back to the Senate after an interim assignment serving in the Pentagon. His can-do attitude and self-effacing demeanor will serve him well as he works with Senators and staff in the months ahead. I know his wife Andrea and daughter Victoria are very proud of him. I realize the Byrum family has made numerous sacrifices and endured lengthy separations, and they, like so many others in the military, have borne that burden quietly, with courage and grace.

Major Robinson has worked diligently in my Washington office for the past year and ably served the people of North Carolina. Before joining the Senate, Major Robinson served as the special operations program manager for the Air National Guard overseeing the special operations budget supporting over 1,000 personnel and 9 aircraft. As a traditional Air Guardsman, he serves as a C–130 pilot with the Pennsylvania Air National Guard. Prior to his recent assignments in Washington, DC, Major Robinson completed combat deployments in Iraq and Afghanistan and garnered operational experience on the African Continent, Europe, and Asia. A distinguished graduate of the U.S. Air Force Academy, he has served as a tactics officer, pilot, and flight commander and is the recipient of numerous personal decorations for meritorious service over his 13 years in uniform.

His tireless work and patient manner has not gone unnoticed, whether it be helping a Vietnam combat veteran receive a long overdue decoration for valor, offering operational perspectives on air operations in Afghanistan and Libya, or working in concert with military commanders and civilian leaders in North Carolina to address veterans' needs.

And to Jori, his wife, who is also an Air Force officer, thank you for your support and sacrifice as you balance the demands and confront the challenges of life in service to this Nation. I enjoyed meeting you and your sons, Grayson and Kiernan, and I know Major Robinson couldn't do what he does without your love and support.

I have gotten to know Major Robinson and Major Byrum quite well in the past 2 years. For men with so many rich life experiences and career accomplishments to be proud of, they truly epitomize the moniker ''quiet professional'' and exude a measured demeanor, consistent competency, and genuine modesty that has made them trusted advisers to me and my staff and garnered our admiration and affection. In sum, they are superb examples of the finest military in the world.

From interns in my office to constituents in the State, to all of my staff in North Carolina, Major Byrum and Major Robinson have impressed us at every turn and succeeded in educating us about the honor, tradition, and sacrifices made every day by our service men and women overseas, especially those of the National Guard.

Thank you, MAJ Vaughan M. Byrum and MAJ Brett B. Robinson, for your distinguished year of service to the people of North Carolina and for your continued commitment to protecting our Nation and the prosperity of all Americans.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1917. A bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 384. A bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research (Rept. No. 112–97).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Mari Carmen Aponte, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Nominee: Mari Carmen Aponte.

Post: El Salvador.

(The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions made by Mari Carmen Aponte since January 1, 2007: Amigos de Juan Cancel, 01-24-07, $150; Serrano for Congress, 02-23-07, $250; Anibal 2008, 02-26-07, $1000; Solis for Congress, 03-01-07, $250; Bill Richardson for Governor, 03-02-07, $200; Del Toro for Delegate, 03-26-07, $250; Ctee to Re-Elect N Velazquez, 03-30-07, $1000; Acevedo Vila Comisionado 2000, 03-27-07, $1000; Friends of Ramona Martinez, 04-24-07, $500; Byron Dorgan for Senate, 05-25-07, $400; Del Toro for Delegate, 06-13-07, $250; Del Toro for Delegate, 09-28-07, $250; Puerto Rico Contra Corrupción, 11-28-07, $200; Salazar Comisionado 2008, 12-28-07, $2000.

Partido Popular de PR, 02-26-08, $500; Anibal 2008, 02-26-08, $1000; Hillary Clinton for President, 02-29-08, $1000; Tadeo for Congress, 3-05-08, $150; McMahon for Congress, 06-10-08, $200; Salazar Comisionado 2008, 06-10-08, $800; DCCC, 06-26-08, $500; PODER PAC, 09-19-08, $5000; Ctee to Re-elect Jim Graham, 08-30-08, $250; Medalla LMM (Partido Popular), 09-15-08, $200; Partido Popular, 09-17-08, $800; Obama Victory Fund, 10-30-08, $5000; Poder PAC, 12-05-08, $1000.

Becerra for Congress, 03-03-09, $1000; Pleitez for Congress, 03-18-09, $500; Friends of Rick Montano, 04-18-09, $100; Ctee to Re-elect N Velazquez, 04-24-09, $500; DSCC, 05-11-09, $500; Amigos A Salazar, 06-29-09, $100; Ctee to Re-elect Diana Reyna, 08-10-09, $200; DSCC, 09-11-09, $250; Menendez for Senate, 10-20-09, $1000; Ctee to Re-elect N Velazquez, 11-05-09, $1000; Ctee to Re-elect N Velazquez, 11-18-09, $900; PODER PAC, 02-22-10, −$1000; Hickenlooper for Colorado, 05-06-10, $50; Joe Garcia for Congress, 05-12-10, $200; D.C. State Democratic Cmte, 06-01-10, $150; Parraz for Change, 06-09-10, $200.

Contributions made by Grandparents since 2007: All four grandparents deceased before 2007; no contributions made by Grandparents.

Contributions made by father—Rene Aponte: Father deceased on June 17, 1989; no contributions made by father.

Contributions made by mother—Maria Cristina Rodriguez since 2007: DNC, 09-15-08, $35.

Contributions made by sister—Maria T Aponte Aloma since 2007: Salazar Comisionado 2008, 12-28-07, $1000.

Contributions made by step sister—Kate Wood since 2007: Obama for America, 09-17-08, $300; Obama for America, 09-30-08, $250.

Contributions made by step brother—Bill Wood since 2007: None.

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*Adam E. Namm, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Nominee: Adam E. Namm.

Post: Quito.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: None

2. Spouse: Mei HUANG: $100, 5/1/08, MoveOn.org; $250, 06/9/08, Emily's List.

3. Children and Spouses: Rebecca NAMM (daughter): None

4. Parents: Arnold NAMM (father—died in May 2010): None; Susan SPENCER (mother): $500, 12/13/07, Sen. Tom Harkin; $1,000, 11/04/08. Sen. Tom Harkin; $250, 05/19/10, Sen. Tom Harkin; $150, 11/24/10, Sen. Tom Harkin; $100, 01/05/07, Emily's List; $100, 01/05/07, Emily's List; $100, 01/05/07, Emily's List; $100, 01/05/07, Emily's List; $100, 01/05/07, Emily's List; $100, 01/05/07, Emily's List; $100, 01/05/07, Emily's List; $100, 01/05/07, Emily's List; $100, 01/05/07, Emily's List; $100, 01/05/07, Emily's List; $2,500, 01/08/07, Emily's List; $1,000, 02/15/07, Emily's List; $500, 02/16/07, Emily's List; $500, 02/16/07, Emily's List; $500, 05/30/07, Hillary Clinton via Emily's List; $2,500, 01/14/08, Emily's List; $350, 05/09/08, Emily's List; $1,500, 04/16/09, Emily's List; $1,000, 03/18/10, Emily's List; $1,000, 03/09/11, Emily's List; $1,250, 03/28/11, Lois Frankel for Congress; $250, 06/10/11, Tom Harkin; $1,000, 05/30/07, Hilary Clinton for President; $1,300, 12/14/07, Hillary Clinton for President.

5. Grandparents: N/A (all deceased).

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Leslie COPLIN (sister): $250, 08/08/08 (est), MoveOn.org; $200, 09/01/08 (est), Obama for America.

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*Michael Anthony McFaul, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Michael McFaul.

Post: U.S. Ambassador to Russia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $250, 9/26/07, Obama for America; $250, 12/08/07, Obama for America.

2. Spouse: $100, 9/27/08, Obama for America; $100, 11/1/08, Obama for America.

3. Children and Spouses: Luke McFaul—none; Cole McFaul—none.

4. Parents: Kip McFaul—none; Helen McFaul—none.

5. Grandparents: Deceased.

6. Brothers and Spouses: Patrick McFaul—none; Chris McFaul—$100, 2008, Obama for America; Shawn McFaul—none; Katherine Heekin, $225, 12/21/10, Amer. Assoc for Justice (AAJPAC); $100, 2008, Merkley for Senate; $250, 2/9/08, Hillary Clinton for President; $250, 5/10/08, Hillary Clinton for President; $50, 2007/2008, John Edwards for President; Tim McFaul—none; Heather Fox—none.

7. Sisters and Spouses: Christie Martel—none; Tony Martel, $500, 5/24/11, Montanans for Rehberg; $250, 10/7/10, Assoc. General Contractors of America PAC; $250, 8/30/10, Rehberg for Congress; $6000, 9/17/08, McCain-Palin Victory CA.

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*Roberta S. Jacobson, of Maryland, a Career Member of the Senior Executive Service, to be an Assistant Secretary of State (Western Hemisphere Affairs).

*Elizabeth M. Cousens, of Washington, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

*Elizabeth M. Cousens, of Washington, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning with John Ross Beyrle and ending with Daniel J. Weber, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

*Foreign Service nominations beginning with Timothy M. Bashor and ending with Rafaela Zuidema, which nominations were received by the Senate and appeared in the Congressional Record on October 3, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 1918. A bill to require the Secretary of Homeland Security to prescribe regulations imposing a fee on air carriers that charge passengers for a first checked bag or a first carry-on bag, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 1919. A bill to amend title 18, United States Code, to provide penalties for transporting minors in foreign commerce for the purposes of female genital mutilation; to the Committee on the Judiciary.

By Mr. WHITEHOUSE:

S. 1920. A bill to save money and reduce tragedies through prevention grants; to the Committee on the Judiciary.

By Mr. BROWN of Massachusetts:

S. 1921. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the retrofit conversion of a nonhybrid motor vehicle to a hybrid; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. VITTER):

S. 1922. A bill to clarify the application of section 14501(d) of title 49, United States Code, to prevent the imposition of unreasonable transportation terminal fees; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL:

S. 1923. A bill to prevent Internet stalking and domestic violence; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself and Ms. SNOWE):

S. Res. 337. A resolution designating December 10, 2011, as ''Wreaths Across America Day''; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 338. A resolution to authorize the production of records by the Committee on

Commerce, Science, and Transportation; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 339. A resolution to authorize the production of records by the Committee on Commerce, Science, and Transportation; considered and agreed to.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 570

At the request of Mr. TESTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 584

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 642

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 642, a bill to permanently reauthorize the EB–5 Regional Center Program.

S. 834

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 933

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 933, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 1056

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1056, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 1173

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1173, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.

S. 1249

At the request of Mr. UDALL of Colorado, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1249, a bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 1297

At the request of Mr. BURR, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1297, a bill to preserve State and institutional authority relating to State authorization and the definition of credit hour.

S. 1440

At the request of Mr. BENNET, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1477

At the request of Mr. ROBERTS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1477, a bill to require the Administrator of the Federal Aviation Administration to prevent the dissemination to the public of certain information with respect to noncommercial flights of private aircraft owners and operators.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1575

At the request of Mr. CARDIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1606

At the request of Mr. PORTMAN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1606, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1749

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1749, a bill to establish and operate a National Center for Campus Public Safety.

S. 1868

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading

based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1904

At the request of Mr. DEMINT, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1904, a bill to provide information on total spending on means-tested welfare programs, to provide additional work requirements, and to provide an overall spending limit on means-tested welfare programs.

S. 1917

At the request of Mr. CASEY, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1917, a bill to create jobs by providing payroll tax relief for middle class families and businesses, and for other purposes.

S. RES. 227

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 227, a resolution calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River.

S. RES. 310

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the ''Year of the Girl'' and Congratulating Girl Scouts of the USA on its 100th anniversary.

AMENDMENT NO. 1064

At the request of Mr. PAUL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1064 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1066

At the request of Ms. AYOTTE, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of amendment No. 1066 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1067

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1067 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1068

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1068 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Ms. AYOTTE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1068 proposed to S. 1867, supra.

AMENDMENT NO. 1090

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1090 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1092

At the request of Mr. LEVIN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 1092 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1097

At the request of Mr. INHOFE, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1097 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1101

At the request of Mr. INHOFE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 1101 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1103

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1103 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1105

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1105 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1107

At the request of Mr. UDALL of Colorado, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN), the Senator from Kentucky (Mr. PAUL) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 1107 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1114

At the request of Mr. BEGICH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 1114 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1115

At the request of Ms. LANDRIEU, the names of the Senator from Delaware (Mr. COONS) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 1115 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 1115 proposed to S. 1867, supra.

AMENDMENT NO. 1116

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1116 proposed to S.

1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1128

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1128 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1128 intended to be proposed to S. 1867, supra.

AMENDMENT NO. 1132

At the request of Mrs. SHAHEEN, her name was added as a cosponsor of amendment No. 1132 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1133

At the request of Mr. BLUNT, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1133 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1137

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1137 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1152

At the request of Mr. PRYOR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1152 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1154

At the request of Mr. UDALL of New Mexico, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1154 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1183

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1183 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1185

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1185 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1189

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1189 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1193

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1193 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1195

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1195 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1199

At the request of Mrs. HUTCHISON, the names of the Senator from Florida (Mr. NELSON), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 1199 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1200

At the request of Mr. CORNYN, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1200 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1207

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1207 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1209

At the request of Mr. NELSON of Florida, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 1209 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1211

At the request of Mrs. GILLIBRAND, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1211 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1214

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1214 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the

Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1215

At the request of Mr. CASEY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Delaware (Mr. COONS) were added as cosponsors of amendment No. 1215 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1229

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1229 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1234

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1234 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1253

At the request of Mr. WYDEN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1253 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1256

At the request of Mr. MERKLEY, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Illinois (Mr. DURBIN), the Senator from Ohio (Mr. BROWN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mrs. GILLIBRAND), the Senator from Maryland (Mr. CARDIN), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Mexico (Mr. UDALL), the Senator from New York (Mr. SCHUMER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 1256 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1257

At the request of Mr. MERKLEY, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. HARKIN), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mrs. GILLIBRAND), the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Mexico (Mr. UDALL), the Senator from Maryland (Mr. CARDIN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 1257 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1262

At the request of Mr. BROWN of Ohio, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1262 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1265

At the request of Mr. COONS, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Oregon (Mr. MERKLEY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 1265 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1269

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1269 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1272

At the request of Ms. SNOWE, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Massachusetts (Mr. KERRY) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 1272 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1274

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1274 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1279

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1279 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1281

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1281 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. MCCAIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1281 proposed to S. 1867, supra.

AMENDMENT NO. 1283

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1283 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1286

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1286 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1287

At the request of Ms. MURKOWSKI, the name of the Senator from Oregon (Mr. WYDEN) was withdrawn as a cosponsor of amendment No. 1287 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1287 proposed to S. 1867, supra.

AMENDMENT NO. 1288

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1288 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1297

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1297 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1298

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1298 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1310

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1310 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1311

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1311 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1317

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1317 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1318

At the request of Mr. BENNET, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 1318 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1322

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 1322 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1339

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 1339 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1356

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 1356 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1384

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1384 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1392

At the request of Mr. SANDERS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1392 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1404

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 1404 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1414

At the request of Mr. MENENDEZ, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mr. SCHUMER), the Senator from Florida (Mr. NELSON), the Senator from Michigan (Ms. STABENOW), the Senator from Nebraska (Mr. NELSON), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN), the Senator from West Virginia (Mr. MANCHIN), the Senator from Arizona (Mr. KYL), the Senator from Nevada (Mr. HELLER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Pennsylvania (Mr. CASEY), the Senator from Ohio (Mr. BROWN), the Senator from Montana (Mr. TESTER), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Wyoming (Mr. BARRASSO), the Senator from Massachusetts (Mr. BROWN), the Senator from Nebraska (Mr. JOHANNS), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 1414 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 1919. A bill to amend title 18, United States Code, to provide penalties for transporting minors in foreign commerce for the purposes of female genital mutilation; to the Committee on the Judiciary.

Mr. REID. Mr. President, I rise today to introduce the Girls' Protection Act of 2011. This legislation addresses a topic that is difficult to talk about. It deals with the issue of female genital mutilation, FGM, a harmful cultural ritual with origins in Africa, Asia and the Middle East, that involves the removal of part or all of female genitalia.

FGM has no medical justification and is not based in religious beliefs. In fact, FGM, which is usually carried out on young girls sometime between infancy and fifteen years of age, can cause lifelong physical and psychological damage. The procedure is typically performed without an anesthetic and can cause bleeding, shock, infections and even death because of hemorrhage and unhygienic conditions. Lifelong health consequences include chronic infection, complications during pregnancy and labor, as well as severe pain during urination, menstruation, and sexual intercourse. This cruel procedure has been internationally recognized as a violation of the human rights of girls and women.

I first learned about FGM in 1994 when I read an article reporting the arrest of two men in Egypt who arranged for the filming of this appalling ritual procedure being performed on a ten year-old girl. Although this ritual is predominately practiced in various parts of Africa, Asia, and the Middle East, some ethnic communities in the United States continue to subject young girls to FGM. This compelled me to introduce legislation, which was enacted in 1996, that criminalizes the practice of FGM on girls under the age of 18 in the United States. The legislation I am introducing today seeks to strengthen this law by closing what is known as a ''vacation loophole'' by banning the act of transporting girls overseas to be subject to FGM.

While it is difficult to know precisely how many girls in the United States are at risk of being subject to FGM, estimates from various sources suggest that approximately 200,000 women living in the United States have been, or are at risk, of being subject to FGM. Enactment of The Girls Protection Act would help to better protect these girls by serving as a deterrent for those parents who are considering sending their young girls to their home countries to undergo FGM.

I am introducing The Girls' Protection Act today in honor of International Human Rights Defenders Day as well as the recognition of the Sixteen Days of Activism Against Gender Violence which occurs between November 25 and December 10 of each year. It is important to honor those individuals who are working, often under difficult circumstances and hostile social environments, for the advancement of women's health, dignity and human rights. The passage of this legislation would go a long way to support these efforts and to help end this degrading and inhumane practice.

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. 1919

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 ''Girls Protection Act of 2011''.

SEC. 2. TRANSPORT FOR FEMALE GENITAL MUTILATION.

Section 116 of title 18, United States Code, is amended by adding at the end the following:

''(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 337—DESIGNATING DECEMBER 10, 2011, AS ''WREATHS ACROSS AMERICA DAY''

Ms. COLLINS (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 337

Whereas 20 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, more than 250,000 wreaths have been sent to more than 700 locations, including national cemeteries and veterans memorials in every State and to locations overseas;

Whereas in 2010, wreaths were sent to more than 520 locations across the United States and overseas, 100 more locations than the previous year;

Whereas in December 2011, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic events and includes more than 250,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 11, 2010, was previously designated by the Senate as ''Wreaths Across America Day''; and

Whereas the Wreaths Across America project will continue its proud legacy on December 10, 2011, bringing 75,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 10, 2011, as ''Wreaths Across America Day'';

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

SENATE RESOLUTION 338—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 338

Whereas, the Committee on Commerce, Science, and Transportation conducted an investigation into unauthorized charges on telephone bills;

Whereas, the Committee has received a request from a state law enforcement official for access to records of the Committee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or local governments, records of the Committee's investigation into unauthorized charges on telephone bills.

SENATE RESOLUTION 339—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 339

Whereas, the Committee on Commerce, Science, and Transportation conducted an investigation in 2009 into aggressive sales tactics on the Internet and their impact on American consumers;

Whereas, the Committee has received a request from a state law enforcement official for access to records of the Committee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the

Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or local governments, records of the Committee's investigation into aggressive sales tactics on the Internet and their impact on American consumers.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1418. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1419. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1420. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1421. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1422. Mr. LAUTENBERG (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1423. Mr. DURBIN (for himself, Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1424. Mrs. GILLIBRAND (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1425. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1426. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1427. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1428. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1429. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1430. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1431. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1432. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1433. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1434. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1435. Mr. LEAHY (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1436. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1437. Mr. CARPER (for himself, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1438. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1439. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1440. Mr. CARPER (for himself, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1441. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1442. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1443. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1444. Mr. KYL (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1445. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1446. Mr. HATCH (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1447. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1448. Mr. CHAMBLISS (for himself, Mr. HATCH, Mr. LEE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1449. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1450. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1451. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1418. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF SENATE ON EQUINE-ASSISTED THERAPY FOR WOUNDED WARRIORS AND VETERANS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The bonds that exist between humans and animals can be a beneficial foundation for recovery from wounds, illness, and injury.

(2) Equine-assisted therapy may contribute beneficially to the rehabilitation of wounded warriors and veterans through physical stimulation and strengthening, improved cognitive focus, mental awareness, fitness, and self-esteem.

(3) In 2005, the 1st Cavalry Division at Fort Hood, Texas, conducted a pilot program on equine-assisted therapy for wounded warriors at the Brooke Army Medical Center, San Antonio, Texas.

(4) The Caisson Platoon Equine-Assisted Therapy Program at Fort Myer, Virginia, which is inspired and sustained by former members of the Armed Forces and volunteers, has been providing equine-assisted therapy for wounded warriors undergoing rehabilitation and treatment at the Walter Reed Army Medical Center and veterans since 2006, with the support of horses and members of the Armed Forces serving in the 1st Battalion, 3rd United States Infantry Regiment, known as the ''Old Guard''.

(5) The Department of Veterans Affairs has recognized the importance and benefits of equine-assisted therapy since 2007, and currently more than 30 Department of Veterans Affairs medical centers across the country participate in programs providing such therapy.

(6) In Texas alone there are currently six collaborative programs of equine-assisted therapy involving the Department of Defense and the Department of Veterans Affairs: Rock Program in Georgetown, Texas, Horseshoes of Hope in Bonham, Texas, Panther Creek Inspiration Ranch in Spring, Texas, SIRE Therapeutic Riding Centers in Houston, Texas, Spirithorse Therapeutic Riding Center in Corinth, Texas, and Stajduhar Stables in Colleyville, Texas.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to express gratitude for the work of all the members of the Armed Forces, veterans, and volunteers who devote time and effort under equine-assisted therapy programs to assist wounded warriors and veterans in recovering from injuries incurred in service to their country;

(2) to urge the Secretary of Defense to develop a plan for increasing access to equine-assisted therapy for wounded warriors and veterans outside the National Capital Region for whom such therapy could be beneficial in order to assist such wounded warriors and veterans in physical, mental, emotional and cognitive healing, including through collaboration between and among organizations of the Department of Defense for health, quality of life, and wounded warrior support, the Department of Veterans Affairs, and nongovernmental organizations that have evaluated the effects of equine-assisted therapies in improving health and quality of life of wounded warriors and veterans; and

(3) to urge the Secretary to evaluate opportunities for research by public and private sector organizations on the benefits of equine-assisted therapy for wounded warriors and veterans.

SA 1419. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM.

Within amounts authorized to be appropriated by section 201 and available for research, development, test, and evaluation for the Air Force as specified in the funding table in section 4201—

(1) the amount available for the Joint Surveillance Target Attack Radar System (JSTARS), Program Element 27581F, is hereby increased by $33,000,000; and

(2) the amount available for the National Polar-Orbiting Operational Environmental Satellite System (NPOESS), Program Element 35178F, is hereby decreased by $33,000,000.

SA 1420. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON RELOCATION OF GOVERNMENT STATIONS FROM THE 1755-1780 MHZ BAND.

(a) IN GENERAL.—Not later than June 30, 2012, the Secretary of Defense shall, in consultation with the National Telecommunications and Information Administration, submit to the appropriate committees of Congress a report on the relocation of all Government stations currently in the 1755-1780 MHz band from that band to other bands in which Government stations operate with primary status.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An identification of the bands of electromagnetic spectrum that currently contain Government stations capable of sharing frequencies with Government stations currently in the 1755-1780 MHz band.

(2) An identification of the bands, whether on a national or smaller geographic basis, that currently possess unoccupied or underutilized frequencies on which relocated Government stations could operate with at least the same level of interference protection with which they currently operate.

(3) An identification of the bands currently containing Government stations that could utilize more spectrally efficient technologies to accommodate the relocation of Government stations from the 1755-1780 MHz band.

(4) An estimate of the costs of relocating Government stations from the 1755-1780 MHz band to bands identified under paragraphs (1) through (3) on a expedited basis.

(5) An assessment of the minimum amount of time required to so relocate such stations on an expedited basis.

(6) An assessment of the feasibility and advisability of providing the services currently provided to Federal agencies in the 1755-1780 MHz band through commercial services or other Government stations in lieu of the relocation of Government stations currently in the 1755-1780 MHz band for that purpose.

(7) An assessment, based upon the analysis required for purposes of paragraphs (1), (2), and (3), whether Government stations relocated from the 1755-1780 MHz band would operate with at least the same level of interference protection with which they currently operate, and an identification and assessment of the operational risk associated with the relocation from the 1755-1780 MHz band of each Government station currently in that band.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) COSTS.—The expenses associated with conducting the study required for the report required by subsection (a) shall be considered relocation costs in accordance with section 113(g)(3) of the National Telecommunications and Information Administration Act (47 U.S.C. 923(g)(3)), and eligible Federal entities that incur expenses associated with such study may seek reimbursement for such expenses pursuant to section 118 of such Act (47 U.S.C. 928).

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1421. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF CONGRESS ON PROTECTION OF CRITICAL COMPONENTS OF THE UNITED STATES ELECTRIC POWER GRID FROM ELECTROMAGNETIC PULSE EVENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Government has a primary responsibility to provide for the common defense and general welfare of the United States.

(2) The society, economy, and national security apparatus of the United States are critically dependent upon the availability of electricity.

(3) A continuing supply of electricity is necessary for sustaining water supplies, production and distribution of food, fuel, communications, financial services, and other very significant elements of the United States economy.

(4) Contemporary United States society is not structured, nor does it have the means, to provide for the needs of nearly 300,000,000 Americans without electricity.

(5) Because the existing United States electrical power grid operates at or near its physical capacity, relatively modest damage to the grid could cause functional collapse.

(6) Electromagnetic pulse (EMP) is a threat to the overall electrical power system of the United States.

(7) A major electromagnetic pulse event could couple ultimately unmanageable currents and voltages into an electric power grid routinely operated with little margin and cause the collapse of large portions of the United States electric power grid for a substantial length of time.

(8) The current strategy for recovery from an electromagnetic pulse event leaves the United States ill-prepared to respond effectively, resulting in potential damage to vast numbers of electric components over an unprecedented geographic scale.

(9) A collapse of large portions of the United States electric power grid will result in significant periods of power-outage, and restoration from collapse or loss of significant portions of the system may be exceedingly difficult.

(10) If the United States electric power grid is lost for any substantial period of time, the consequences are potentially catastrophic to civilian society.

(11) Electromagnetic pulse occurs both naturally, such as geomagnetic storms, and via manmade causes, such as the high-altitude detonation of a nuclear device.

(12) The International Atomic Energy Agency released a report in November 2011 that cites concerns over nuclear weapons-related developments in Iran.

(13) A perceived vulnerability of the United States electric power grid to electromagnetic pulse could invite a potential enemy to attempt an electromagnetic pulse attack.

(14) The Department of Defense relies upon civilian sources outside Department installations for ninety-nine percent of electricity needs.

(15) Eighty-five percent of the electricity supply for the Department is outside of Department control.

(16) There is deep concern regarding the negative impacts on the United States electric power infrastructure and Department interests from an electromagnetic pulse event unless practical steps are taken to provide protection for critical elements of the United States electric power grid.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national interest of the United States to immediately address vulnerabilities to its electric power grid from natural and manmade electromagnetic pulse events, particularly by engaging in efforts to ensure that the United States electric power grid, especially portions of the grid critical to national security, are protected from natural or manmade electromagnetic pulse; and

(2) the Department of Defense should ascertain which of its critical sources of electricity are not protected against interruptions from natural or manmade electromagnetic pulse and develop and implement a plan to remedy any such vulnerabilities.

SA 1422. Mr. LAUTENBERG (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. EXTENSION OF CERTAIN AUTHORITIES RELATING TO REFUGEES.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended as follows:

(1) In section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2011'' and inserting ''2011, and 2102''; and

(B) in subsection (e), by striking ''June 1, 2011'' each place it appears and inserting ''October 1, 2012''.

(2) In section 599E(b)(2) (8 U.S.C. 1255 note), by striking ''2011'' and inserting ''2012''.

SA 1423. Mr. DURBIN (for himself and Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, beginning on line 14, strike ''not more than 15 contracts or cooperative agreements'' and insert ''not more than 5 contracts or cooperative agreements per Army industrial facility''.

SA 1424. Mrs. GILLIBRAND (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, insert the following:

SEC. 1088. FEDERAL INTERNSHIP PROGRAMS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after section 3111 the following:

''§ 3111a. Federal internship programs

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency' means an Executive agency;

''(2) the term 'intern' means an individual participating in an internship program; and

''(3) the term 'internship program' means—

''(A) a volunteer service program under section 3111(b);

''(B) an internship program established under Executive Order 13562 of December 27, 2010 (75 Federal Register 82585);

''(C) a program operated by a nongovernment organization for the purpose of providing paid internships in agencies under a written agreement that is similar to an internship program established under Executive Order 13562 of December 27, 2010 (75 Federal Register 82585); or

''(D) a program that—

''(i) is similar to an internship program established under Executive Order 13562 of December 27, 2010 (75 Federal Register 82585); and

''(ii) is authorized under another statutory provision of law.

''(b) INTERNSHIP COORDINATOR.—The head of each agency operating an internship program shall appoint an individual within that agency to serve as an internship coordinator.

''(c) ONLINE INFORMATION.—

''(1) AGENCIES.—The Office of Personnel Management shall make publicly available on the Internet—

''(A) the name and contact information of the internship coordinator for each agency; and

''(B) information regarding application procedures and deadlines for each internship program.

''(2) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall make publicly available on the Internet links to the websites where the information described in paragraph (1) is displayed.

''(d) CENTRALIZED DATABASE.—The Office shall establish and maintain a centralized electronic database that contains the names, contact information, and relevant skills of individuals who have completed or are nearing completion of an internship program and are currently seeking full-time Federal employment.

''(e) EXIT INTERVIEW REQUIREMENT.—The agency operating an internship program shall conduct an exit interview, and administer a survey (which shall be in conformance with any guidelines or requirements as the Office shall establish to ensure uniformity across agencies), with each intern who completes that program.

''(f) REPORT.—

''(1) IN GENERAL.—The head of each agency operating an internship program shall annually submit to the Office a report assessing that internship program.

''(2) CONTENTS.—Each report required under paragraph (1) for an agency shall include, for the 1-year period ending on September 1 of the year in which the report is submitted—

''(A) the number of interns who participated in an internship program at that agency;

''(B) information regarding the demographic characteristics of interns at that agency, including educational background;

''(C) a description of the steps taken by that agency to increase the percentage of interns who are offered permanent Federal jobs and the percentage of interns who accept the offers of those jobs, and any barriers encountered;

''(D) a description of activities engaged in by that agency to recruit new interns, including locations and methods;

''(E) a description of the diversity of work roles offered within internship programs at that agency;

''(F) a description of the mentorship portion of those internship programs; and

''(G) a summary of exit interviews conducted and surveys administered by that agency with respect to interns upon their completion of an internship program at that agency.

''(3) SUBMISSION.—Each report required under paragraph (1) shall be submitted to the Office between September 1 and September 30 of each year. Not later than December 30 of each year, the Office shall submit to Congress a report summarizing the information submitted to the Office in accordance with paragraph (1) for that year.

''(g) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3111 the following:

''3111a. Federal internship programs.''.

SA 1425. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 221, between lines 6 and 7, insert the following:

(b) CLARIFICATION OF APPLICATION FOR 2013.—For purposes of determining the enrollment fees for TRICARE Prime for 2013 under the first sentence of section 1097a(c) of title 10, United States Code (as added by subsection (a)), the amount of the enrollment fee in effect during 2012 shall be deemed to be the following:

(1) $260 for individual enrollment.

(2) $520 for family enrollment.

SA 1426. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. The United States Executive Director of the International Monetary Fund shall use the voice and vote of the United States to oppose—

(1) any increase in the quota of the United States in the Fund for any purpose; and

(2) the use of contributions of the United States to the Fund to provide funding for the European Financial Stability Facility or any program related to the Facility.

SA 1427. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. DEADLINE FOR RECOMPETITION ON CONTRACTS PURSUANT TO A GOVERNMENT ACCOUNTABILITY OFFICE OPINION TO AMEND OR REISSUE A REQUEST FOR PROPOSALS.

Whenever the Department of Defense undertakes a recompetition for the award of a contract pursuant to an opinion of the Government Accountability Office requiring an amendment or reissuance of a request for proposals in connection with such contract, the Department shall—

(1) commence the recompetition not later than 120 days after the date of the issuance of the opinion; or

(2) if the Department cannot commence the recompetition within the time provided for under paragraph (1), publish in the Federal Register a notice explaining why the Department cannot commence the recompetition within that time and identifying when the recompetition will commence.

SA 1428. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

SA 1429. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. _____. COMPREHENSIVE POLICY ON REPORTING AND TRACKING SEXUAL ASSAULT INCIDENTS AND OTHER SAFETY INCIDENTS.

(a) POLICY.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"§ 1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents

''(a) POLICY REQUIRED.—Not later than February 1, 2012, the Secretary shall develop and implement a centralized and comprehensive policy on the reporting and tracking of sexual assault incidents and other safety incidents that occur at each medical facility of the Department, including the following:

''(1) Suspected, alleged, attempted, or confirmed cases of sexual assault, regardless of whether such assaults lead to prosecution or conviction.

''(2) Criminal and purposefully unsafe acts.

''(3) Alcohol or substance abuse related acts (including by employees of the Department).

''(4) Any kind of event involving alleged or suspected abuse of a patient.

''(b) SCOPE.—The policy required by subsection (a) shall cover each of the following:

''(1) For purposes of reporting and tracking sexual assault incidents and other safety incidents, definitions of the terms—

''(A) 'safety incident';

''(B) 'sexual assault'; and

''(C) 'sexual assault incident'.

''(2) The development and use of specific risk-assessment tools to examine any risks related to sexual assault that a veteran may pose while being treated at a medical facility of the Department, including clear and consistent guidance on the collection of information related to—

''(A) the legal history of the veteran; and

''(B) the medical record of the veteran.

''(3) The mandatory training of employees of the Department on security issues, including awareness, preparedness, precautions, and police assistance.

''(4) The mandatory implementation, use, and regular testing of appropriate physical security precautions and equipment, including surveillance camera systems, computer-based panic alarm systems, stationary panic alarms, and electronic portable personal panic alarms.

''(5) Clear, consistent, and comprehensive criteria and guidance with respect to an employee of the Department communicating and reporting sexual assault incidents and other safety incidents to—

''(A) supervisory personnel of the employee at—

''(i) a medical facility of the Department;

''(ii) an office of a Veterans Integrated Service Network; and

''(iii) the central office of the Veterans Health Administration; and

''(B) a law enforcement official of the Department.

''(6) Clear and consistent criteria and guidelines with respect to an employee of the Department referring and reporting to the Office of Inspector General of the Department sexual assault incidents and other safety incidents that meet the regulatory criminal threshold in accordance with sections 1.201 and 1.204 of title 38, Code of Federal Regulations (or any successor regulations).

''(7) An accountable oversight system within the Veterans Health Administration that includes—

''(A) systematic information sharing of reported sexual assault incidents and other safety incidents among officials of the Administration who have programmatic responsibility; and

''(B) a centralized reporting, tracking, and monitoring system for such incidents.

''(8) Consistent procedures and systems for law enforcement officials of the Department with respect to investigating, tracking, and closing reported sexual assault incidents and other safety incidents.

''(9) Clear and consistent guidance for the clinical management of the treatment of sexual assaults that are reported more than 72 hours after the assault.

''(c) UPDATES TO POLICY.—The Secretary shall review and revise the policy required by subsection (a) on a periodic basis as the Secretary considers appropriate and in accordance with best practices.

''(d) ANNUAL REPORT.—(1) Not later than 60 days after the date on which the Secretary develops the policy required by subsection (a), and by not later than January 1 of each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of the policy during the preceding fiscal year.

''(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) The number and type of sexual assault incidents and other safety incidents reported by each medical facility of the Department.

''(B) A detailed description of the implementation of the policy required by subsection (a), including any revisions made to such policy from the previous year.

''(C) The effectiveness of such policy on improving the safety and security of the medical facilities of the Department, including the performance measures used to evaluate such effectiveness.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1708 the following:

''1709. Comprehensive policy on reporting and tracking of sexual assault incidents and other safety incidents.''.

(c) INTERIM REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the development of the performance measures described in section 1709(d)(2)(C) of title 38, United States Code, as added by subsection (a).

(d) REPEAL OF REQUIREMENT FOR ANNUAL REPORTS ON STAFFING FOR NURSES AT DEPARTMENT OF VETERANS AFFAIRS HEALTHCARE FACILITIES.—Section 7451(e) of title 38, United States Code, is amended by striking paragraphs (4), (5), and (6).

SA 1430. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. AVAILABILITY OF AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR CAPITAL PROJECTS IN AFGHANISTAN AND IRAQ FOR TRANSPORTATION INFRASTRUCTURE PROJECTS IN THE UNITED STATES.

(a) PROHIBITION ON USE OF COVERED FUNDS FOR CAPITAL PROJECTS IN AFGHANISTAN AND IRAQ.—

(1) IN GENERAL.—Except as provided in paragraph (2), no covered funds may be obligated or expended on or after the date of the enactment of this Act to carry out any capital project for the benefit of the host country in Afghanistan or Iraq.

(2) EXCEPTION.—The prohibition in paragraph (1) does not apply to a capital project the cost of which does not exceed $50,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR TRANSPORTATION INFRASTRUCTURE PROJECTS IN THE UNITED STATES.—There is authorized to be appropriated to the Secretary of Transportation for transportation infrastructure projects in the United States for each fiscal year after fiscal year 2011 an amount that the Secretary of the Treasury, in consultation with the Secretary of Defense, determines to be equivalent to the amount of covered funds that would have been expended to carry out capital projects in Afghanistan and Iraq in that fiscal year but for the prohibition in subsection (a)(1).

(c) DEFINITIONS.—In this section:

(1) CAPITAL PROJECT.—The term ''capital project'' has the meaning given the term in section 308 of the Aid, Trade, and Competitiveness Act of 1992 (title III of Public Law 102–549; 22 U.S.C. 2421e; 106 Stat. 3660).

(2) COVERED FUNDS.—The term ''covered funds'' means the following:

(A) Amounts authorized to be appropriated for the Afghanistan Infrastructure Fund.

(B) Amounts authorized to be appropriated for the Commanders' Emergency Response Program.

(C) Any other amounts authorized to be appropriated for the Department of Defense that are made available for a capital project.

SA 1431. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize

appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. RESTRICTING THE USE OF SOLE SOURCE CONTRACTING FOR ALASKA NATIVE CORPORATIONS.

Section 8(a)(16) of the Small Business Act (15 U.S.C. 637(a)(16)) is amended—

(1) in subparagraph (A), by striking ''The'' and inserting ''Except as provided in subparagraph (C), the''; and

(2) by adding at the end the following:

''(C) ALASKA NATIVE CORPORATIONS.—

''(i) DEFINITION.—In this subparagraph, the term 'appropriate official' means, with respect to a sole source contract, the official who would be required to approve a justification for the sole source contract under section 3304(e)(1)(B) of title 41, United States Code, if a justification were required for the sole source contract under such section 3304.

''(ii) PROHIBITION.—The Administrator may not award a sole source contract under this section to a Program Participant that is an Alaska Native Corporation or a subsidiary of an Alaska Native Corporation in an amount exceeding $4,000,000, if the sole source contract is for the procurement of services, or $6,500,000 if the sole source contract is for the procurement of property, unless—

''(I) the contracting officer for the contract justifies the use of a sole source contract in writing;

''(II) the justification includes a determination that the sole source contract is in the best interest of the procuring agency;

''(III) the justification is approved by the appropriate official of the procuring agency; and

''(IV) the justification and related information are made public as provided in subsection (e)(1)(C) or subsection (f) of section 3304 of title 41, United States Code, as applicable.''.

SA 1432. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. RESTRICTING CONTRACTING FOR ALASKA NATIVE CORPORATIONS.

Section 8(a) of the Small Business Act (15 U.S.C. 637(a)(16)) is amended by adding at the end the following:

''(22) ALASKA NATIVE CORPORATIONS.—

''(A) DEFINITION.—In this paragraph, the term 'appropriate official' means, with respect to a contract, the official who would be required to approve a justification for the contract under section 3304(e)(1)(B) of title 41, United States Code, if a justification were required for the contract under such section 3304.

''(B) PROHIBITION.—The Administrator may not award a contract under this section to a Program Participant that is an Alaska Native Corporation or a subsidiary of an Alaska Native Corporation unless—

''(i)(I) the Program Participant certifies in writing to the Administrator that not less than 35 percent of the employees of the Program Participant who are engaged in performing the contract are Natives, as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); or

''(II) the Administrator determines that not less than 35 percent of the employees of the Program Participant who are engaged in performing the contract are Natives, as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)), based on—

''(aa) information submitted to the Administrator by the Program Participant; or

''(bb) certification procedures established by the Administrator by regulation;

''(ii) the contracting officer for the contract justifies the contract in writing;

''(iii) the justification includes a determination that the contract is in the best interest of the procuring agency;

''(iv) the justification is approved by the appropriate official of the procuring agency; and

''(v) the justification and related information are made public as provided in subsection (e)(1)(C) or subsection (f) of section 3304 of title 41, United States Code, as applicable.''.

SA 1433. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1031.

SA 1434. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1032.

SA 1435. Mr. LEAHY (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SECTION 1088. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest'';

(B) in subsection (d), by striking ''as a law enforcement officer'' and inserting ''that identifies the employee as a police officer or law enforcement officer of the agency''; and

(C) in subsection (f), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest''; and

(2) in section 926C—

(A) in subsection (c)(2), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest''; and

(B) in subsection (d)—

(i) in paragraph (1), by striking ''that indicates'' and inserting ''that identifies the person as having been employed as a police officer or law enforcement officer and indicates''; and

(ii) in paragraph (2)(A), by inserting ''that identifies the person as having been employed as a police officer or law enforcement officer'' after ''officer''.

SA 1436. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 346. HAZARD ASSESSMENTS RELATED TO NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS.

Section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4201; 49 U.S.C. 44718 note) is amended—

(1) in subsection (e)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraph (3), (4), and (5), respectively;

(B) by inserting after paragraph (1) the following new paragraph:

''(2) ELEMENTS OF HAZARD ASSESSMENT.—Each hazard assessment shall, at a minimum, include—

''(A) an analysis of—

''(i) the electromagnetic interference that the proposed project would cause for any military installation, military-owned or military-operated air traffic control radar site, navigation aid, and approach systems;

''(ii) any other adverse impacts of the proposed project on military operations, safety, and readiness, including adverse effects to instrument or visual flight operations; and

''(iii) what alterations could be made to the proposed project, including its location and physical proximity to the affected military installation, military-owned or military-operated air traffic control radar site, or navigation aid, to sufficiently mitigate any adverse impacts described under clauses (i) and (ii);

''(B) a determination as to whether the proposed project will have any adverse aeronautical effects, as described in clauses (i) and (ii) of subparagraph (A), or other significant military operational impacts; and

''(C) a written recommendation from the Chief of Staff of the Armed Force that has primary responsibility for the affected military installation, military-owned or military-operated air traffic control radar site, or navigation aid whether or not to object to the proposed project.'';

(C) in paragraph (4), as redesignated by subparagraph (A), by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(D) in paragraph (5), as redesignated by such subparagraph, by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(2) in subsection (j), by adding at the end the following new paragraph:

''(4) The term 'unacceptable risk to the national security of the United States' includes any significant adverse aeronautical effects, such as electromagnetic interference with the affected military installation, military-owned or military-operated air traffic control radar site, navigation aid, and approach systems, as well as any other significant adverse impacts on military operations, safety, and readiness, such as adverse effects to instrument or visual flight operations.''.

SA 1437. Mr. CARPER (for himself, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. REPORT ON MEANS OF REDUCING LATE FEES FOR LEASED SHIPPING CONTAINERS FOR SHIPPING ITEMS FOR THE DEPARTMENT OF DEFENSE FOR OVERSEAS CONTINGENCY OPERATIONS.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan setting forth actions to reduce or mitigate the late the fees charged the Department of Defense in connection with leased shipping containers used for the delivery of parts, supplies, and other items for the Department for overseas contingency operations.

SA 1438. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. IMPROVEMENT OF COMBATANT COMMAND THEATER POSTURE PLANNING UNDER THE JOINT STRATEGIC CAPABILITIES PLAN.

(a) IN GENERAL.—The Secretary of Defense shall require the Chairman of the Joint Chiefs of Staff to improve theater posture planning for the combatant commands under the Joint Strategic Capabilities Plan of the Department of Defense in a manner that includes the matters specified in subsection (b).

(b) COVERED MATTERS.—The improvement of the Joint Strategic Capabilities Plan required pursuant to subsection (a) shall provide for the incorporation into the Joint Strategic Capabilities Plan of the following:

(1) A requirement that the theater posture plan for the United States Pacific Command, the United States Africa Command, the United States Southern Command, the United States European Command, and the United States Central Command each take into account the cost of operating and maintaining existing installations and ensure estimates of such costs in connection with future initiatives that would alter the theater posture.

(2) Guidance on the analysis by the combatant commands referred to in paragraph (1) of the costs and benefits of alternative courses of action when alterations to the theater posture for the applicable command are considered.

(3) A requirement that the commander of each combatant command referred to in paragraph (1) develop a process through which interagency perspectives are obtained throughout the theater posture planning process and the development of the theater posture plan by such combatant command.

(4) A requirement that the commander of each combatant command referred to in paragraph (1) issue guidance to codify the theater posture planning process of such combatant command upon the incorporation into the Joint Strategic Capabilities Plan of the matters specified in paragraphs (1) through (3).

SA 1439. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. _____. MODIFICATION OF TOXIC SUBSTANCES CONTROL ACT DEFINITION.

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking '', and'' and inserting '', or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers,'';

(2) in clause (vi) by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (vi) the following:

''(vii) any sport fishing equipment (as such term is defined in subparagraph (a) of section 4162 of the Internal Revenue Code of 1986) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.''.

SA 1440. Mr. CARPER (for himself, Mr. COBURN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. DEPARTMENT OF DEFENSE COMPTROLLER REPORT ON MEANS OF PREVENTING AND RECOVERING DELINQUENT DEBTS TO THE DEPARTMENT OF DEFENSE.

Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall submit to Congress a plan setting forth actions to prevent, and to and recover, debts to the Department of Defense that are delinquent. The plan shall include actions to prevent debts to the Department from becoming delinquent, and to ensure recovery of debts to the Department that become delinquent.

SA 1441. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 542, strike line 11 and all that follows through page 543, line 18, and insert the following: ''amount of $200,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,212,498,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,476,499,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $292,004,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $32,964,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $399,602,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $200,000,000.

On page 671, in the table relating to Military Construction, Defense-Wide, in the item relating to the Energy Conservation Investment Program, strike ''135,000'' in the Senate Agreement column and insert ''200,000''.

SA 1442. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. ENHANCED COMMISSARY STORES DEMONSTRATION AUTHORITY.

(a) AUTHORITY TO OPERATE ENHANCED COMMISSARY STORES.—

(1) IN GENERAL.—Subchapter II of chapter 147 of title 10, United States Code, is amended by inserting after section 2488 the following new section:

''§ 2488a. Enhanced commissary stores

''(a) AUTHORITY TO OPERATE.—The Defense Commissary Agency may operate an enhanced commissary store at such military installations as the Secretary of Defense

considers to be appropriate, in order to reduce the net costs of those stores to the Federal Government and to enable their continued operations as an element of the military pay and benefits package.

''(b) ADDITIONAL CATEGORIES OF MERCHANDISE.—(1) In addition to selling items in the merchandise categories specified in subsection (b) of section 2484 of this title in the manner provided by such section, an enhanced commissary store also may sell items in such other merchandise categories (not covered by subsection (b) of section 2484 of this title) as the Secretary of Defense may authorize.

''(2) Subsections (c) and (g) of section 2484 of this title shall not apply with regard to the selection, or method of sale, of merchandise in any merchandise category authorized by the Secretary of Defense pursuant to paragraph (1) for sale in, at, or by an enhanced commissary store.

''(c) SALES PRICE ESTABLISHMENT AND SURCHARGE.—Subsections (d) and (e) of section 2484 of this title shall not apply to the pricing of merchandise in any merchandise category authorized by the Secretary of Defense pursuant to paragraph (1) for sale in, at, or by an enhanced commissary store. Instead, the Secretary of Defense shall determine appropriate prices for such merchandise sold in, at, or by an enhanced commissary store.

''(d) RETENTION AND USE OF PORTION OF PROCEEDS.—(1) The Secretary of Defense may retain amounts equal to the difference between—

''(A) the retail price of merchandise in any merchandise category authorized by the Secretary of Defense pursuant to paragraph (1) for sale in, at, or by an enhanced commissary store; and

''(B) the invoice cost of such beverages, products, or merchandise.

''(2) The Secretary of Defense shall use amounts retained under paragraph (1) for an enhanced commissary store to help offset the operating costs of that enhanced commissary store.

''(e) LIMITATION.—The authority under this section is subject to the limitation set forth in section 2705(b) of the National Defense Authorization Act for Fiscal Year 2012.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2488 the following new item:

''2488a. Enhanced commissary stores.''.

(b) TEMPORARY LIMITATION ON AUTHORITY.—

(1) LIMITED AUTHORITY.—Until 180 days after submitting the report required under paragraph (2), the Secretary of Defense may exercise the authority provided under section 2488a of title 10, United States Code, as added by subsection (a), only at military installations within 20 miles of which fewer than 500 active duty personnel are stationed.

(2) REPORT ON CRITERIA FOR OPERATION OF ENHANCED COMMISSARY STORES.—Not later than 30 days after reissuance of Department of Defense Instruction 1330.17 as in effect on the date of the enactment of this Act, or the issuance of any instruction on Armed Services Commissary Operations, the Secretary of Defense shall submit a report to the congressional defense committees specifying and justifying the criteria to be used for determining locations at which enhanced commissaries may be operated.

SA 1443. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. MODIFICATION OF FREQUENCY AND ELEMENTS OF THE LONG-RANGE PLAN FOR THE CONSTRUCTION OF NAVAL VESSELS.

(a) REQUIREMENT FOR BIENNIAL SUBMITTAL.—Subsection (a) of section 231 of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''QUADRENNIAL'' and inserting ''BIENNIAL'';

(2) by striking ''during each year in which the Secretary of Defense submits a quadrennial defense review'' and inserting ''in an even-numbered year''; and

(3) by striking ''the quadrennial defense review'' and inserting ''the most recent quadrennial defense review''.

(b) ELEMENTS.—Such section is further amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(6) The retirement of naval vessels anticipated during the fiscal year for which the plan is submitted, and during the 10-fiscal year period beginning with the fiscal year for which the plan is submitted, set forth by class of naval vessel.''; and

(2) in subsection (g), by adding at the end the following new paragraph:

''(4) The term 'construction schedule', for a given period, includes the force levels anticipated during that period, and the procurement rates for vessels anticipated to meet such force levels, for each separate type of vessel, including amphibious ships, combat logistics force (CLF) ships, and support ships.''.

SA 1444. Mr. KYL (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. UNITED STATES COMMITMENTS TO SAFETY, RELIABILITY, AND PERFORMANCE OF UNITED STATES NUCLEAR FORCES AND MODERNIZATION AND REPLACEMENT OF STRATEGIC NUCLEAR DELIVERY VEHICLES.

(a) SAFETY, RELIABILITY, AND PERFORMANCE OF NUCLEAR FORCES.—

(1) STATEMENT OF POLICY.—The United States is committed to ensuring the safety, reliability, and performance of its nuclear forces.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States is committed to proceeding with a robust stockpile stewardship program, and to maintaining and modernizing the nuclear weapons production capabilities and capacities, that will ensure the safety, reliability, and performance of the United States nuclear arsenal at the levels set forth in the New START Treaty, and will meet requirements for hedging against possible international developments or technical problems, in conformance with United States policies and to underpin deterrence;

(B) to that end, the United States is committed to maintaining United States nuclear weapons laboratories and preserving the core nuclear weapons competencies therein; and

(C) the United States is committed to providing the resources needed to achieve these objectives, at a minimum at the levels set forth in the President's 10-year plan provided to Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549).

(b) SENSE OF CONGRESS ON MODERNIZATION AND REPLACEMENT OF UNITED STATES STRATEGIC DELIVERY VEHICLES.—In accordance with paragraph 1 of Article V of the New START Treaty, which states, ''Subject to the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out,'' is the sense of Congress that—

(1) United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles; and

(2) to this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems.

(c) NEW START TREATY DEFINED.—In this section, the term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed at Prague April 8, 2010, with Protocol, including Annex on Inspection Activities to the Protocol, Annex on Notifications to the Protocol, and Annex on Telemetric Information to the Protocol (Treaty Document 111–5).

SA 1445. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. REPORT ON DEPART OF DEFENSE ENERGY EFFICIENCY STANDARDS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the energy efficiency standards utilized by the Department of Defense for military construction.

(2) CONTENTS OF REPORT.—The report shall include the following elements:

(A) A detailed cost benefit and return on investment analysis for energy efficiency improvements and sustainable design attributes achieved through Department of Defense adoption of, or expenditure of funds on pursuing certification under, the following green building rating standards:

(i) American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standard 189.1 versus 90.1.

(ii) Green Globes, with results itemized separately for one, two, three, and four globe certification.

(iii) Leadership in Energy and Environmental Design (LEED), with results itemized separately for certified, silver, gold, and platinum certification.

(iv) International Code Council (ICC) 700 National Green Building Standard, with results itemized separately for bronze, silver, gold, and emerald.

(B) An analysis of the extent to which any of the ratings or standards described in subparagraph (A) create a competitive disadvantage for United States-produced products.

(C) An analysis of how the standards described in subparagraph (A) meet the following criteria:

(i) The rating standards are developed in accordance with rules accredited by the American National Standards Institute (ANSI) and are approved as American National Standards.

(ii) The rating standards incorporate and document the use of Life Cycle Assessment in the evaluation of building materials.

(D) A copy of Department of Defense policy prescribing a comprehensive strategy for the pursuit of design and building standards across the Department that includes specific energy-efficiency standards and sustainable design attributes for military construction based on the cost benefit analyses and demonstrated payback reported under subparagraphs (A), (B), and (C).

(b) REQUIREMENT TO USE CERTAIN GREEN BUILDING RATING STANDARDS.—The Department of Defense shall only use green building rating standards that—

(1) are—

(A) developed in accordance with rules accredited by the American National Standards Institute (ANSI); and

(B) approved as American National Standards; or

(2) incorporate and document the use of Life-Cycle Assessment in the evaluation of building materials.

SA 1446. Mr. HATCH (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 76, strike line 12 and all that follows through page 80, line 18, and insert the following:

(1) in subsection (b)—

(A) by striking ''includes investment funds spent on depot infrastructure, equipment, and process improvement in direct support'' and inserting ''includes investment funds spent to modernize or improve the efficiency of depot facilities, equipment, or processes in direct support''; and

(B) by adding at the end the following: ''It does not include funds spent for any other repair or activity to maintain or sustain existing facilities, infrastructure, or equipment.''; and

(2) in subsection (e)(1), by adding at the end the following new subparagraphs:

''(I) Crane Ammunition Activity, Indiana.

''(J) McAlester Ammunition Plant, Oklahoma.

''(K) Radford Ammunition Plant, Virginia.

''(L) Lake City Ammunition Plant, Missouri.

''(M) Holsten Ammunition Plant, Tennessee.

''(N) Scranton Ammunition Plant, Pennsylvania.

''(O) Iowa Ammunition Plant, Iowa.

''(P) Milan Ammunition Plant, Tennessee.

''(Q) Joint System Manufacturing Center, Lima Ohio.''.

SEC. 322. LIMITATION ON REVISING THE DEFINITION OF DEPOT-LEVEL MAINTENANCE.

(a) LIMITATION.—The Secretary of Defense or any of the Secretaries of the military departments may not issue guidance, regulations, policy, or revisions to any Department of Defense or service instructions containing a revision to the definition of depot-level maintenance unless the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) is a report prepared by the Defense Business Board regarding the advisability of establishing a single definition of depot-level maintenance.

SEC. 323. DESIGNATION OF MILITARY INDUSTRIAL FACILITIES AS CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

Section 2474(a)(1) of title 10, United States Code, is amended by inserting ''and organically-managed and operated military industrial facility'' after ''shall designate each depot-level activity''.

SEC. 324. REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency (DLA), in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the DLA Joint Logistics Operations Center's Drawdown, Retrograde and Reset Program for the equipment from Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(2) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

SA 1447. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2011.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(2) The total dollar amount by account of all unobligated balances specifying those accounts carried forward by the Department of Defense at the end of fiscal year 2011 by account.

(3) The total dollar amount by account of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2011 by account.

SA 1448. Mr. CHAMBLISS (for himself, Mr. HATCH, Mr. LEE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 324 and insert the following:

SEC. 324. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency (DLA), in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the DLA Joint Logistics Operations Center's Drawdown, Retrograde and Reset Program for the equipment from Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(3) FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) VIRTUAL AND FLEXIBLE.—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) SPEED TO MARKET.—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) RISK MANAGEMENT.—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) REPORT ON ALTERNATIVES FOR ALIGNMENT, ORGANIZATIONAL REPORTING, AND PERFORMANCE RATING OF AIR FORCE SYSTEM PROGRAM MANAGERS, SUSTAINMENT PROGRAM MANAGERS, AND PRODUCT SUPPORT MANAGERS WHO RESIDE AT AIR LOGISTICS CENTERS OR AIR LOGISTICS COMPLEXES.—

(1) REPORT REQUIRED.—The Secretary of the Air Force shall enter into an agreement

with a federally funded research and development center to submit to the congressional defense committees, not later than 90 days after the date of the enactment of this Act, a report on alternatives for alignment, organizational reporting, and performance rating of Air Force system program managers, sustainment program managers, and product support managers who reside at Air Logistics Centers or Air Logistics Complexes.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) Consideration of the proposed reorganization of Air Force Materiel Command announced on November 2, 2011.

(B) An assessment of how various alternatives for aligning the managers described in subsection (a) within Air Force Materiel Command would likely support and impact life cycle management, weapon system sustainment, and overall support to the warfighter over the long term.

(C) An examination of how the Air Force should be organized to best conduct life cycle management and weapon system sustainment, with any analysis of cost and savings factors subject to the consideration of overall readiness as the highest priority.

(D) Recommended alternatives for meeting these objectives.

(3) COOPERATION OF SECRETARY OF AIR FORCE.—The Secretary of the Air Force shall provide any necessary information and background materials necessary for completion of the report required under paragraph (1).

SA 1449. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.

(a) DESIGNATION OF LEAD DEPARTMENT OF DEFENSE OFFICE.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Under Secretary of Defense for Policy, shall identify and report to the appropriate congressional committees what office within the Department of Defense will be responsible for carrying out the policies stated in Section (a) with regards to regional advanced technology clusters.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Under Secretary of Defense for Policy, shall submit to the appropriate congressional committees a report describing—

(1) the participation of the Department of Defense in regional advanced technology clusters including the number of clusters supported, technologies developed and transitioned to acquisition programs, products commercialized, small businesses trained, companies started, and research and development facilities shared;

(2) implementation by the Department of processes and mechanisms to facilitate collaboration with the clusters;

(3) agreements established with the Department of Commerce and the Small Business Administration to jointly support the continued utilization and growth of the clusters;

(4) any additional required authorities, any impediments in supporting regional advanced technology clusters; and

(5) the use of any Inter-Governmental Personnel Act agreements and any access granted to Department of Defense facilities for research and development purposes.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Commerce, Science and Transportation and the Committee on Small Business and Entrepreneurship of the Senate; and

(C) the Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives.

(2) REGIONAL ADVANCED TECHNOLOGY CLUSTERS.—The term ''regional advanced technology clusters'' means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

SA 1450. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike line 8 and all that follows through page 6, line 10, and insert the following:

(b) PREVENTION OF THE IMPORTATION OF COUNTERFEIT PRODUCTS AND INFRINGING DEVICES.—Notwithstanding section 1905 of title 18, United States Code—

(1) if United States Customs and Border Protection suspects a product of being imported or exported in violation of section 42 of the Lanham Act, and subject to any applicable bonding requirements, the Secretary of Homeland Security is authorized to share information on, and unredacted samples of, products and their packaging and labels, or photos of such products, packaging and labels, with the rightholders of the trademark suspected of being copied or simulated, for purposes of determining whether the products are prohibited from importation pursuant to such section; and

(2) upon seizure of material by United States Customs and Border Protection imported in violation of subsection (a)(2) or subsection (b) of section 1201 of title 17, United States Code, the Secretary of Homeland Security is authorized to share information about, and provide samples to affected parties, subject to any applicable bonding requirements, as to the seizure of material designed to circumvent technological measures or protection afforded by a technological measure that controls access to or protects the owner's work protected by copyright under such title.

SA 1451. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. SENSE OF SENATE ON CONSIDERATION BY THE NORTH ATLANTIC TREATY ORGANIZATION OF THE MEMBERSHIP ACTION PLAN OF THE REPUBLIC OF GEORGIA.

It is the sense of the Senate that the President should lead a diplomatic effort to gain the approval of the Membership Action Plan of the Government of the Republic of Georgia in its application for membership in the North Atlantic Treaty Organization (NATO) at the May 2012 summit of the North Atlantic Treaty Organization in Chicago, Illinois.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 29, 2011, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 29, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Debbie Shaw, a fellow in Senator COBURN's office, be granted floor privileges during the consideration of S. 1867.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I would ask consent that the Defense fellow in my office, MAJ John Flynn, be granted floor privileges for the duration of S. 1867, the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the legislative fellow in the office of Senator BAUCUS, Air Force MAJ Jason Wright, be granted floor privileges for the duration of the debate on this bill, S. 1867.

The PRESIDING OFFICER. Without objection, it is so ordered.

WREATHS ACROSS AMERICA DAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 337, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 337) designating December 10, 2011, as ''Wreaths Across America Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 337) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 337

Whereas 20 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, more than 250,000 wreaths have been sent to more than 700 locations, including national cemeteries and veterans memorials in every State and to locations overseas;

Whereas in 2010, wreaths were sent to more than 520 locations across the United States and overseas, 100 more locations than the previous year;

Whereas in December 2011, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic events and includes more than 250,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 11, 2010, was previously designated by the Senate as ''Wreaths Across America Day''; and

Whereas the Wreaths Across America project will continue its proud legacy on December 10, 2011, bringing 75,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 10, 2011, as ''Wreaths Across America Day'';

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

RESOLUTIONS SUBMITTED TODAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 338 and S. Res. 339 en bloc, both of which were submitted earlier today.

The PRESIDING OFFICER.

The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 338) to authorize the production of records by the Committee on Commerce, Science, and Transportation.

A resolution (S. Res. 339) to authorize the production of records by the Committee on Commerce, Science, and Transportation.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. Mr. President, the Committee on Commerce, Science, and Transportation has received two requests from state attorneys general, one seeking access to records that the Committee obtained during its recent investigation into unauthorized charges on telephone bills and the practice of ''cramming,'' and the other seeking access to records that the Committee obtained during its investigation in 2009 into aggressive sales tactics on the Internet and their impact on American consumers.

These two resolutions would authorize the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, to provide records, obtained by the Committee in the course of these investigations, in response to these requests and to other government entities and officials with a legitimate need for the records.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolutions be agreed to en bloc, the preambles be agreed to en bloc, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 338 and S. Res. 339) were agreed to en bloc.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES 338

To authorize the production of records by the Committee on Commerce, Science, and Transportation.

Whereas, the Committee on Commerce, Science, and Transportation conducted an investigation into unauthorized charges on telephone bills;

Whereas, the Committee has received a request from a state law enforcement official for access to records of the Committee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or local governments, records of the Committee's investigation into unauthorized charges on telephone bills.

S. RES. 339

(To authorize the production of records by the Committee on Commerce, Science, and Transportation)

Whereas, the Committee on Commerce, Science, and Transportation conducted an investigation in 2009 into aggressive sales tactics on the Internet and their impact on American consumers;

Whereas, the Committee has received a request from a state law enforcement official for access to records of the Committee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or local governments, records of the Committee's investigation into aggressive sales tactics on the Internet and their impact on American consumers.

ORDERS FOR WEDNESDAY, NOVEMBER 30, 2011

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., on Wednesday, November 30, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that following morning business, the Senate resume consideration of S. 1867, the Department of Defense authorization act, with the time until 11 a.m. equally divided and controlled between Senator LEVIN and Senator MCCAIN or their designees; further, that upon the use or yielding back of time, the mandatory quorum under rule XXII be waived, the Senate vote on the motion to invoke cloture on S. 1867; finally, that the second-degree filing deadline for amendments to S. 1867 be 10:30 a.m. on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Mr. President, there will be a cloture vote on the Defense authorization bill at 11 a.m. tomorrow. We will work through amendments to the bill throughout the day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:35 p.m., adjourned until Wednesday, November 30, 2011, at 10 a.m.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE 50TH ANNIVERSARY OF CAPE COD COMMUNITY COLLEGE

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. KEATING. Mr. Speaker, I rise today to recognize Cape Cod Community College's 50th anniversary.

Our Nation's community colleges provide the dream of achieving a higher education to millions of students each year. They are the Nation's key supplier of workforce development and retraining needs, and—just as importantly—they build lasting partnerships and contribute significantly to the communities they serve. Cape Cod Community College is a leading institution of education, not only for the Cape, but for the entirety of Massachusetts.

Since 1961, Cape Cod Community College has served as a beacon of higher education in West Barnstable County, the second institution to open as part of what is now a 15 community college system in Massachusetts. When Cape Cod Community College's doors opened, there were 166 students enrolled. Two years later, the first evening program found 130 students enrolled in ten different degree-credit courses. By that spring, the first summer session had enrolled 145 students from 50 colleges and universities taking degree-credit courses. Now, 50 years later, that number has increased to nearly 7,000 students with over 80 degrees and certificates being offered.

Cape Cod Community College has a true tradition of excellence thanks to its outstanding leadership, superior faculty and staff and motivated students. They have received national prominence both for their programs as well as their inclusion of Cape Cod residents. Cape Cod Community College has been recognized as much for its sustainability education as its service to the adult Plus 50 learner and military personnel at Otis, the Massachusetts Military Reservation.

Mr. Speaker, I urge my colleagues to join me in congratulating the Cape Cod Community College, its President Kathleen Schatzberg and the entire college community on the celebration of 50 years of service to the Commonwealth of Massachusetts.

JOHN VILLYARD TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. TIPTON. Mr. Speaker, I rise today in honor of Mr. John Villyard, CEO of the San Luis Valley Rural Electric Cooperative. Mr. Villyard, who has served in this capacity since 2000, will be retiring at the end of this year.

Mr. Villyard has overseen numerous efforts to improve the Cooperative's effectiveness. An accountant by trade, he utilized new technology, cost-based accounting practices, and the simplification of electric bills to increase efficiency. Under his leadership, improvements to infrastructure and building projects have reduced power outages and overtime costs by 34%. Furthermore, he has demonstrated environmental stewardship by negotiating the purchase of renewably produced power and developing an avian protection plan.

As a child, Mr. Villyard watched his father, Ray, lead the Cooperative as it expanded from five to 34 employees. John has followed his example and has worked to build strong relationships with the board of directors, his employees, and the community at large, all the while treating the Cooperative as an extended family. In doing so, he has improved the safety program, initiated a lineworker scholarship, and established the SLVREC Energy Foundation.

After graduating from the University of Colorado, John served honorably in the United States Air Force for eleven years. He then returned to the San Luis Valley and worked as an accountant, before being hired as the SLVREC's CFO in 1996. He is married to his high school sweetheart, Jowanda.

Mr. Speaker, it is an honor to recognize Mr. John Villyard. I rise today to thank him for his commitment to serving the energy needs of the San Luis Valley with integrity and innovation.

HONORING ST. LINUS SCHOOL FOR RECEIVING THE NATIONAL BLUE RIBBON SCHOOL AWARD

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today in recognition of St. Linus School, an exemplary Catholic elementary school in Oak Lawn, Illinois, for receiving the prestigious 2011 U.S. Department of Education National Blue Ribbon School Award.

In 1982, The Department of Education established the National Blue Ribbon Schools Program to recognize public and private schools boasting high or significantly improved achievement. The program's goal is to identify aspects of thriving American schools in order to replicate their success. This year there are 19 National Blue Ribbon Schools in the State of Illinois, and I am proud that one of these exceptional schools is located in my district.

The school's namesake, Saint Linus, is perhaps best remembered for his steadfast loyalty to his mentor, St. Peter the Apostle. Linus succeeded Peter as the second Pope of the Roman Catholic Church and dedicated his life to teaching Peter's story.

The mission of St. Linus School is "to educate and inspire each child with Christ-centered values through challenging education and community involvement." Since 1956, the school has offered a rigorous and engaging curriculum that emphasizes mathematics, social studies, science, technology, language arts, and religion. In the last decade, the school renovated its campus to install a state-of-the-art technology center, as well as an updated gymnasium, science lab, and weather forecast camera. St. Linus School has made a concerted effort to improve student performance, striving to guide every pupil to their full potential. I am delighted that the exemplary work of the teachers, support staff, and priests at St. Linus School, as well as that of the parents and students, has been acknowledged on a national stage.

Please join me in celebrating the accomplishments of St. Linus School and the other 304 National Blue Ribbon award winners. Their pursuit of academic excellence is inspiring, and I hope that their success can be replicated across the Nation.

HONORING THE LIFE OF PRIVATE FIRST CLASS MATTHEW CHRISTOPHER COLIN, UNITED STATES ARMY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is with great respect and honor that I rise today to recognize the life and selfless sacrifice of Northwest Florida's beloved Private First Class Matthew Christopher Colin of Navarre, Florida.

Private First Class Colin was killed in action by an improvised explosive device on Wednesday, November 16, 2011 while on patrol in Kandahar Province, Afghanistan. At the time, he was assigned to the 1st Battalion, 5th Infantry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division, out of Fort Wainwright, Alaska. His military decorations and honors include the Bronze Star Medal, the Purple Heart, the Army Good Conduct Medal, NATO Medal, and the Combat Infantry Badge.

A resident of Navarre, Florida, Matthew was born in St. Augustine, Florida on January 20, 1989, to Ken and Kathy Colin. Active in the Navarre Youth Sports Association, Matthew played football, basketball, baseball, and soccer. He was recognized as a top competitor in track and field at the age of seven. He graduated from Navarre High School in 2007. Following in the footsteps of his father, also an Army veteran, he answered the call to arms in February 2010. Upon successful completion of basic training at Fort Benning, Georgia, he reported to Fort Wainwright, Alaska in September 2010.

Matthew's selflessness and sense of community were apparent even before he joined the Army. His former high school teachers describe him as an honorable young man with a strong sense of values and morals. He previously worked as a fitness instructor at the

YMCA in Navarre, where he was well-liked by staff and patrons.

Matthew was a beloved member of his community. He is survived by his loving family, mother, Kathleen; father, Kenneth; brother, Michael; grandparents, Bob and Margaret Dawson; five aunts; four uncles; and many cousins. He is also survived by his four dogs, Spartacus, Patton, Captain, and Goldie.

Mr. Speaker, on behalf of the United States Congress, I am privileged to honor the life of Private First Class Matthew Christopher Colin for his selfless service and sacrifice in defense of our Nation. My wife Vicki and I offer our prayers for his entire family. He will be truly missed by all.

IN MEMORY OF DR. SCOTT ALEXANDER MARSHALL

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to a great leader, professor and advisor, Dr. Scott Alexander Marshall. His passing is a great loss to his family and the education community.

Although he isn't a native Kentuckian, Dr. Marshall immediately offered his expertise to enhance the field of education in our rural region of southern and eastern Kentucky. He made a difference in the lives of hundreds of college students and took great pride in their success. In fact, he was a strong advocate and supporter of Phi Theta Kappa, the official national honor society for two-year colleges.

Scott received his M.S., M.A. and Ph.D. degrees from the University of Alabama. He retired after 33 years of teaching Business and Economics at Jefferson State Community College in Birmingham, Alabama. After moving to Somerset, Kentucky in 2000, he continued as an Adjunct Professor of Economics at Eastern Kentucky University.

He was involved in numerous civic and political activities, serving as a member of the Adanta Board of Directors and Co-Chair of the Finance Committee. He also was a member of the First Presbyterian Church of Somerset where he served as an Elder and Co-Chair of the Worship Committee.

Dr. Marshall leaves behind a devoted family: his loving wife, Dr. Jo Grimes Marshall; their children, Kristin Marshall Henderson and Dr. Scott Alexander Marshall, Jr., along with four grandsons. On behalf of my wife Cynthia and myself, I want to extend our deepest heartfelt sympathies to the Marshall family.

Mr. Speaker, I ask my colleagues to join me in honoring a dear friend and champion for community colleges, the late Dr. Scott Alexander Marshall.

HONORING EMPLOYEES OF THE IDAHO NATIONAL LABORATORY

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. SIMPSON. Mr. Speaker, I rise today to recognize seven employees of the Idaho National Lab who recently received awards from Secretary of Energy, Steven Chu, for their assistance to the people of Japan in dealing with the disaster caused by the recent earthquake and tsunami and for their efforts to secure enough special nuclear material to produce almost 800 nuclear weapons.

Eight months ago a devastating disaster struck Japan when a massive earthquake and unprecedented tsunami struck the island nation, killing over 16,000 people and causing a serious reactor accident. Recovery was complicated by a near total destruction of the surrounding transportation infrastructure. At the greatest time of need the Idaho National Laboratory offered its assistance, which was gratefully accepted by the people of Japan. INL employees Doug Burns, Cal Christensen, Betsy Connell, Harold McFarlane, Joy Rempe and Derek Wadsworth assisted by assessing the damage in near real time, providing technical assistance and coordinating the delivery of specialized equipment to assist in controlling the radiological effects.

Eric Howden led a 14 year program to secure ten tons of highly enriched uranium and three tons of plutonium from Kazakhstan. These efforts have resulted in relocating enough fissile material to produce almost 800 nuclear weapons at a time when there was great turmoil in the region and an emerging international terrorist threat.

I am proud to represent the Idaho National Lab, which has through its history been the worldwide leader in advancing the safe and peaceful use of nuclear energy. As the worldwide demand for energy and environmental concerns increase, the responsible use of nuclear power will continue to grow. As it does, the dedicated employees of the Idaho National Lab will continue their efforts to improve the impressive safety record of nuclear power and promote technologies that prevent future accidents and reduce the threat of nuclear weapons from falling into the wrong hands.

LEMONT KNIGHTS OF COLUMBUS COUNCIL #1599

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate the Lemont Knights of Columbus Council #1599 for 100 years of civic service.

On December 10, 1911 the Lemont Knights of Columbus Council #1599 was chartered. Although the original charter members have all passed, their vision of Service to God, church, and country is still the primary goal of the Lemont Knights of Columbus. In pursuit of achieving this goal, the Lemont Knights of Columbus have sent its members to both World Wars, Korea, Vietnam and other armed conflicts—all while establishing and maintaining numerous civic service programs and projects.

Over the past 100 years, the Lemont Knights have established scholarship programs, food pantry drives, natural disaster relief efforts, and annually participates in the national "Tootsie Roll" day—a fundraiser that generates thousands of dollars each year for the mentally disabled in Lemont.

The Lemont Knights have worked very hard to become a foundation of service in my congressional district. I would like to join my colleagues in congratulating the Lemont Knights of Columbus Council #1599 for 100 years of outstanding service to the community.

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. MCCOLLUM. Madam Speaker, I rise in strong opposition to H.J. Res. 2, legislation that would have a devastating effect on the U.S. economy, national security and the well-being of millions of Minnesota families and businesses.

A constitutional amendment that requires Congress to balance the federal budget every year—regardless of economic conditions—would severely damage the U.S. economy. Such a requirement would force Congress to cut spending, raise taxes or both, even when the economy is in recession. That is the exact opposite of what economists recommend in order to escape recession and stabilize a weak economy.

According to new analysis by Macroeconomic Advisers—one of the nation's preeminent private economic forecasting firms—a balanced budget amendment would destroy millions of American jobs. Had a balanced budget amendment been in effect today, their analysis concluded that "the effect on the economy would be catastrophic." Assuming the Republicans used spending cuts instead of tax increases to balance the budget this year, the cuts would have totaled approximately $1.5 trillion. Macroeconomic Advisors determined cuts of this magnitude would throw 15 million more Americans out of work, double the unemployment rate from 9 percent to approximately 18 percent, and cause the economy to shrink by 17 percent instead of growing by an expected 2 percent.

What House Republicans are not telling the American people is that Congress has the opportunity to propose and pass a balanced budget each year. House Budget Committee Chairman PAUL RYAN could have proposed a balanced budget this year—fiscal year 2012—but he did not. The budget proposed by House Republicans delivers another tax cut windfall for America's wealthiest individuals by making the Bush-era tax cuts permanent. To make matters worse, their budget preserves expensive tax breaks to oil companies and corporations shipping jobs overseas. Instead of proposing a fiscal year 2012 budget that puts us on a more sustainable fiscal path, House Republicans chose to continue the same reckless tax policies that have added trillions to our national debt.

In times of recession and weak economic growth, Congress needs the ability to assist struggling families with unemployment insurance and to promote economic recovery by sustaining demand through investments in areas such as transportation infrastructure. In a strong U.S. economy, Congress has the responsibility to reduce expenditures and balance the budget as was done in 1998, 1999, 2000, and 2001 under President Clinton.

Instead of spending two days debating this purely political measure, the House should be focused on debating and passing legislation to create American jobs—including President Obama's American Jobs Act.

I urge my colleagues to join me—and 270 national organizations including AARP, Paralyzed Veterans of America, Easter Seals, AFL–CIO, and the National Committee to Preserve Social Security and Medicare—in strongly opposing H.J. Res. 2.

A TRIBUTE TO LYNN BREEDLOVE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Ms. MOORE. Mr. Speaker, I rise in recognition of Lynn Breedlove, a disability advocate, community activist, leader on disability rights and change agent. After 31 years of service, Mr. Breedlove, Executive Director of Disability Rights Wisconsin (DRW), formerly Wisconsin Coalition for Advocacy, has announced his retirement effective at the end of December 2011.

Disability Rights Wisconsin is a state-wide resource for individuals, families, service professionals, elected officials, government agencies and others concerned with disability issues and systems change. This private nonprofit group is part of the federally mandated national system of disability protection and advocacy agencies across the United States established to ensure the rights of individuals with disabilities.

Lynn Breedlove has been an extraordinary leader of DRW, growing the agency from a staff of five in a small Madison office with a budget of $160,000 to an agency with a staff of 65 in three offices—Madison, Milwaukee, and Rice Lake—and a budget of over $5.5 million.

The list of DRW accomplishments during Lynn's tenure is impressive and includes involvement during the inception and implementation of the life changing Community Options Program, COP, Community Integration Program, CIP, and making strong lasting partnerships with agencies serving the disabled, aging and those needing long term services. DRW helps people across Wisconsin gain access to services and opportunity through advocacy and legal expertise. Mr. Breedlove and DRW regularly challenged systems and society to create positive change and improve the lives of people with disabilities.

Lynn Breedlove has served on a variety of boards at the local, state and national levels including: President of the National Disability Rights Network, Co-Chair of Survival Coalition of Wisconsin Disability Organizations, and Member of Wisconsin's Long Term Care Council. He has also been the recipient of numerous awards as a result of his deep passion for disability and other civil rights, and his commitment to the inclusion of people with disabilities as full partners in society.

People with disabilities and their families, along with all citizens throughout Wisconsin are deeply indebted to Lynn Breedlove for his years of dedicated service. I am proud to call Lynn my friend and for the privilege of having the opportunity to work with him and the DRW staff on legislation to better the lives of Wisconsin citizens. I wish Lynn well in retirement and the next stage of his career. We will all miss this ''treasure of Wisconsin'' and Lynn's strong commitment ''to do what is right for the people.''

TRIBUTE TO JOSEPH M. SANZARI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. PASCRELL. Mr. Speaker, 1 would like to all to your attention the deeds of an outstanding American and citizen of New Jersey, Joseph M. Sanzari who will be recognized on Saturday, November 19, 2011, by D.A.R.E. NJ for his many years of service to his community and as a respected individual within the great state of New Jersey.

Joe was born in Hackensack, NJ, on February 28, 1946. He was raised in Carlstadt and began learning the ins-and-outs of the construction industry at the early age of 12. He has brought innovation and expertise to this field, specializing in the construction of heavy highways, roads and bridges.

Joe has been a guiding figure for his family as well as those around him. He has been a member of many distinguished counsels in our community. His philanthropic endeavors have benefitted countless people.

Joseph Sanzari is a proud member of numerous civic and cultural organizations, sharing his unique brand of energy and talents on both a local and state level. Mr. Sanzari is currently Chairman of Hackensack University Medical Center, a member of the Board of Trustees for Hillcrest Health Service System, Inc., and a proud member of the Hackensack University Medical Center Foundation. Joe also serves as Vice Chairman on the board of the Foundation for Free Enterprises. He was a former Chairman of the Bergen County Economic Development Corporation and former commissioner of the Palisades Interstate Parkway.

As the President of Joseph M. Sanzari Inc., Joe has been involved in major construction work on the New Jersey Turnpike and New Jersey Department of Transportation highways, roads and bridges in an ongoing joint venture with J. Fletcher Creamer & Sons also known as Creamer-Sanzari. Among many of their great accomplishments, Creamer-Sanzari was responsible for the reconstruction of the Route 4 and 17 overpasses, the largest highway project in the State of New Jersey. Under Joe's leadership, this project was completed eighteen months ahead of schedule. Creamer-Sanzari was recognized by Engineering News as one of the top 25 contractors in the country.

One of the many organizations Joe is passionate about is Drugs Awareness Resistance and Education or D.A.R.E. The D.A.R.E. program works with local law enforcement and schools to bring fun and educational material about the personal and social consequences of substance abuse and violence. D.A.R.E. NJ has been a pillar in the community for raising awareness and educating our youth in the dangerous perils of drug abuse and violence.

Joe is a devoted husband, father, and grandfather. His family consists of his wife Donna, son Joseph Jr., daughters Theresa, JoAnn, and Tina, and six grandchildren. Joseph Sanzari exemplifies the sound fundamental characteristics of an extraordinary individual who is being honored by D.A.R.E. NJ for his enormous contributions to the great State of New Jersey.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated individuals like Joseph M. Sanzari. I am lucky enough to be able to call a man like him my friend.

Mr. Speaker, I ask that you join our colleagues, Joe's wife Donna, their family and friends, the members of the D.A.R.E. NJ and me in recognizing Joseph M. Sanzari's outstanding character and service to his community.

IN HONOR OF DR. ANTHONY O. PARKER

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to an outstanding academic, college administrator, education expert, community leader and good friend to me and the community of Albany, Georgia—Dr. Anthony O. Parker. On Monday, November 21, 2011, the administration at Albany Technical College, the institution of higher learning where Dr. Parker currently serves as President, paid tribute to him for his years of dedicated service to the college by having the school's library named in his honor.

Throughout his successful career in the higher education field, Dr. Parker has had a profoundly positive impact on the lives of thousands of college students. One of the reasons he has been able to triumphantly guide the academic careers of so many students, is due in part to the impressive endeavors he was able to accomplish as a young collegiate scholar and graduate student.

Dr. Parker's post-secondary academic career began at South Carolina State College in Orangeburg, South Carolina where he received his Bachelor of Science degree in Accounting. He commenced his graduate studies at Augusta State University where he obtained an Educational Specialist degree in Education Administration. Additionally, he later would go on to receive his Ph.D. in Higher Education from the University of South Carolina in Columbia, South Carolina.

Over the course of his professional career in academia, Dr. Parker has successfully served in a multitude of roles in which he has progressively advanced the intellectual aptitude and social development skills of collegiate students. As Vice President of Student Services at Aiken Technical College and later at Southeastern Technical College, he was able to proactively develop programs, advise various student organizations and conduct research surveys designed to improve the schools' standards of educational enrichment. Additionally, as an instructor at Augusta Technical College, Dr. Parker played a hands-on role in counseling students, developing curriculum and teaching various classes aimed at improving the prospects of students looking to enter the workforce or acquire new occupational skills.

During his 16 years at Albany Technical College, President Parker has established the school as a premier institution within the Technical College System of Georgia and as a stable workforce development training facility in Southwest Georgia through his vision of excellence and steadfast commitment to increasing enrollment rates and placing Albany Tech graduates in sustainable employment opportunities. By using his positively transformative vision as a guiding post for success, over the last two decades Albany Tech has propelled forward as one of Southwest Georgia's leading technical institutions.

Dr. Parker has achieved numerous successes in his life, but none of this would have been possible without the grace of God and his loving wife of 38 years and junior high school prom date, Sandra Parker. Dr. and Mrs. Parker are the proud parents of three children—Dr. Kimberly Parker, a professor at Texas Woman's University; Andrea Parker, a Lt. Commander in the United States Coast Guard; and Richard Parker, an employee at the United Parcel Service.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Dr. Anthony O. Parker for his life of selfless service to the students, institutions of higher learning and working families in the state of Georgia and throughout our United States of America.

ON THE BIRTH OF CECILIA ANNE SCHWARTZ

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate Lawrence Schwartz and his wife Allison on the birth of their new baby girl, Cecilia Anne Schwartz, who was born on Monday, November 28, 2011, at 11:26 a.m. in Falls Church, Virginia. Cecilia Anne was 5 pounds, 6 ounces.

I am so excited for this new blessing to the Schwartz family and wish them all the best. I want to also congratulate Cecilia Anne's grandparents Debra and Barry Shulman of Fayetteville, New York, and Joanne and Lawrence Schwartz, III, of Anaheim Hills, California, on this wonderful new addition to their family.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was $4,801,405,175,294.28.

Today, it is $15,051,673,595,197.90. We've added $10,250,268,419,903.62 dollars to our debt in 16 years. This is $10 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNIZING JOSHUA TREE NATIONAL PARK

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mrs. BONO MACK. Mr. Speaker, I rise today with my colleague and fellow Californian, Representative JERRY LEWIS, to pay tribute to Joshua Tree National Park.

Joshua Tree National Park has been a special and unique place of recreation and refuge in San Bernardino and Riverside Counties for the last 75 years. The park was first conferred National Monument status on August 10, 1936 by President Franklin Delano Roosevelt. Today, 1.3 million visitors a year from throughout the world enjoy this biologically diverse gem encompassing almost 800,000 acres.

Located just outside some of the most densely populated parts of our Nation, the park provides numerous recreational opportunities for American families and international visitors. Campgrounds, scenic drives, and hundreds of trails comprise just a few of the multitude of ways to enjoy the spectacular desert landscape.

Thriving gateway communities in the Coachella Valley and Morongo Basin have prospered in large part from the tourism opportunities created by the park. It is estimated that as an economic engine the park generates over 32 million private-sector dollars and supports over 500 jobs. The park has also created a shared regional identity and provided a common link of interest. A testament to the devotion and passion instilled in the park's supporters, last year alone 1,059 individuals volunteered at the park donating 35,000 hours of work.

Joshua Tree National Park is a crown jewel of the National Park Service. It deserves all the support it has received to preserve its ecological, historical and cultural integrity. Congratulations to everyone who has supported the park over the years and here's to ensuring the park continues to flourish and improve for another 75 years.

RECOGNIZING THE SERVICE OF JUDGE NICKOLAS GEEKER

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise to recognize Judge Nickolas Geeker upon his retirement from Florida's First Judicial Circuit Court in Escambia County. Judge Geeker spent his career serving the Northwest Florida community, including more than 25 years presiding as a judge in the First Judicial Circuit, and I am proud to recognize his dedication and service.

Judge Geeker and his family are deeply rooted in Northwest Florida. The Geeker family settled in Escambia County in the early 1900's and has been a fixture in the Northwest Florida community for more than 100 years.

Following his graduation from Louisiana Tech University, Judge Geeker attended law school at Florida State University where he was part of the College of Law's charter class of graduates. After serving as a law clerk in the office of U.S. District Judge D. L. Middlebrooks, Judge Geeker returned to Escambia County. He served as an Assistant State Attorney, Assistant U.S. Attorney and as a U.S. Attorney for the Northern District. In 1984, Judge Geeker was elected to Florida's First Judicial Circuit Court, where he has remained since being invested as Circuit Judge in January 1985.

Throughout his 40-year career, Judge Geeker has served with honor and distinction, and his unwavering commitment to upholding the law in an unbiased manner is a prime example of our legal system working at its best.

Mr. Speaker, on behalf of the United States Congress, I am honored to recognize Judge Nickolas Geeker for his service to Northwest Florida and to the United States of America. My wife Vicki and I wish him and his wife Jan all the best.

IN HONOR OF BARBARA CORNETT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. FARR. Mr. Speaker, I rise before you today to recognize Barbara Cornett, who is retiring from her work as a member of the Monterey County Board of Education, a role she has filled with great integrity since December 2003.

Mrs. Cornett's career in California public education spans six decades. She has served as a classroom teacher, school nurse, director of special education and assistant superintendent with Salinas Union High School District before retiring in 1992.

A clinical nurse as well as an educator, Mrs. Cornett is respected by both the medical and educational communities for her understanding of the needs of the special education students.

She earned her Bachelor of Arts at Vanderbilt University, and Master of Arts, School Administration, at San Jose State University. As a member of the Monterey County Board of Education, Mrs. Cornett served as its liaison to the Special Education Local Plan Area and the Monterey County Schools Insurance Group.

Mr. Speaker, I have no doubt that the Monterey and Salinas school systems will continue to thrive because of her longstanding work. Barbara deserves our deepest gratitude and our most heartfelt wishes for a job well done.

HONORING THE LIFE AND SERVICE OF PFC THEODORE B. RUSHING

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. MICA. Mr. Speaker, on Friday, November 11, 2011 a central Florida Soldier, PFC Theodore B. Rushing, lost his life in service to our nation from wounds suffered when enemy forces attacked his unit with an I.E.D. in Kandahar Province, Afghanistan while assigned to 3rd Squadron, 71st Cavalry Regiment; 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, New York.

PFC Rushing joined the U.S. Army in March of this year. Upon completion of his training at Ft. Benning, Georgia, PFC Rushing reported to Fort Drum, New York. In August he deployed with his unit to Afghanistan in support of Operation Enduring Freedom.

PFC Rushing's impressive list of awards and decorations include the Purple Heart; Army Achievement Medal; Afghanistan Campaign Medal; NATO Medal; National Defense Service Medal; the Combat Action Badge; and a Bronze Star awarded posthumously.

PFC Rushing was a former student at Altamonte Christian School in Altamonte Springs where he had a reputation of being fearless, an attribute that he carried into battle. Upon completion of high school, PFC Rushing attended Seminole State College where he earned his associates degree. PFC Rushing had planned on following in his father's footsteps as a police officer once he had completed his military service.

We shall never forget the ultimate sacrifice PFC Rushing has given for his country. His actions will serve as an everlasting reminder of the dedication and sacrifice the members of our nation's Armed Services make every day.

To his family, we extend our very deepest sympathy and condolences. PFC Rushing is survived by his father George, mother Ann, sister Stacy and grandparents Marcheta and William.

For his service and sacrifice, I ask all Members to join me in honoring his life and commitment to our nation.

INTRODUCTION OF LEGISLATION PROVIDING A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE) AT THE FEDERAL RAILROAD ADMINISTRATION

HON. CORRINE BROWN

OF FLORDIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Ms. BROWN of Florida. Mr. Speaker, today, along with 33 minority Members of Congress, I am introducing critical legislation that will address the lack of a Disadvantaged Business Enterprise (DBE) program at the Federal Railroad Administration (FRA).

Including Disadvantaged Business Enterprise (DBE) language in the Surface Transportation Reauthorization bill will ensure that minority, veteran, and women-owned businesses are getting their fair share of federal transportation dollars. Federal transportation spending has historically served as a crucial means of empowering socially disadvantaged businesses. Thanks to the efforts of the Black, Hispanic, and Asian-Pacific Congressional Caucus' and a bipartisan group of Members on the House Transportation Committee, every major transportation bill since 1983 has mandated minimum levels of participation by minority and/or women owned companies.

Unfortunately, because the Federal Railroad Administration has not historically been a significant grant-making agency, it is not currently authorized to require opportunities for disadvantaged businesses. Without this authority, the FRA is limited in their ability to ensure that disadvantaged businesses are provided an even playing field.

A TRIBUTE TO THE HUDSON RIVER SCHOOL OF PAINTING

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to join several of my other colleagues in honoring America's first and most prestigious school of painting. Known as the Hudson River School of Painting, this 19th century school popularized the American landscape.

I have a connection to the Hudson River School. One of the school's most popular and prolific artists, Thomas Moran, grew up in Philadelphia. He later worked at a local engraving firm, which sparked his interest in painting. Moran soon garnered attention for his paintings and was hired to paint scenes of the wilderness of the American West. These paintings, for which Moran is best known, are primarily from the area that is today Yellowstone National Park.

Moran's massive landscapes, and works by other Hudson River School painters, inspired Congress to dedicate Yellowstone, as well as Yosemite and Acadia, as National Parks. Eventually, these paintings were used by environmental conservationists to encourage Congress to form the National Park Service in 1916.

Mr. Speaker, I encourage my colleagues to join me in my appreciation for the works of painter Thomas Moran, and for the lasting legacy of the first indigenous American school of painting, the Hudson River School.

HONORING THE LIFE OF DWAYNE NELSON

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the life of Mr. Dwayne Fitzgerald Nelson who passed away suddenly on October 18, 2011 at the age of 50. Mr. Nelson, also known as ''Coach Rock,'' coached the boys' junior varsity basketball and football teams at Dillard High School in Fort Lauderdale, Florida. Before coaching, he worked for the City of Fort Lauderdale for over 20 years. He impacted the lives of many individuals in the community and will be truly missed.

Hundreds of mourners came to Nelson's funeral service, including friends, family members, colleagues, and other members of the community, celebrating the many lives that he touched throughout his years of service. Many of his current and former players came to pay their respects, and the Dillard boys' basketball and football teams wore T-shirts with Nelson's picture on the front in memory of their respected coach. Those in attendance remembered how Nelson helped lead the boys' basketball team to five state championships.

Dwayne Nelson committed his life to serving the Fort Lauderdale community. His colleagues at Dillard High School noted how he was the first person at the school every day for almost 20 years. As a coach, he taught his players lessons that went far beyond any athletic field. He made sure that they kept their grades up, so that they would succeed both on the field and in the classroom. This type of commitment is what set him apart as an outstanding mentor and coach.

Mr. Speaker, I rise today to remember Dwayne Nelson's dedication to improving the lives of so many. His service to Dillard High School and the City of Fort Lauderdale, demonstrates how everyday Americans can make a real difference by helping others in their community. My thoughts and prayers are with Mr. Nelson's family and friends during this most difficult time.

HONORING ESTELLE RUBINSTEIN

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the achievements of Estelle Rubinstein who will be retiring after 41 years of outstanding work in the education field.

Through her work with Androscoggin Head Start and Child Care (AHSCC) in Lewiston, Maine, Estelle has dedicated over 40 years to improving outcomes for Maine's handicapped children. Before graduating with a B.S. in Elementary Education in 1979, Estelle worked as a Head Start teacher for AHSCC. Throughout the years, she has served the organization as its Special Education Director, Program Coordinator and Executive Director.

Throughout her career, Estelle has been a champion of the idea that every child should have the opportunity to receive a high quality education, regardless of their financial situation or disability. Her work to identify children in need of special services and ensure that their families were provided access to vital programs has touched the lives of countless Mainers. She is truly a gifted educator and should serve as a shining example to others of what can be accomplished by a single individual.

It is always with some lingering sadness that I pass along my best wishes for the retirement of people like Estelle. You can never truly quantify the work of such an individual. Although she is retiring, her contributions to the field of education will continue to benefit children for generations. On behalf of the people of Maine, it is with pride that I congratulate Estelle and wish her the best of luck on her retirement and in her future endeavors.

Mr. Speaker, please join me in honoring Estelle Rubinstein for her impeccable commitment to her field and her community.

A HERO OF US ALL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. WOLF. Mr. Speaker, I submit a copy of Jay Nordlinger's recent piece in National Review highlighting the plight of Chinese dissident Chen Guangcheng.

Nordlinger writes, ''Many people in the world regard Chen as one of the greatest men we have known in the last decade.'' His courageous exposure of China's brutal one-child

policy earned him the ire of the communist government. He and his family have suffered immensely. His current fate is unknown.

Nordlinger rightly calls a Chen a hero and reminds us that Chen is but one of countless other dissidents languishing in Chinese prisons. Their names may not be known to us, but their struggle is no less real.

The United States must boldly and consistently stand with men and women like Chen who yearn for the basic human liberty and dignity that is our birthright as Americans.

[From the National Review, Nov. 28, 2011]

A HERO OF US ALL

(By Jay Nordlinger)

Last month, there were reports that Chen Guangcheng was dead. That they had at last killed him. ''They''? China's ruling Communists, who have tormented Chen for years. Other reports said, No, he is not dead: just in very bad shape. Any report about Chen is now impossible to confirm or deny. The authorities are not letting anyone from the outside see or talk to him.

Many people in the world regard Chen as one of the greatest men we have known in the last decade. These admirers work on the assumption that Chen is alive. A furious international campaign is under way to save him.

Chen was born on Nov. 12, 1971, in the Linyi area of Shandong Province. When a year old, he contracted a fever, which left him blind. Just a peasant, he educated himself, including in the law. He was ready and available to help people. Jianli Yang, a dissident now in America, calls him a ''born leader,'' someone who has always cared for others and whom others respond to.

To the extent he could, Chen helped the disabled petition for their rights. He helped farmers, too. In the worldwide press, he has been known as ''the blind lawyer,'' or ''the barefoot lawyer,'' or ''the blind rural activist.'' Many Chinese throughout the country know him simply as ''the blind man.''

What gained him his fame, and torment, was his exposure of one fact: In the year 2005 alone, in just the Linyi area, there were 130,000 forced abortions and sterilizations. These procedures are brutal. Moreover, relatives of those who escaped the procedures were detained and tortured. Harry Wu, a long-famous dissident working in America, says that few outside China really understand the consequences of the one-child policy. Jing Zhang, another dissident, associated with the Boston-based group All Girls Allowed, points out that Chen touched one of China's most sensitive nerves.

He organized a class-action suit against local Party officials. At first, the government in Beijing seemed pleased with him. In China, believe it or not, forced abortion and forced sterilization are illegal, officially. Beijing signaled that it would punish the guilty locals. But Chen was getting attention in the international press, celebrated as a whistleblower, and a blind peasant, at that. This displeased Beijing, which left Chen to the mercies of the local officials.

They seized him in March 2006. They harassed, detained, and beat members of his family and his lawyers. To him, they did worse. Eventually, they gave him a trial, but it was the usual sham. For example, his lawyers were forbidden to attend. Chen's wife, Yuan Weijing, said, ''There isn't much hope. . . . We live in a nation without law, a nation without morality.'' He was sentenced to four years and three months in prison.

There, he faced what political prisoners can be expected to face. He was beaten over and over. He went on hunger strikes. He was denied medicine.

His wife, sometimes under house arrest, sometimes not, did all she could to help him. The months before the Beijing Olympics in 2008 were especially bad for dissidents and other ''troublemakers,'' although Western supporters of those Olympics had said the Games would do wonders for China's liberalization. The guard around Yuan increased from ten men to 40. She wrote a letter to Chinese president Hu Jintao, calling herself ''nothing but a rights defender's wife.'' She told of the humiliations she and her family endured.

The West protested too, in various ways. At the U.N., there were ''working groups'' and ''special rapporteurs.'' The State Department and the EU uttered their peeps. Organizations were good enough to give Chen awards, in absentia. Nothing moved the Chinese government.

He was released from prison in September 2010 and confined to his home in the village of Dongshigu. This sort of confinement is known as ruanjin, or soft detention, but it has been very hard. Chen and his family have been watched constantly and subjected to escalating abuses. In February, he managed to have a video smuggled out to the West. It was publicized by a group in Texas called the China Aid Association, which said that the video had come courtesy of a ''sympathetic government source.''

In the video, Chen described the circumstances in which he and his family were being kept, and he said, ''The thing we need to do now is conquer terror'' and expose practices that are ''lacking in human conscience.'' He said he was ''fully prepared'' to be tortured after the video's release, but was ''not afraid.'' Yuan Weijing spoke too, saying that her family was in danger. With a breaking voice, she expressed the hope that friends would take care of their children, Kerui and Kesi, if something happened to them, the parents. What happened immediately is that Chen and Yuan were beaten to a pulp. A letter from Yuan, made available in June, told us the following:

More than ten men covered me totally with a blanket and kicked my ribs and all over my body. After half an hour's nonstop torture, I finally squeezed my head out of the blanket. I saw more than ten men surrounding Chen Guangcheng, torturing him. Some of them twisted his arms forcefully while the others pushed his head down and lifted his collar up tightly. . . . Guangcheng was not able to resist and passed out after more than two hours.

The letter details a great deal more.

Infuriated by the video, the authorities did their best to ensure that nothing could get in or out of the Chen home. They removed the family's electronics and sealed the windows with metal sheets. They installed surveillance cameras. They plundered the house of almost everything, down to family photos, toys, and Chen's white cane. The goal was to isolate the family completely.

Over the months, a stream of visitors have trekked to Dongshigu, hoping to see Chen. These include writers, lawyers, advocates for the disabled, and ordinary citizens. They also include foreign diplomats and journalists. All have been repulsed by teams of thugs at the four entrances to the village. These thugs—a mixture of policemen and their hirees—have detained, beaten, robbed, and shot at the would-be visitors. Many of these incidents are meticulously documented.

Impossible to document, of course, is Chen's condition at the moment. But we know for sure that beatings, malnutrition, and illness have taken their toll. The question is, To what degree? Chen's supporters in China and around the world are redoubling their efforts in his behalf. Some people are risking a journey to Dongshigu on November 12, Chen's 40th birthday. There is also a ''sunglasses campaign.'' Chen, like many blind people, wears sunglasses, and supporters are donning their own sunglasses and having their picture taken, to be posted on the Internet. It is a gesture of solidarity, a way of getting Beijing's attention.

There is also pressure on an American movie company. Relativity Media has just started filming 21 and Over in, of all places, Linyi. They must be within shouting distance of Dongshigu. The company is working in cooperation with the same Party officials who are brutalizing Chen. The movie, according to publicity, is a ''hilarious comedy'' about ''two childhood friends who drag their straight-arrow buddy out to celebrate his twenty-first birthday the night before an all-important medical school interview.'' And ''when one beer leads to another, the evening spirals into a wild epic misadventure of debauchery and mayhem that none of them will ever forget.''

The same press release quotes Zhang Shajun, a key Party official. He welcomes his ''good friend Ryan Kavanaugh and his great company Relativity'' and promises to ''provide the best service possible in order to help make the movie successful worldwide.'' Naturally, human-rights groups have asked Relativity Media to use whatever leverage it has to help Chen Guangcheng, or at least inquire into him. The company has so far seemed disinclined.

On another front, Jianli Yang has written the State Department, asking it to bar from entering the United States a Party official named Li Qun. Li studied at the University of New Haven in Connecticut, and even served as an assistant to New Haven's mayor. Now, according to Yang, he is the Party official chiefly responsible for Chen's ordeal.

Have international protests done any good at all? Reggie Littlejohn, president of Women's Rights Without Frontiers, says yes: ''I believe Chen would be dead by now but for people in the West speaking out for him.''

Across China, Chen is a symbol of human rights, like Gao Zhisheng, another lawyer, who has been ''disappeared,'' and Liu Xiaobo, the political prisoner who is also the 2010 Nobel peace laureate. But Sharon Hom of Human Rights in China makes a point that is depressing and inspiring at the same time: There are many, many like Chen, Gao, and Liu, but whose names are unknown to us. They languish in prisons, ''black jails,'' psychiatric wards, and other dark places. They have stuck their necks out for their rights and all people's.

Why do they do it? Why do they risk, or guarantee, the full wrath and murderous power of a dictatorship? Of Chen Guangcheng, Harry Wu says, ''He had to tell the truth. Simple. He had no choice but to tell the truth. That is why people appreciate him, and why the government hates him.'' Perhaps Chen's blindness gave him an extra dose of compassion and courage. Perhaps not. In any case, there is someone much like him in Cuba, the blind lawyer and activist Juan Carlos González Leiva. The bravery of such people is hard to account for. But it can be admired.

In that video, released earlier this year, Chen said, ''A society that is not built on a foundation of fairness and equality, but instead relies on bullying and violence, cannot possibly maintain lasting stability.'' He is probably right about that. Yet think how many suffer and die in the meantime.

HONORING BERT STEPHEN CRANE

HON. JEFF DENHAM
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life of a beloved leader in the Merced community, Bert Stephen Crane, on his 80th birthday. Bert was born in the heart of the San Joaquin Valley's fertile lands of California on November 29, 1931. He is the fifth generation of California farmers and ranchers that came from Connecticut during the Gold Rush of 1849. His ancestors can be traced to John Alden of the Mayflower landing in Plymouth. A true son of this great country.

Growing up on the cattle ranch he learned that the day starts in the saddle before dawn, and it doesn't end until all the work is done and the horses are grained and rubbed down. A cattle sale has always been done with an honest handshake.

Bert loves music and was the Drum Major in the Merced High School Band, and played basketball. At Menlo College, Bert enjoyed roping and polo. He later studied at Stanford University and U.C. Davis, where he achieved his Bachelor of Science in Agricultural Economics. During these years, he fell in love with a young gal, Nancy Magnuson, who was studying at Stanford University. They married in 1957, raised three children and have been married for over 54 years.

Bert's life has been a great and wonderful adventure. His leadership skills have extended from achieving his Eagle Scout as a young man, to the highly coveted Distinguished Eagle Scout Award, which is a recognition award of outstanding service to scouting and the community awarded at the National Scouting level. He has ridden horses with Ronald Reagan, coached Little League and shipped his Registered Red Angus bulls to Europe and Hawaii. He diversified from the beef business in the early 1970s and started farming walnuts as well. Eventually, he built a walnut processing plant with his wife, Nancy and three children, Bert, Mary and Karen. His children and seven grandchildren are following the tradition of ranching and farming.

Bert's step-father was James Parker, M.D., a third generation family doctor. James' love for the outdoors was a natural match for Bert, as they enjoyed fishing and duck hunting out on the family's Sunrise Ranch. Bert has always had fond memories of loading up horses, and packing into Hetch Hetchy reservoir, and Davis Lake for trail riding and trout fishing together.

His passion for quality healthcare was learned through his stepfather. Bert has served and led fundraising events for Mercy Hospital for over 36 years and spearheaded the building of the Mercy Cancer Center, and a new state-of-the-art Mercy Hospital in Merced. Bert's wife, Nancy, was the founding president of the Mercy Hospital Volunteers and has served for over 40 years.

In 1986, Bert was honored by the University of California, Davis Alumni with the Distinguished Achievement Award for his involvement in research in the University's agriculture and governmental programs, along with his community and industry associations.

His service to his community, agriculture and research is one of great respect and integrity. Bert served on the Merced County Planning Commission for 28 years. All of this would not have been possible without the work of his loving wife, Nancy, in keeping the home fires burning and taking care of the children while supporting his passion for service to others.

REMINISCING WITH BERT

The year was 1943. The place was the Sunrise Ranch of local pioneer C.A. ''Bert'' Crane, located just off the old Gustine Highway. A young cowboy was growing up on this ranch; he was named Bert, after his grandfather. Well, all ranches have dogs and this was no exception. One of Bert's chores was to feed the dogs.

To digress a moment, Grandfather Bert had a best friend, Bill Moffat, of Manteca Beef fame. One of Moffat's employees named Scotty Allen, convinced him that it would be good business to use the scraps from the beef plant to make dog food. The result: Scotty Allen dog food. To promote the sale of this product, the cans were wrapped with coupons . . . . Being loyal friends, the Cranes served up nothing but Scotty Allen. As young Bert fed the dogs he fastidiously peeled the coupons off the cans and sent for the catalog of prizes. When the catalog arrived, Bert searched the pages and finally selected his prize: a fabulous crook-neck Boy Scout flashlight. Mother Crane cautioned that Boy Scout flashlights are for Boy Scouts. This saddened Bert, for the chances of becoming a Scout out there ''in the boonies'' were remote. However, after some soul-searching he sent for the flashlight.

Soon after, Bert and his family moved to town. Bert packed up his flashlight, and the family settled across the street from Applegate Park. As good luck would have it, there in the park stood the log cabin Boy Scout hut. Bert quickly joined the Scouts and legalized his flashlight. Bert was twelve; his Scout troop was #101; the leader was Scotty Langley. Langley became Bert's mentor and guided him along the journey to the coveted Eagle Scout Award. His first merit badge was for Horsemanship; his second badge was for Steer Production, and he could tie more knots than the Scout handbook. Three years running Bert won the Merced-Mariposa Trail Ride, Junior Division.

Bert was a member of Rancheros Visitadores and enjoyed going on the week long trail ride with friends and politicians in the Santa Ynez Valley. One of his friends was the late Governor of California and United States President, Ronald Reagan. Bert was visiting with the then past Governor and seized the opportunity to take a rope off of a saddle and ''lasso'' Reagan in the outhouse. Reagan thought that Bert was going to flip over the outhouse. Reagan opened the door a couple of inches and worked the knot out of the rope and undid the knot. Reagan came out laughing, stating ''You know Bert, I've been in tighter places than that.''

The following is a list of his service and awards:

Member of Central Presbyterian Church
Bank of America Advisory Board 1957–1969
Bank of America Plan to Prosper Comm. 1967–1968
Bank of America Livestock Symposium 1969–1970
Merced Land Bank Assoc. 1980–1988
Merced County Land Bank Assoc. 1984–1988
Diamond Walnuts Top Twenty Service Walnut Grower 1983
Speaker at U. C. Davis 1973, Livestock
Speaker at Fresno 1985, Livestock
Speaker at U.C. Davis 1987, Livestock
U.C. Davis Alumni Achievement Award 1986
Merced City-County Chamber of Commerce Outstanding Livestock Produced for the year 1976
California Farm Bureau Member
California Cattlemen's Assoc. 1954–1988 Research Comm. 1968–1970
California Cattlemen's Assoc. Farm Credit Policy Comm. 1984–1988
California Cattlemen's Assoc. Land Use Comm. 1984–1988
Merced-Mariposa Cattlemen's Assoc. 1954–1988, Director 1964
American Quarter Horse Assoc. 1954–1988
American Simmental Assoc. 1969–1970
National American Cattlemen's Assoc. 1970–1988
Beef Health Conference Comm. Davis, California 1968
Livestock Research Advisory Board, Davis, California 1970
Pacific Slope Red Angus Association
California Beef Cattle Improvement Assoc. 1965–1988, President 1978–1980, Director 1966–1970
Rancheros Visitadores Member 1978–1988
Beef Improvement Federation
Commendation for Excellence for Feed Stock Breeder 1974
Cattlemen's Expo Member of Formation Comm. Representing Red Angus 1968
Red Angus Association 1951–1988:
Registration Comm. Chairman 1964–1968
Board of Directors 1962–1971
President of Assoc. 1969–1971
Top Hand Award 1972
Red Angus Assoc. of America Pioneer Breeder Award 1988
Little League Baseball Coach, 1970
Weaver Union School District Board 1966–1970:
Clerk 1968
Vice President 1970
Merced County Planning Comm. 1964–1988, Chairman 1966—1967
Merced County District #1 Alternate Supervisor 1966–1970
Lone Tree Soil Conservation District:
Director 1957–1986
President 1957–1962
Secretary 1976–87
Eagle Scout Award, 1946
Boy Scouts of America Comm. Member 1969–1970
Boy Scouts Yosemite Area Council Century Club 1978–1988
Central Presbyterian Church 1945–1988 Usher Comm.
Mercy Hospital Lay Advisory Board 1969–1984
Mercy Hospital Foundation Board 1984–1987, Vice Chairman 1985
Mercy Hospital Governing Board 1987–2005
Mercy Hospital Charriada Fiesta Benefit 1985 Host & Co-Chairman
Distinguished Eagle Scout Award 1988

Mr. Speaker, please join me in honoring Bert Stephen Crane for his unwavering leadership, and recognizing his accomplishments and contribution. Bert serves as an example of excellence to those in our community.

NATIONAL ADOPTION MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. REICHERT. Mr. Speaker, each year we recognize November as National Adoption Month. I encourage my colleagues in both chambers to raise awareness about the adoption of young boys and girls in our foster care system who dream of one day having a forever family. Many of us have brothers or sisters, aunts or uncles, sons or daughters, who have lovingly decided to add to their family through adoption. By raising awareness about the many benefits of adoption, and the process for families and children in foster homes, we can make sure more children go to sleep in their own home every night.

According to the Congressional Coalition on Adoption Institute, 423,000 children are living without permanent families in the U.S. Today, 115,000 of these children are eligible for adoption but almost 40% will wait more than 3 years in foster care before being adopted. Every single year—and this number is climbing—over 29,000 of our young people ''age-out'' of foster care. A child that ''ages-out'' is more likely to be undereducated, unemployed, homeless, addicted to drugs or alcohol and/or utilizing government benefits to survive, compared to their peers who grew up outside the foster care system or were adopted before aging out. Our children deserve better than this, and the good news is we can help. We can help by encouraging more families to consider adoption, and offering assistance to those who do by extending the adoption tax credit.

Our young people are our greatest treasure. To continue to allow thousands of our young people to begin adulthood at a distinct disadvantage would be devastating. Please consider the plight of so many of our children and young adults living in foster care; shuttled back and forth between homes, towns, cities, schools, friends, support groups, and so on. Children in foster care without a more permanent structure and support system are more likely to distrust adults or have strained relationships with the adults in their lives and with their peers.

National Adoption Month is also an opportunity to recognize the foster parents in our communities who are selflessly giving so much to help our youth. They too deserve our support and our thanks. Foster parents across this nation are wonderful examples for all of us and provide some of our most vulnerable young people with protection and a sense of family and home. I appreciate their sacrifice and I hope they know it does not go unnoticed. The decision to become foster parents or adoptive parents can sometimes be scary; not knowing how one's family dynamics may be impacted or if you'll be able to create a bond with the child and the child with you. To all who may be considering these options today, trust me. I know from personal experience that the worry melts away as soon as you bring that special child into your home. As a foster grandparent, and now a proud grandpa of two adopted children, I can assure you that it won't be long before you realize that it's not just the children who gain so much through adoption. You too gain more joy and more love than you ever could have imagined.

Look for ways that you can get involved with adoption efforts in your local community. Locate adoption services in your community and help with your time, money, or both. Adoption is essential to the health of our nation. Supporting adoptive parents, adoption agencies, and foster parents is a duty for all of us.

RECOGNIZING THE ABILITYONE PROGRAM

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the AbilityOne Program, which has helped more than 47,000 blind or significantly disabled Americans develop skills and receive training ultimately leading to successful employment.

The AbilityOne Program harnesses the purchasing power of the federal government to buy products and services from participating community-based non-profit agencies that are dedicated to training and employing individuals with disabilities. This program affords Americans with disabilities the opportunity to acquire job skills and training, receive good wages and benefits, and gain greater independence and a higher quality of life.

I am proud to acknowledge two non-profit agencies, Skookum and Lighthouse for the Blind, both of which are closely associated with AbilityOne in my district. These organizations represent two of many non-profit social enterprises dedicated to the mission of enriching the lives of people with disabilities.

Skookum's mission is to create opportunities for people with disabilities, assisting government customers by delivering critical logistics, facilities maintenance and public works services. Skookum was recently awarded the 2010 National AbilityOne Award for Performance Excellence in Hiring Veterans with Disabilities which demonstrates a proud commitment to recruiting the right person for the right job and bringing Wounded Warriors into our workforce.

Lighthouse for the Blind has been providing employment, support, and training for people who are blind, deaf-blind, and blind with other disabilities in the Puget Sound since 1918. Lighthouse for the Blind expands employment opportunities by providing the technical and communication tools needed for self-sufficiency. The manufacturing operations center makes products for the Federal Government and various aerospace companies.

It is with great pleasure that I extend my support to the AbilityOne Program. The dedication and commitment of Skookum and Lighthouse for the Blind help individuals who are blind or have significant disabilities find employment, live fuller lives, and remain active members of our community. I commend everyone associated with AbilityOne for working to improve so many lives and make our country a better place for all.

IN RECOGNITION OF THE OUTSTANDING PUBLIC SERVICE OF SIX RETIRING OFFICIALS WITHIN USDA'S OFFICE OF RURAL DEVELOPMENT

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. CRITZ. Mr. Speaker, I rise to recognize the distinguished public service careers of six retiring officers within the Department of Agriculture's Office of Rural Development, RD. These individuals have worked diligently and effectively over many years to promote economic prosperity and safe living in the various rural communities throughout southwestern Pennsylvania. Lambert Rosenbaum, Virginia Stump, Cindy Brandt, Barbara McMillen, Susan O'Donnell, and Mary Ellen Polosky have made clear through the quality of their work at RD that they see a place for rural areas in America's future. These individuals will leave a lasting legacy; their belief in the promise of rural America will surely live on in those who have had the privilege to work with them and manifest itself in all that RD does for the individuals, communities, and businesses of southwestern Pennsylvania for years to come.

Public service has been a calling for each of the six outgoing officials at USDA Rural Development. Lambert Rosenbaum, the outgoing Area Director for the Butler and Westmoreland Area Offices, boasts a 31 year career at USDA. In addition to his civil service, Mr. Rosenbaum served three years of active duty in the Army, during which he served a combat tour in Vietnam and earned the prestigious Bronze Star. He has also served in the Army Reserves for 42 years. Most recently, Mr. Rosenbaum's reserve service took him to Kuwait, where he earned the Meritorious Service Medal. His devotion to the public welfare has clearly made an impression on his children, as two of his sons have served in the Iraq War.

Virginia Stump, a Team Leader and Area Specialist, will leave RD after 30 years of civil service. She has worked extensively on the Water Waste Program, which furnishes rural communities with the means to install sanitary sewers. She has also helped to market several rural development programs, including the Value Added program and the Renewable Energy programs. Ms. Stump is married and has one daughter, as well as twin grandchildren.

Cindy Brant, a Loan Specialist, also has over thirty years of experience in civil service. She began her career with USDA in 1979 as a Comprehensive Employment and Training Act, CETA, Trainee. A year later, she became an Assistant County Supervisor, working out of the Somerset Office until its closure in 2007. While in the Somerset Office, she worked extensively on the Direct Housing Program, helping numerous low-income individuals to purchase homes in rural areas. Upon leaving Somerset, she moved on to the Greensburg Area Office and took on the additional roles of Guaranteed Housing Program Specialist and Multi-Family Housing Program Specialist. In recognition of her outstanding service, Cindy received USDA's Unsung Hero Award in 2009.

In her 28 years with USDA, Barbara McMillen, an Area Specialist, has worked on a

number of different projects, including those that provide housing loans and loans to farmers and ranchers who are having difficulty obtaining commercial credit. Over the last seventeen years, she has worked ardently to help 51,450 households and businesses to obtain $331 million dollars in loan and grant funds for public water and sewer service.

Susan O'Donnell, also an Area Specialist, has been with USDA since 1977 and has done extensive work in the business, multifamily housing and community facility programs across six counties. She is extremely passionate about public service, and plans to continue to working to promote the welfare of others through volunteer work upon retirement.

Having performed over 36 years of Federal service, Mary Ellen Polosky has set a laudable example for current and aspiring public servants. While with USDA, she has worked mainly in the Housing Division. She has served in her current capacity for the last 9 years, during which time she has helped numerous individuals living in rural areas to procure loans for home purchases and improvements.

Mr. Speaker, I have had the privilege of working closely with these individuals while serving as the District Director for the late Congressman John Murtha, and can attest that they embody the highest order of integrity and proficiency. We should all be grateful that such exemplary individuals chose to engage full-bore in the effort to secure a prosperous future for rural America. Their work has given hope to countless individuals and businesses in southwestern Pennsylvania. All of us in the Federal Government should attempt to emulate their commendable public service in our own careers.

HONORING THE JEWISH FEDERATION OF SOMERSET, HUNTERDON AND WARREN COUNTIES

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Jewish Federation of Somerset, Hunterdon and Warren Counties located in Bridgewater Township, Somerset County, New Jersey, on the occasion of its 50th anniversary.

For half a century, the Federation has helped raise funds to coordinate services and help support agencies that touch the lives of Jews in Somerset, Hunterdon and Warren Counties. Through numerous programs, they have not only assisted in funding but have also provided a place for Jews to come together both in their faith and in the spirit of community service. The Federation is the umbrella organization of the area's Jewish community, bringing together agencies, organizations, and communities to support and fulfill the needs of the Jewish people.

The Federation targets those in their twenties through forties with their Young Leadership Division (YLD) that aims to strengthen the Jewish community by focusing on three principles: "Live Jewishly. Live Socially. Live Generously." YLD encourages involvement in the Jewish community and provides members with opportunities to not only socialize within their faith but to join together to help others.

The Women's Philanthropy Division is a program that educates and engages women to be active in their religious community. These women work to support those in need locally, in Israel, and around the world through numerous events and fundraisers.

In an effort to aid local businesses, the Federation holds several events throughout the year for the business community to build valuable, lasting relationships. With the understanding that the success of a business is dependent on its visibility and connections within a community, the Federation gives them the boost they need to establish their credibility.

In addition to the programs the Federation offers, it also hosts mission trips overseas to Israel and other countries in an effort to show the history, status and future of Jewish People.

The Federation is a resource of information for anything from educational organizations to social services. No matter the needs or the issues, the Jewish Federation of Somerset, Hunterdon and Warren Counties, continues to work to address them.

Mr. Speaker, I task you and my colleagues to join me in congratulating the Jewish Federation of Somerset, Hunterdon and Warren Counties on 50 years of dedicated service.

HONORING FRED BIRCHMORE

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. BROUN of Georgia. Mr. Speaker, I rise today to honor and celebrate the 100th birthday of one of the 10th Congressional District's most impressive and dedicated constituents, Mr. Fred Birchmore. Renowned for his round-the-world cycling trips, Birchmore has biked tens of thousands of miles worldwide on a one-speed 42-pound Reinhardt that now sits in the Smithsonian's National Museum of American History. His travels have taken him 25,000 miles across Europe, and through Africa, the far Middle East, Southeast Asia, Latin America, and 2,000 miles along the United States Appalachian Trail. He's traversed deserts, jungles, beaches and warzones, even once crossing paths with Adolf Hitler. Birchmore's adventures on his trusted bike opened his eyes to not only new horizons, but new cultures, peoples, and ways of life that enriched his own in many aspects.

Even more than a sportsman, Fred is a decorated World War II war hero, a loving father of four and has been a devoted husband to Willa Deane Birchmore for 72 years now. His eight grandchildren and six great-grandchildren know him to be an adventurer, an intellectual, and an all around outstanding man and role model.

Birchmore is a graduate of the University of Georgia and was a personal friend of the late Larry Munson. He carried the Olympic Torch under the Arch in the Classic City, takes great pride in his possession of the sword of Colonel Sanford who is the namesake of UGA's Sanford Stadium, and still remains a faithful community servant to Athens-Clarke County today.

I am honored to be able to wish Mr. Birchmore a happy 100th birthday on behalf of the United States Congress, and I am pleased to have the opportunity to shed light on a life that has been so filled with adventure, hard work, passion, and love for family, friends, community, and country. Happy Birthday Fred and may you continue to set an example for all those who love and admire you for many more years to come.

NATIONAL LUNG CANCER AWARENESS MONTH

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. BUCHANAN. Mr. Speaker, November is National Lung Cancer Awareness Month. This month is dedicated to raising awareness of lung cancer issues for people who have been affected across the country.

Lung cancer is the leading cause of cancer-related deaths in both men and women in the United States, claiming more lives each year than breast, prostate, colon, and kidney cancers combined. In fact, sadly one in fourteen Americans will be diagnosed with cancer of the lung and bronchus during their lifetime.

According to the American Lung Association, over 370,000 men and women in the U.S. are currently living with lung cancer. In Florida, an estimated 17,000 people were diagnosed with lung cancer just this past year.

While there are few early symptoms of lung cancer, treatment is available through surgery, chemotherapy, and radiation. Unfortunately, only 15 percent of people who develop the disease will live more than 5 years. A need still exists for further advancement in the detection and treatment of lung cancer.

Lung Cancer Awareness Month brings much-needed attention to a deadly disease. I hope in the years to come we can make advancements in detection and treatment of this deadly form of cancer.

HONORING FRANK KAMENY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Ms. NORTON. Mr. Speaker, before he died, Frank Kameny had already won a place reserved for Americans who make personal sacrifices for human rights. There can be no doubt that Frank's pioneering sacrifices for the lesbian, gay, bisexual, transgender, LGBT, community place him alongside the nation's human rights heroes. What exactly did Frank do? At a time when it was unthinkable, Frank refused to suppress who he was to keep his job with the Federal Government. A World War II veteran with a Harvard Ph.D., Frank had everything going for him except, of course, his identity and, thus, his legitimacy. It was being forced out, not coming out, that was the issue, and Frank took his dismissal from the federal service (for which he later received an apology) as a badge of honor. As we in the Civil Rights Movement began wearing our hair natural, i.e., nappy, to show that "black is beautiful," Frank coined "gay is good."

But it was Frank's lonely act of defiance, without reward, that sets him apart. Frank no

more set out to sacrifice his livelihood when he refused to deny his sexual orientation to federal authorities than Rosa Parks intended to give up her work as a seamstress when she refused to move to the back of the bus. Rosa Parks got tired of suppressing her full identity and dignity, and so did Frank. Frank did not put in those years of hard work for his Ph.D. in order to come out as a gay man. Like Rosa Parks, Frank wanted the same kind of life as the rest of us. But at a moment of reckoning, Frank summoned something few of us have: raw, pure courage. It is a brand of courage that is the opposite of self-preservation.

Long before there was a LGBT movement, Frank lost his job and his livelihood for the rest of his life. Yet Frank lived to see historic advances that bear his signature, including security clearances for gays in the Federal Government and the admission of gays into the United States armed services.

We honor those who fight for human rights. We revere those who make sacrifices for human rights. Martin Luther King, Jr., whose memorial we dedicated in October after he sacrificed his life. Anita Hill, whose fearless testimony 20 years ago brought her controversy, while she brought record numbers of women to the House and Senate.

As we honor Frank, in a place that is part of the government that dishonored him, we remember that it is one thing to join a movement; it is quite another to start one. We revere Frank because his life tells us that great human rights victories often begin with the courage of a single individual like Rosa Parks and, yes, Frank Kameny.

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

SPEECH OF

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. JACKSON of Illinois. Madam Speaker, I wish to further submit for the RECORD the following letter signed by 281 different organizations opposed to this or any Balanced Budget Amendment to the Constitution. It is my intent that this letter supersedes a version previously submitted.

DEAR REPRESENTATIVE/SENATOR: The 281 undersigned national organizations strongly urge you to oppose any balanced budget amendment to the United States Constitution.

A balanced budget constitutional amendment would damage the economy, not strengthen it. Demanding that policymakers cut spending and/or raise taxes, even when the economy slows, is the opposite of what is needed to stabilize a weak economy and avert recessions. Such steps would risk tipping a faltering economy into recession or worsening an ongoing downturn, costing large numbers of jobs while blocking worthy investments to stimulate jobs and growth and address the nation's urgent needs in infrastructure and other areas.

According to a new analysis of a balanced budget amendment by Macroeconomic Advisers, one of the nation's preeminent private economic forecasting firms, if a constitutional balanced budget amendment had already been ratified and were now being enforced for fiscal year 2012, ''the effect on the economy would be catastrophic.'' The analysis reports that if the 2012 budget were balanced through spending cuts, those cuts would have to total about $1.5 trillion in 2012 alone, which they estimate would throw about 15 million more people out of work, double the unemployment rate from 9 percent to approximately 18 percent, and cause the economy to shrink by about 17 percent instead of growing by an expected 2 percent.

Additionally, all versions of the balanced budget amendment being considered also contain a provision requiring three-fifths of the whole membership of both houses to raise the debt limit, making risk of default more likely and empowering a willful minority to hold the full faith and credit of the U.S. hostage to whatever other political demands they may have. The difficulty of raising the debt limit this summer illustrates how hard it can be to secure the necessary votes even when the consequences are so grave. Only three of the last 11 debt limit increases obtained three-fifths vote in both chambers; two of those instances occurred amidst the financial crisis in 2008 when the debt limit increases were included in larger legislation to respond to the meltdowns already occurring in the housing and financial markets, and the third occurred this August as part of the Budget Control Act and came only after a bitter process that led the nation to the brink of default.

In short, a balanced budget amendment is a recipe for making recessions more frequent, longer, and deeper, while requiring severe cuts that would harshly affect seniors, children, veterans, people with disabilities, homeland security activities, public health and safety, environmental protection, education and medical research. It would almost certainly necessitate massive cuts to vital programs including Social Security, Medicare, Medicaid, veterans' benefits and lead to even deeper cuts than the House-passed budget.

A balanced budget amendment has no place in the Constitution of the United States. Our Constitution has served the nation well because it represents enduring principles that are the foundations of our government. It should not be used as a substitute for real leadership on fiscal policy. We strongly urge you to oppose any constitutional balanced budget amendment.

Sincerely,

9to5, National Association of Working Women; AFL–CIO; AIDS Alliance for Children, Youth & Families; AIDS Community Research Initiative of America; The AIDS Institute; AIDS Project Los Angeles; AIDS United; Alliance for a Just Society; Alliance for Excellent Education; Alliance for Justice; Alliance for Retired Americans; American Association of Colleges for Teacher Education.

American Association of Community Colleges; American Association of School Administrators (AASA); American Association of University Professors; American Association of University Women (AAUW); American Counseling Association; American Dance Therapy Association; American Educational Research Association; American Federation of Government Employees, AFL–CIO; American Federation of School Administrators, AFL–CIO; American Federation of State, County and Municipal Employees (AFSCME); American Federation of Teachers, AFL–CIO; American Jewish Committee.

American Medical Rehabilitation Providers Association (AMRPA); American Medical Student Association (AMSA); American Network of Community Options and Resources; American Postal Workers Union, AFL–CIO; American Psychiatric Association; American Public Health Association; American Rights at Work; American School Counselor Association; Americans for Democratic Action; American-Arab Anti-Discrimination Committee (ADC); The Arc of the United States; Asian American Justice Center, member of Asian American Center for Advancing Justice.

Asian & Pacific Islander American Health Forum; Association for Career and Technical Education; Association of Adult Literacy Professional Developers; Association of Assistive Technology Act Programs (ATAP); Association of Education Service Agencies (AESA); Association of Flight Attendants—CWA; Association of School Business Officials; Association of University Centers on Disabilities (AUCD); Autism National Committee; AVAC: Global Advocacy for HIV Prevention; Bazelon Center for Mental Health Law; Bienestar Human Services; Bread for the World.

Break the Cycle; Building and Construction Trades Department, AFL–CIO; B'nai B'rith International; Campaign for America's Future; Campaign for Community Change; CANN—Community Access National Network; Cascade AIDS Project; Center for Family Policy & Practice; Center for Law and Social Policy (CLASP); The Center for Media and Democracy; Center for Medicare Advocacy; Center on Budget and Policy Priorities; Child Welfare League of America (CWLA); Children's Defense Fund.

Children's Dental Health Project; Cities for Progress, Institute for Policy Studies; Citizens for Global Solutions; Citizens for Responsibility and Ethics in Washington; Citizens for Tax Justice; Clinical Social Work Association; Coalition for Health Funding; Coalition of Labor Union Women; Coalition on Human Needs; Commission on Adult Basic Education; Committee for Education Funding; Common Cause; Communications Workers of America (CWA); Community Action Partnership.

Community Food Security Coalition; Community Organizations in Action; Corporation for Enterprise Development (CFED); Council for Children with Behavioral Disorders; Council for Exceptional Children; Council for Opportunity in Education; Council of Administrators of Special Education; Council of the Great City Schools; CREDO Action; Defenders of Wildlife; Democracy 21; Demos; Department for Professional Employees, AFL–CIO; Direct Care Alliance.

Disability Rights Education and Defense Fund; Division for Early Childhood of the Council for Exceptional Children (DEC); Easter Seals; Elev8 (Baltimore, Chicago, New Mexico, and Oakland); Every Child Matters Education Fund; FairTest, the National Center for Fair & Open Testing, Inc.; Families USA; Farmworker Justice; Feminist Majority; First Focus Campaign for Children; Food & Water Watch; Food Research & Action Center (FRAC); Forum for Youth Investment; Foster Family-based Treatment Association.

Franciscan Action Network (FAN); Friends Committee on National Legislation; Friends of the Earth; Gamaliel; Gay Men's Health Crisis (GMHC); Generations United; GLSEN; Gray Panthers; Growth & Justice; Half in Ten; Health & Disability Advocates; Health Care for America Now; Health GAP (Global Access Project); HealthHIV; HIV Law Project.

Horizons for Homeless Children; Housing Works; Interfaith Worker Justice; International Association of Fire Fighters; International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers, AFL–CIO; International Brotherhood of Electrical Workers; International Brotherhood of Teamsters; International Society for Technology in Education; International Union of

Police Associations, AFL-CIO; International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW).

Jewish Council for Public Affairs; Laborers' International Union of North America, (LiUNA!); Latino Commission on AIDS; The Lawyers' Committee for Civil Rights Under Law; The Leadership Conference on Civil and Human Rights; Leadership Team, Sisters of St. Francis of Philadelphia; League of Conservation Voters; League of Rural Voters; League of United Latin American Citizens (LULAC); League of Women Voters of the United States; Learning Disabilities Association of America; Main Street Alliance; Medicare Rights Center; Mental Health America.

NAACP; National Academy of Elder Law Attorneys; National Active and Retired Federal Employees Association (NARFE); National Alliance for Partnerships in Equity; National Alliance of State & Territorial AIDS Directors (NASTAD); National Assembly on School-Based Health Care; National Association for Adults with Special Learning Needs; National Association for Children's Behavioral Health; National Association for College Admission Counseling; National Association for Hispanic Elderly; National Association for Music Education; National Association for the Education of Young Children; National Association of Area Agencies on Aging (n4a); National Association of Colored Women's Clubs, Inc. (NACWC).

National Association of Councils on Developmental Disabilities; National Association of County Behavioral Health and Developmental Disability Directors (NACBHDD); National Association of Elementary School Principals; National Association of Federally Impacted Schools; National Association of Government Employees/SEIU; National Association of Housing and Redevelopment Officials (NAHRO); National Association of Letter Carriers; National Association of Nutrition and Aging Services Programs (NANASP); National Association of People with AIDS (NAPWA); National Association of Private Special Education Centers; National Association of School Psychologists; National Association of Secondary School Principals (NASSP); National Association of State Directors of Career Technical Education Consortium; National Association of State Directors of Special Education (NASDSE).

National Association of State Head Injury Administrators; National Association of Thrift Savings Plan Participants; National Black Child Development Institute; National Center for Family Literacy; National Center for Law and Economic Justice; National Center on Domestic and Sexual Violence; National Coalition Against Domestic Violence; National Coalition for Asian Pacific American Community Development; National Coalition for LGBT Health; National Coalition for Literacy; National Committee to Preserve Social Security and Medicare; National Congress of American Indians; The National Consumer Voice for Quality Long-Term Care; National Council for Community and Education Partnerships (NCCEP).

National Council for Community Behavioral Healthcare; National Council for the Social Studies; National Council of Jewish Women; National Council of La Raza (NCLR); National Council of Women's Organizations (NCWO); National Council on Independent Living; National Disability Rights Network; National Education Association (NEA); National Employment Law Project (NELP); National Fair Housing Alliance; National Family Caregivers Association; National Federation of Federal Employees; National Gay and Lesbian Task Force Action Fund; National Health Care for the Homeless Council.

National Hispanic Council on Aging (NHCOA); National Housing Trust; National Immigration Law Center; National Latina Institute for Reproductive Health; National Law Center on Homelessness & Poverty; National Low Income Housing Coalition; National Organization for Women (NOW); National Partnership for Women & Families; National Pediatric AIDS Network; National People's Action; National Priorities Project; National Respite Coalition; National Rural Education Advocacy Coalition; National Rural Education Association (NREA).

National School Boards Association; National Skills Coalition; National Superintendents Roundtable; National Treasury Employees Union; National Urban League; National WIC Association; National Women's Conference Committee; National Women's Law Center; Natural Resources Defense Council (NRDC); NETWORK, A National Catholic Social Justice Lobby; Not Dead Yet; OMB Watch; Paralyzed Veterans of America; People For the American Way (PFAW); Population Action International; Progressive States Action.

Project Inform; Public Citizen; Public Education Network; Racial and Ethnic Health Disparities Coalition (REHDC); Rebuild The Dream; RESULTS; Sargent Shriver National Center on Poverty Law; School Social Work Association of America; Service Employees International Union (SEIU); Sexuality Information and Education Council of the U.S. (SIECUS); Share Our Strength; Sisters of Mercy Institute Justice Team; Social Security Disability Coalition; Social Security Works; Southeast Asia Resource Action Center; Stand Up for Rural America, Robert S. Warwick, Steering Committee; Stewards of Affordable Housing for the Future (SAHF); Strengthen Social Security Campaign.

Sugar Law Center for Economic and Social Justice; TESOL International Association; Transportation Communications Union; Transportation Equity Network; Transportation Trades Department, AFL–CIO; Treatment Access Expansion Project; Treatment Action Group (TAG); Trust for America's Health (TFAH); Union for Reform Judaism; United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada; United Cerebral Palsy; United Church of Christ Justice and Witness Ministries; United Electrical, Radio and Machine Workers of America (UE); United for a Fair Economy; The United Methodist Church—General Board of Church and Society.

United Methodist Women; United Mine Workers; United Spinal Association; United States Student Association (USSA); United Steelworkers (USW); USAction; US Psychiatric Rehabilitation Association (USPRA); VillageCare; Voices for America's Children; Voices for Progress; Wider Opportunities for Women (WOW); Women's Institute for a Secure Retirement (WISER); The Woodhull Sexual Freedom Alliance; Working America; YouthBuild USA; YWCA USA; ZERO TO THREE.

HONORING JANICE LANGBEHN, RECIPIENT OF THE 2011 PRESIDENTIAL CITIZENS MEDAL

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Janice Langbehn, a recipient of the 2011 Presidential Citizens Medal, one of our Nation's highest civilian honors.

Each year, the President recognizes American citizens with the Presidential Citizens Medal who have taken exemplary steps outside of their daily lives to serve and improve their communities. Past honorees have addressed some of our nation's most persistent problems, such as hunger, homelessness, high school dropout rates, lack of access to health care, and several other pressing issues affecting the lives of millions of Americans. Citizen Medal honorees face challenging circumstances and act admirably while taking risks to help others. Out of over 6,000 nominees across the country, President Obama chose only thirteen recipients, including Janice Langbehn of Lacey, Washington.

In 2007, while on vacation with their children, Janice's partner of 18 years, Lisa Marie Pond, collapsed with a brain aneurysm. Lisa was rushed to Jackson Memorial Hospital's Ryder Trauma Center. When Janice and her children arrived, hospital officials refused to let Janice or her children see Lisa for eight long hours even though they had a power of attorney in hand. Lisa eventually slipped into a coma and passed away while her loved ones continued to fight to be by her side.

Afterwards Janice brought a lawsuit against the hospital, which was dismissed in 2009, and then turned her experience into activism, fighting to make sure no partners or parents have to go through what their family experienced. Her story attracted the attention of President Obama, who revised hospital visitation rights for same-sex couples across the country. The executive order went into effect in January 2011 for any hospital receiving Federal Medicare or Medicaid funds.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in recognizing Janice Langbehn for her efforts to improve equal treatment for all Americans and congratulate her for being honored with the 2011 Presidential Citizens Medal.

HONORING LEAUTHA LANORA ''LEE'' ANDERSON

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life of a beloved woman in the Modesto Community, Leautha Lanora ''Lee'' Anderson. She was born July 26, 1921, to Mary Alena (Carl) and Lloyd Buster Nutt near El Reno, Oklahoma and died November 15, 2011, in Modesto, CA. She was the second born of seven sisters.

Her parents were poor farmers and she grew up working the fields and herding cattle. Her father had hoped for a son, so he nicked named her ''Buck''. Lee was one of the few remaining true Frontier Women. She could shoot a rifle from the back of a galloping horse and could light a match from a hundred paces with a rifle that is still in the family today. April 24, 1941, Lee married Alfred Anderson Jr. after a whirlwind relationship of three weeks. They began married life in Vinita, Oklahoma. On a wintry November day in 1942, they left for California with their savings of $80.00. They settled in Carlsbad, California where their first-born son, Dwight was born May of 1943. They enjoyed the coastal town and beaches. While

there, Lee worked for actress Rita Hayward, who allowed her to bring baby Dwight along with her to the home. In 1945, Lee and Andy moved and resettled in the lovely central valley town of Modesto with its fertile farming and dairy land.

They bought an unfinished home that had no interior walls or electricity. Their house payment was $10.00 a month. Son, Thomas was born there February 1946. A new home was purchased in the then developing outskirts in 1951. Lee took great pride in caring for her new home until her dying day. Lee and Andy were blessed with two more sons with the arrival of Michael in May of 1960, and Troy, November 1961.

She was preceded in death by her late husband, Andy, of 63 years in March 2003. They had four sons together; Dwight A. Anderson (Leslie) of Oakdale, CA., Thomas E. Anderson (Kathleen) of Sonoma, CA., Michael D. Anderson (Angela) of Modesto and Troy A. Anderson (Elizabeth) of Modesto. Lee is also survived by three remaining sisters; Gladys W. Antle, Joann Delhart, and Janice Pence, all of Ceres, CA. She was blessed with 12 grandchildren and 6 great grandchildren.

Lee was an active ''Gold Star'' grandmother. She was preceded by her grandson, Cpl. Michael Anderson Jr., who was a United States Marine, a member of the Famed 3/5 Darkhorse Infantry Unit. Cpl. Anderson Jr., was tragically killed in combat action during the successful ''Battle of Fallujah'' in December 2004.

Leautha was a devout Christian, accepting the Lord Jesus Christ as her savior at the age of 19 and was baptized in the Holy Ghost 6 years later. She attended and was a faithful member of Calvary Temple Worship Center in Modesto where she was also a member of the church choir. She was surrounded by love and will be dearly missed by those who knew or associated with her.

Mr. Speaker, please join me in honoring Leautha Lanora ''Lee'' Anderson for her unwavering faith in God and love of country and family. The life of Leautha Lanora ''Lee'' Anderson serves as an example of excellence to those in our community, and her legacy will not be soon forgotten.

HONORING THE 100TH ANNIVERSARY OF THE MILLS & MILLS LAW FIRM

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate the Mills & Mills law firm of Farmington, Maine on their 100th year anniversary.

A century ago, Sumner P. Mills came to Farmington in order to many Flora Pearson and build a business. It was on the corner of Main Street and Broadway in downtown Farmington where his law firm set up shop, and to this day it remains a fixture of the community there. Sumner Mills had the good fortune to watch his son Peter inherit his legal talents, and the two began working together in 1940, forming the original Mills & Mills office. For generations, the Mills family has lent their expertise to serve the Farmington community, the state of Maine, and their country.

Over the years, Mills & Mills has remained an integral part of the Farmington community. In its early days, the firm took on a wide range of cases that covered everything from real estate to criminal and domestic law. The law firm has evolved over the decades, but its service to the town remains strong from each generation to the next.

I have had the distinct pleasure of working with Peter, Janet and Dora Mills, the grandchildren of Sumner. They have all reached a level of accomplishment befitting of their family's proud tradition of public service. It is this devotion to community which has sustained Mills & Mills for all these years.

Mr. Speaker, please join me in congratulating Mills & Mills on the 100th anniversary of its founding.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I submit the following remarks regarding my absence from a vote which occurred on November 16, 2011. Listed below is how I would have voted if I had been present.

Roll Number 851—H.R. 822—Motion to Recommit, National Right to Carry Reciprocity Act of 2011—''nay.''

IN HONOR OF REVEREND RICHARD WALTER JORDAN, SR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to Reverend Richard Walter Jordan Sr. for his decades of dedicated community service and pastoral leadership to the numerous church congregations and communities that he served in the great state of Georgia and throughout the United States of America.

Reverend Jordan, a pillar in the Dougherty County, Georgia community, recently passed away at the age of 90 at the Wilson Hospice House in Albany. His funeral service was recently held at the Mount Zion Missionary Baptist Church on Saturday, November 26, 2011.

Reverend Jordan was born and raised in Albany, Georgia and his early spiritual rearing took place at the Saint Paul Missionary Baptist Church in Albany. During his early religious maturation and training in the Christian faith, Reverend Jordan served as an usher, choir member, and a deacon at Saint Paul Missionary Baptist Church before being called into the ministry in 1955.

Over the course of his distinguished career in the ministry, Reverend Jordan served as the Senior Pastor at over 10 churches. His riveting and inspirational messages of adhering to the word of God positively impacted the lives of those he encountered.

He was a principled man who devoted his life to Christ by not only preaching good sermons and practicing good deeds but by unrelentingly allowing God to direct his steps and use his immeasurable talents to bestow motivation and inspiration upon those who had neither but needed both.

At the end of our mortal life's journey, our measure of greatness will not exclusively be determined by the number of degrees we have earned; the level of financial wealth we have obtained; the titles that have been imparted upon us; or by the tangibly expensive goods we have acquired.

The true measures of greatness are those time-honoured standards established by Jesus Christ that tell us, he who is great among you shall be your servant and he who is greatest shall be servant onto all. Reverend Jordan was great because he served and he will forever be remembered as one of Albany, Georgia's greatest because he sought to be a servant onto us all.

Mr. Speaker, my wife Vivian and I would like to extend our sincere sympathies and prayers to Reverend Jordan's beloved wife of 70 years, Martha Green Jordan, his lovely children and the congregation of Saint Paul Missionary Baptist Church.

Reverend Jordan's mortal journey on this earth has ended but his devotional faith and inspirational courage will continue to live on in the countless individuals he counselled and served.

CORRECTION

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7937–S8008

Measures Introduced: Six bills and three resolutions were introduced, as follows: S. 1918–1923, and S. Res. 337–339. **Pages S7991–92**

Measures Reported:

S. 384, to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research. (S. Rept. No. 112–97) **Page S7990**

Measures Passed:

Wreaths Across America Day: Senate agreed to S. Res. 337, designating December 10, 2011, as ''Wreaths Across America Day''. **Pages S8006–07**

Authorize the Production of Records: Senate agreed to S. Res. 339, to authorize the production of records by the Committee on Commerce, Science, and Transportation. **Page S8007**

Authorize the Production of Records: Senate agreed to S. Res. 338, to authorize the production of records by the Committee on Commerce, Science, and Transportation. **Page S8007**

Measures Considered:

Department of Defense Authorization Act—Agreement: Senate continued consideration of S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, taking action on the following amendments proposed thereto:

Pages S7943–56, S7956–87

Adopted:

Levin/McCain Modified Amendment No. 1092, to bolster the detection and avoidance of counterfeit electronic parts. **Pages S7943, S7965–68**

Landrieu Modified Amendment No. 1115, to reauthorize and improve the SBIR and STTR programs, and for other purposes. (A unanimous-consent agreement was reached providing that the requirement of a 60 affirmative vote threshold, be vitiated.)

Pages S7943, S7971–82, S7983

Rejected:

By 38 yeas to 60 nays (Vote No. 210), Udall (CO) Amendment No. 1107, to revise the provisions relating to detainee matters.

Pages S7943, S7944–56, S7956–57

By 30 yeas to 67 nays (Vote No. 211), Paul/Gillibrand Amendment No. 1064, to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment was not agreed to.)

Pages S7943, S7968–71, S7982

Withdrawn:

Levin (for Brown (OH)) Amendment No. 1260, to strike section 846, relating to a waiver of ''Buy American'' requirements for procurement of components otherwise producible overseas with specialty metal not produced in the United States.

Pages S7944, S7984–85

Levin (for Brown (OH)) Amendment No. 1262, to clarify the meaning of ''produced'' for purposes of limitations on the procurement by the Department of Defense of specialty metals within the United States. **Pages S7944, S7985**

Pending:

Merkley Amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Pages S7943, S7984

Feinstein Amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees. **Pages S7943, S7961–65**

Feinstein Amendment No. 1126, to limit the authority of the Armed Forces to detain citizens of the United States under section 1031.

Pages S7943, S7961–65

Franken Amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns. **Page S7943**

Cardin/Mikulski Amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland. **Page S7943**

Begich Amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve

components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents. **Page S7943**

Begich Amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska. **Page S7943**

Shaheen Amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense. **Page S7943**

Collins Amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities. **Page S7943**

Collins Amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy. **Page S7943**

Collins Amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities. **Page S7943**

Collins/Shaheen Amendment No. 1180, relating to man-portable air-defense systems originating from Libya. **Page S7943**

Inhofe Amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities. **Page S7943**

Inhofe Amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling. **Page S7943**

Inhofe Amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for Traumatic Brain Injury and Post Traumatic Stress Disorder. **Page S7943**

Inhofe Amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury. **Page S7943**

Inhofe Amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base. **Page S7943**

Inhofe Amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces. **Page S7943**

Inhofe Amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan. **Page S7943**

Inhofe Amendment No. 1101, to strike section 156, relating to a transfer of Air Force C–12 aircraft to the Army. **Page S7943**

Inhofe Amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace. **Page S7943**

Inhofe Amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term. **Page S7943**

Casey Amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices. **Page S7943**

Casey Amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies. **Page S7943**

McCain (for Cornyn) Amendment No. 1200, to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China. **Page S7943**

McCain (for Ayotte) Amendment No. 1066, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014. **Page S7943**

McCain (for Ayotte) Modified Amendment No. 1067, to require notification of Congress with respect to the initial custody and further disposition of members of al-Qaeda and affiliated entities. **Page S7943**

McCain (for Ayotte) Amendment No. 1068, to authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations. **Page S7943**

McCain (for Brown (MA)/Boozman) Amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation. **Page S7943**

McCain (for Brown (MA)) Amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service. **Page S7943**

McCain (for Brown (MA)) Amendment No. 1089, to require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense. **Page S7943**

McCain (for Wicker) Amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of marriages. **Page S7943**

McCain (for Wicker) Amendment No. 1116, to improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector. **Page S7943**

Udall (NM) Amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930. **Page S7943**

Udall (NM) Amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure. **Page S7943**

Udall (NM)/Schumer Amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense. **Page S7943**

McCain (for Corker) Amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies. **Page S7943**

McCain (for Corker) Amendment No. 1172, to require a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom. **Page S7943**

McCain (for Corker) Amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization. **Page S7943**

Levin (for Bingaman) Amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss. **Page S7943**

Levin (for Gillibrand/Portman) Amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce. **Page S7943**

Levin (for Gillibrand/Blunt) Amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families. **Pages S7943–44**

Merkley Amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty. **Page S7944**

Merkley Amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Page S7944**

Merkley Amendment No. 1257, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Page S7944**

Merkley Amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone program. **Page S7944**

Leahy Amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act. **Page S7944**

Leahy/Grassley Amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund. **Page S7944**

Wyden/Merkley Amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, Oregon. **Page S7944**

Wyden Amendment No. 1253, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life. **Page S7944**

Ayotte (for Graham) Amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general. **Page S7944**

Ayotte (for McCain) Further Modified Amendment No. 1230, to modify the annual adjustment in enrollment fees for TRICARE Prime. **Pages S7944, S7956**

Ayotte (for Heller/Kirk) Amendment No. 1137, to provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the United States Embassy in Israel. **Page S7944**

Ayotte (for Heller) Amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya. **Page S7944**

Ayotte (for McCain) Amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met. **Page S7944**

Ayotte (for McCain) Amendment No. 1246, to establish a commission to study the United States Force Posture in East Asia and the Pacific region. **Page S7944**

Ayotte (for McCain) Amendment No. 1229, to provide for greater cybersecurity collaboration between the Department of Defense and the Department of Homeland Security. **Page S7944**

Ayotte (for McCain/Ayotte) Amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs. **Page S7944**

Ayotte (for McCain) Amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts. **Page S7944**

Ayotte (for McCain/Ayotte) Amendment No. 1132, to require a plan to ensure audit readiness of statements of budgetary resources. **Page S7944**

Ayotte (for McCain) Amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands. **Page S7944**

Ayotte (for McCain) Amendment No. 1250, to require the Secretary of Defense to submit a report on the probationary period in the development of the short take-off, vertical landing variant of the Joint Strike Fighter. **Page S7944**

Ayotte (for McCain) Amendment No. 1118, to modify the availability of surcharges collected by commissary stores. **Page S7944**

Sessions Amendment No. 1182, to prohibit the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command. **Page S7944**

Sessions Amendment No. 1183, to require the maintenance of a triad of strategic nuclear delivery systems. **Page S7944**

Sessions Amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels. **Page S7944**

Sessions Amendment No. 1185, to require a report on a missile defense site on the East Coast of the United States. **Page S7944**

Sessions Amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force. **Page S7944**

Levin (for Reed) Amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category. **Page S7944**

Levin (for Reed) Amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component. **Page S7944**

Levin (for Reed) Amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians. **Page S7944**

Levin (for Reed) Amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships. **Page S7944**

Levin (for Reed) Amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents. **Page S7944**

Levin Amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy. **Page S7944**

Levin (for Boxer) Amendment No. 1206, to implement common sense controls on the taxpayer-funded salaries of defense contractors. **Page S7944**

Chambliss Amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command. **Page S7944**

Levin (for Brown (OH)) Amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities. **Page S7944**

Levin (for Brown (OH)) Amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act. **Page S7944**

Levin (for Brown (OH)) Amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, Ohio. **Page S7944**

Levin (for Leahy) Amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees. **Page S7944**

Levin (for Wyden) Amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts. **Page S7944**

Levin (for Pryor) Amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training. **Page S7944**

Levin (for Pryor) Amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law. **Page S7944**

Levin (for Nelson (FL)) Amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation. **Page S7944**

Levin (for Nelson (FL)) Amendment No. 1210, to require an assessment of the advisability of stationing additional DDG–51 class destroyers at Naval Station Mayport, Florida. **Page S7944**

Levin (for Nelson (FL)) Amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Material Command. **Page S7944**

Levin (for Nelson (FL)) Amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad. **Page S7944**

Ayotte (for McCain) Modified Amendment No. 1281, to require a plan for normalizing defense cooperation with the Republic of Georgia. **Pages S7944, S7956**

Ayotte (for Blunt/Gillibrand) Amendment No. 1133, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty. **Page S7944**

Ayotte (for Blunt) Amendment No. 1134, to require a report on the policies and practices of the Navy for naming vessels of the Navy. **Page S7944**

Ayotte (for Murkowski) Amendment No. 1286, to require a Department of Defense Inspector General report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE program. **Page S7944**

Ayotte (for Murkowski) Amendment No. 1287, to provide limitations on the retirement of C–23 aircraft. **Page S7944**

Ayotte (for Rubio) Amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody. **Page S7944**

Ayotte (for Rubio) Amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities. **Page S7944**

Levin (for Menendez/Kirk) Amendment No. 1414, to require the imposition of sanctions with respect to the financial sector of Iran, including the Central Bank of Iran. **Page S7944**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 10:30 a.m., on Wednesday, November 30, 2011, with the time until 11 a.m. equally divided and controlled between Senators Levin and McCain, or their designees; provided further, that upon the use or yielding back of time, Senate vote on the motion to invoke cloture on the bill; and that the second-degree filing deadline for amendments to the bill be at 10:30 a.m. **Page S8007**

Measures Placed on the Calendar: **Pages S7937, S7990**

Executive Reports of Committees: **Pages S7990–91**

Additional Cosponsors: **Pages S7992–96**

Statements on Introduced Bills/Resolutions: **Pages S7996–98**

Amendments Submitted: **Pages S7998–S8006**

Authorities for Committees to Meet: **Page S8006**

Privileges of the Floor: **Page S8006**

Record Votes: Two record votes were taken today. (Total—211) **Pages S7957, S7982**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:35 p.m., until 10 a.m. on Wednesday, November 30, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8007.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. Res. 227, calling for the protection of the Mekong River Basin and increased United States support for delaying the construction of mainstream dams along the Mekong River, with an amendment in the nature of a substitute;

S. Res. 316, expressing the sense of the Senate regarding Tunisia's peaceful Jasmine Revolution, with an amendment in the nature of a substitute; and

The nominations of Michael Anthony McFaul, of California, to be Ambassador to the Russian Federation, Roberta S. Jacobson, of Maryland, to be Assistant Secretary for Western Hemisphere Affairs, Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador, Adam E. Namm, of New York, to be Ambassador to the Republic of Ecuador, and Elizabeth M. Cousens, of Washington, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations, all of the Department of State, and promotion lists in the Foreign Service.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 12 public bills, H.R. 3509–3520; and 3 resolutions, H.Res. 475–476, 478 were introduced. **Pages H7927–28**

Additional Cosponsors: **Pages H7928–29**

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 527, to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes (H. Rept. 112–289 Pt. 3) and

H. Res. 477, providing for consideration of the bill (H.R. 3463) to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; providing for consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; and providing for consideration of the bill (H.R. 3010) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents (H. Rept. 112–296).

Pages H7925, H7927

Speaker: Read a letter from the Speaker wherein he appointed Representative Harris to act as Speaker pro tempore for today. **Page H7901**

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Pages H7901, H7918**

Recess: The House recessed at 2:13 p.m. and reconvened at 4:05 p.m. **Page H7903**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Fairness for High-Skilled Immigrants Act of 2011: H.R. 3012, amended, to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants and to increase the per-country numerical limitation for family-sponsored immigrants, by a ⅔ yea-and-nay vote of 389 yeas to 15 nays, Roll No. 860; **Pages H7903–05, H7916–17**

National Guard and Reservist Debt Relief Extension Act of 2011: H.R. 2192, to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days, by a ⅔ yea-and-nay vote of 407 yeas to 1 nay, Roll No. 861;

Pages H7906–07, H7917

Risk-Based Security Screening for Members of the Armed Forces Act: H.R. 1801, amended, to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces, by a ⅔ yea-and-nay vote of 404 yeas with none voting "nay", Roll No. 862; and

Pages H7907–08, H7917–18

Federal Workers' Compensation Modernization and Improvement Act: H.R. 2465, amended, to amend the Federal Employees' Compensation Act.

Pages H7908–16

Recess: The House recessed at 5:03 p.m. and reconvened at 6:30 p.m. **Page H7916**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H7916–17, H7917, H7917–18. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 8:21 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Full Committee began markup of the following: H.R. 1633, the "Farm Dust Regulation Prevention Act of 2011"; H.R. 1173, the "Fiscal Responsibility and Retirement Security Act of 2011"; H.R. 3309, the "Federal Communications Commission Process Reform

Act of 2011''; and H.R. 3310, the ''Federal Communications Commission Consolidated Reporting Act of 2011''.

REGULATORY FLEXIBILITY IMPROVEMENTS ACT OF 2011; REGULATORY ACCOUNTABILITY ACT OF 2011; AND TO REDUCE FEDERAL SPENDING AND THE DEFICIT BY TERMINATING TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS AND PARTY CONVENTIONS AND BY TERMINATING THE ELECTION ASSISTANCE COMMISSION

Committee on Rules: Full Committee held a hearing on the following: H.R. 527, the ''Regulatory Flexibility Improvements Act of 2011''; H.R. 3010, the ''Regulatory Accountability Act of 2011''; and H.R. 3463, to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission. 5 p.m., H–313 Capitol.

The Committee granted, by a record vote of 7 to 3, a closed rule for H.R. 3463. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration. 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 bill provides one motion to recommit.

The resolution further provides for consideration of H.R. 527 under a structured rule. The rule provides one hour of general debate with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. The rule waives all points of order against consideration of the bill. The rule makes in order as original text for the purpose of amendment the Rules Committee print of H.R. 527 dated November 18, 2011 and provides that it shall be considered as read. The rule waives all points of order against the Rules Committee Print of H.R. 527 dated November 18, 2011. The rule makes in order only those amendments to H.R. 527 printed in part A of the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in Part A of the Rules Committee report. The rule provides one motion to recommit with or without instructions.

The resolution further provides for the consideration of H.R. 3010 under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as original text for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute. The rule makes in order only those amendments to H.R. 3010 printed in part B of the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in part B of the Rules Committee report. The rule provides one motion to recommit with or without instructions. Finally, the rule provides that it shall be in order at any time through the legislative day of December 2, 2011, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing railway labor.

Testimony on H.R. 527 was heard from: Rep. Gowdy; Rep. Cohen; and Rep. Jackson Lee of Texas. Testimony on H.R. 3010 was heard from: Rep. Gowdy; Rep. Cohen; and Rep. Jackson Lee of Texas. Testimony on H.R. 3463 was heard from: Rep. Harper and Rep. Brady of Pennsylvania.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 30, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nominations of Ajit Varadaraj Pai, of Kansas, and Jessica Rosenworcel, of

Connecticut, both to be a Member of the Federal Communications Commission, 2:30 p.m., SR–253.

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Human Rights, to hold hearings to examine a balanced budget amendment, focusing on constitutionalizing the budget debate, 10 a.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care, 10 a.m., SR–418.

Special Committee on Aging: to hold hearings to examine the human and taxpayers' cost of antipsychotics in nursing homes, 2 p.m., SD–562.

House

Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Training, hearing entitled ''Keeping College Within Reach: Discussing Ways Institutions Can Streamline Costs and Reduce Tuition.'' 10 a.m., 2261 Rayburn.

Committee on Energy and Commerce, Full Committee, continue markup of the following: H.R. 1633, the ''Farm Dust Regulation Prevention Act of 2011''; H.R. 1173, the ''Fiscal Responsibility and Retirement Security Act of 2011''; H.R. 3309, the ''Federal Communications Commission Process Reform Act of 2011''; and H.R. 3310, the ''Federal Communications Commission Consolidated Reporting Act of 2011''. 10 a.m., 2123 Rayburn.

Committee on Financial Services, Full Committee, markup of the following: H.R. 3213, the ''Small Company Job Growth and Regulatory Relief Act of 2011''; H.R. 2682, the ''Business Risk Mitigation and Price Stabilization Act of 2011''; H.R. 2779, to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall; and H.R. 2586, the ''Swap Execution Facility Clarification Act.'' 10 a.m., 2128 Rayburn. 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Asia and the Pacific, markup of H. Res. 376, calling for the repatriation of POW/MIAs and abductees from the Korean War; and a hearing entitled ''Compact of Free Association with the Republic of Palau: Assessing the 15-year Review.'' 11:30 a.m., 2226 Rayburn.

Subcommittee on the Middle East and South Asia, hearing entitled ''Preserving Progress in Iraq, Part III: Iraq's Police Development Program.'' 1 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Counterterrorism and Intelligence, hearing entitled ''Boko Haram—Emerging Threat to the U.S. Homeland.'' 10 a.m., 311 Cannon.

Committee on House Administration, Full Committee, hearing entitled ''Review of the Use of Committee Funds of the 112th Congress.'' 10:30 a.m., 1310 Longworth.

Committee on the Judiciary, Full Committee, hearing entitled ''Constitutional Limitations on States' Authority to Collect Sales Taxes in E-Commerce.'' 10 a.m., 2141 Rayburn.

Subcommittee on Immigration Policy and Enforcement, hearing entitled ''Is Secure Communities Keeping Our Communities Secure?'' 1:30 p.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending, hearing entitled ''The Price of Uncertainty: How Much Could DOT's Proposed Billion Dollar Service Rule Cost Consumers this Holiday Season?'' 10 a.m., 2154 Rayburn.

Subcommittee on Health Care, District of Columbia, Census and the National Archives, hearing entitled ''Drug Shortage Crisis: Lives are in the Balance.'' 10 a.m., 2247 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Investigations and Oversight, hearing entitled ''Stimulus Oversight: An Update on Accountability, Transparency, and Performance.'' 10 a.m., 2318 Rayburn.

Subcommittee on Energy and Environment, hearing entitled ''Fostering Quality Science at EPA: Perspectives on Common Sense Reform.'' 2 p.m., 2318 Rayburn.

Committee on Small Business, Full Committee, hearing entitled ''Disaster Assistance: Is SBA Meeting the Recovery Needs of Disaster Victims?'' 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing entitled ''The Missouri River Flood: An Assessment of River Management in 2011 and Operational Plans for the Future.'' 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations; and Subcommittee on Economic Opportunity, joint hearing on the U.S. Department of Veterans Affairs Service-Disabled Veteran-Owned Small Business Certification Process, 10 a.m., 334 Cannon.

Next Meeting of the SENATE

10 a.m., Wednesday, November 30

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of S. 1867, Department of Defense Authorization Act, with the filing deadline for second-degree amendments at 10:30 a.m., and a vote on the motion to invoke cloture on the bill at approximately 11 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, November 30

House Chamber

Program for Wednesday: Consideration of the following suspension: H. Res. 364—Designating room HVC 215 of the Capitol Visitor Center as the ''Gabriel Zimmerman Meeting Room.'' Consideration of H.R. 3094—Workforce Democracy and Fairness Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

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